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TO

VOLUME CLXX.

THIRD SERIES.

BEING ALSO AN ABSTRACT OF THE LORDS' "MINUTES OF PROCEEDINGS," AND THE COMMONS' "VOTES AND PROCEEDINGS," IN RELATION TO THE PUBLIC BUSINESS OF THE SESSION.

*The * indicates that there was no Debate at that stage of the Bill.*

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SUPPLY *considered* in Committee.

(In the Committee.)

The following Votes were *agreed to*, without Debate:—

(1.) £14,610, to complete the sum for Law Charges, &c.

(2.) £120,808, to complete the sum for Prosecutions at Assizes and Quarter Sessions.

(3.) £208,050, to complete the sum for the Police in England, Wales, and Scotland.

(4.) £2,178, to complete the sum for the Crown Office, Queen's Bench.

(5.) £8,510, to complete the sum for the High Court of Admiralty, and Expenses of Admiralty Court, Dublin.

(6.) £2,458, to complete the sum for the Commissioner of the late Insolvent Debtors' Court, &c.

(7.) £53,530, to complete the sum for the Courts of Probate and Divorce and Matrimonial Causes.

(8.) £116,010, to complete the sum for the County Courts.

(9.) £8,331, Office of Land Registry.

(10.) £19,725, to complete the sum for the Police Courts of the Metropolis.

(11.) £103,519, to complete the sum for the Metropolitan Police.

(12.) £17,850, Revising Baristers (England and Wales).

(13.) £500, to complete the sum for Annuities under the Divorce and Matrimonial Causes Act.

(14.) £13,959, to complete the sum for Compensations, &c., under the Bankruptcy Act, 1861.

(15.) £2,577, to complete the sum for the Lord Advocate and Solicitor General, Scotland.

(16.) £13,090, to complete the sum for the Court of Session in Scotland.

(17.) £7,081, to complete the sum for the Court of Justiciary in Scotland.

(18.) £2,500, to complete the sum for Criminal Prosecutions under authority of the Lord Advocate.

(19.) £1,580, Legal Branch of the Exchequer in Scotland.

(20.) £35,231, Criminal Prosecutions, &c. (Scotland).

(21.) £15,605, to complete the sum for Procurators Fiscal in Scotland.

(22.) £11,380, to complete the sum for Sheriff Clerks, Scotland.

(23.) £3,695, Solicitor for Titles, &c., in Scotland 114

After short Debate, Vote *agreed to.*

The following Votes were then *agreed to*, without Debate:—

(24.) £11,192, to complete the sum for the General Register House, Edinburgh.

(25.) £1,326, Commissary Clerk, Edinburgh.

(26.) £1,487, Accountant in Bankruptcy (Scotland).

(27.) £41,134, to complete the sum for Criminal Prosecutions, &c., in Ireland.

(28.) £2,635, to complete the sum for Court of Chancery in Ireland.

(29.) £302, to complete the sum for the Courts of Queen's Bench, Common Pleas, &c.

(30.) £8,300, Process Servers in Ireland.

(31.) £932, to complete the sum for the Registrars to Judges, &c., in Ireland.

(32.) £1,630, to complete the sum for Compensations to Seneschals, &c., of Manor Courts in Ireland.

(33.) £1,782, to complete the sum for the Office for Registration of Judgments in Ireland.

(34.) £150, Fees to Commissioners of High Court of Delegates in Ireland.

(35.) £4,403, to complete the sum for the Court of Bankruptcy and Insolvency in Ireland.

(36.) £5,330, to complete the sum for the Court of Probate in Ireland.

(37.) £5,632, to complete the sum for the Landed Estates Court, Ireland.

(38.) £1,150, Consolidated Office of Writs, Dublin.

(39.) £420, Revising Barristers (Dublin).

(40.) £28,100, to complete the sum for Police Justices, &c., Dublin .. 115

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The following Votes were then *agreed to*, without Debate:—

(41.) £527,517, to complete the sum for the Constabulary Force in Ireland.

(42.) £1,714, to complete the sum for the Four Courts, Marshalsea Prison, Dublin.

(43.) £10,641, to complete the sum for Prisons, &c.

(44.) £299,454, to complete the sum for Government Prisons and Convict Establishments at Home.

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Report—Mutiny * ; Marine Mutiny *.
Third Reading—Post Office Savings Banks * (No. 47), and *passed.*

Courts of the Church of Scotland Bill [H.L.]—
A Bill for removing Doubts as to the Powers of the Courts of the Church of Scotland, and extending the Powers of the said Courts—Was *presented* by The Lord Hamilton, and read 1ª *. (No. 65.)

Augmentation of Benefices Bill [H.L.] (No.59)—
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Second Reading—Courts of the Church of Scotland (No. 65); Alkali Works Regulation (No. 55).

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"To inquire whether any, and, if any, which of the Schemes now before Parliament for the Construction of Lines of Railway within the Limits of the Metropolis, can be proceeded with in the present Session without the Risk of interfering with the future Adoption of a comprehensive Plan of Metropolitan Railway Communication; and to consider what Provision can be made for the securing such a comprehensive System, with the greatest Advantage to the Public, and the least Inconvenience to the local Arrangements of the Metropolis: (*Earl Granville.*) 194

Motion *agreed to:* Select Committee appointed; The following Lords were named of the Committee:—

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A Bill to authorize further Harbour Regulations for the Protection of Her Majesty's Ships, Dockyards, and Naval Stations—Was *presented* by The Duke of Somerset, and read 1ᵃ *. (No. 66.)

COMMONS, THURSDAY, APRIL 16.

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Public Bills—*Second Reading*—Assurances Registration (Ireland) [Bill 46], *Debate adjourned;* Thames Embankment (South Side) * [Bill 65], and *committed* to Select Committee; Bakehouses Regulation * [Bill 54]; Jurors' Remuneration * [Bill 36].

Committee — Office of Secretary at War Abolition * [Bill 72].

Report—Office of Secretary at War Abolition * [Bill 72].

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(In the Committee.)

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(1.) *Resolved,*

That, towards raising the Supply granted to Her Majesty, in lieu of the Duties of Customs now charged on the articles undermentioned, the following Duties of Customs shall, on and after the 17th day of April 1863, be charged thereon on importation into Great Britain and Ireland: viz.

Chicory, or any other vegetable matter applicable to the uses of Chicory or Coffee, raw or kiln-dried ... ... the cwt. £1 6*s*. 6*d*.

(2.) *Resolved,*

That, towards raising the Supply granted to Her Majesty, there shall be charged and paid for and upon all Chicory, or any other vegetable matter applicable to the uses of Chicory or Coffee, grown in the United Kingdom, for every hundredweight thereof, raw or kiln-dried, the Excise Duty of twenty-four shillings and three pence, and so in proportion for any greater or less quantity than a hundredweight.

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COMMONS, FRIDAY, APRIL 17.

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To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, so much of the Report of the Commissioners on Harbours of Refuge as applies to Waterford, Wick, and Padstow, be carried into effect,"—(*Sir Frederic Smith,*)—instead thereof 308
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WAYS AND MEANS—Resolutions (April 16) *reported,*
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Chicory, or any other vegetable matter applicable to the uses of Chicory or Coffee, raw or kiln-dried. . . . . the cwt. £1 6*s.* 6*d.*"
(2.) "That, towards raising the Supply granted to Her Majesty, there shall be charged and paid for and upon all Chicory, or any other vegetable matter applicable to the uses of Chicory or Coffee, grown in the United Kingdom, for every hundredweight thereof,

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WAYS AND MEANS—Report—*continued.*

raw or kiln-dried, the Excise Duty of twenty-four shillings and three pence, and so in proportion for any greater or less quantity than a hundredweight.

In lieu of the Excise Duty now chargeable on Chicory, or such vegetable matter as aforesaid." 363

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Bill *ordered* to be brought in by Mr. Massey, Mr. Chancellor of the Exchequer, and Viscount Palmerston.

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Amendment proposed, to leave out the words "now read the third time," in order to add the words "re-committed in respect of Clauses 31 and 32," —(*Mr. Ayrton,*)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

After Debate, Question put: — The House *divided;* Ayes 19, Noes 25; Majority 6:—Words *added.*

Main Question, as amended, put, and *agreed to.*

Bill *re-committed,* in respect of Clauses 31 and 32, for *Tuesday* next.

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Report—Drainage of Land (Ireland) (No. 33).

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Royal Assent—Salmon Exportation [26 & 27 *Vict.*, c. 10]; Births and Deaths Registration (Ireland) [26 & 27 *Vict.*, c. 11]; Mutiny [26 & 27 *Vict.*, c. 8]; Marine Mutiny [26 & 27 *Vict.*, c. 9].

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On Question, That ("now") stand Part of the Motion? *Resolved* in the *Affirmative;* Bill read 3ª accordingly, with the Amendments, and *passed,* and sent to the Commons.

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New Zealand Boundaries Bill—

A Bill to alter the Boundaries of New Zealand—Was *presented* by The Duke of Newcastle, and read 1ª*. (No. 73.)

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Offences (South Africa) Bill [H.L.]—

A Bill for the Prevention and Punishment of Offences committed by Her Majesty's Subjects in South Africa—Was *presented* by The Duke of Newcastle, and read 1ª*. (No. 74.)

COMMONS MONDAY, APRIL 20.

MINUTES.]—NEW WRIT ISSUED—for New Radnor, *v.* the Right hon. Sir George Cornewall Lewis, baronet, deceased.

PUBLIC BILLS—*First Reading*—Church Buildings and New Parishes Acts Amendment [Bill 82]; Municipal Elections * [Bill 83].

Second Reading—Prison Ministers [Bill 24]; Assurances Registration (Ireland) [Bill 46].

Committee—English Church Services in Wales (*Lords*)* [Bill 53].

Report—English Church Services in Wales (*Lords*)* [Bill 81].

Third Reading—Gardens in Towns Protection (*Lords*)* [Bill 50], and *passed*.

Bill withdrawn—Roman Catholic Marriages Registration * [Bill 73].

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Main Question put, and *agreed to*:—Bill read 2°, and *committed* for *Friday*.

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Church Building and New Parishes Acts Amendment Bill—

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LORDS, TUESDAY, APRIL 21.

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Local Government Supplemental Bill—
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Poor Removal Bill—
On Motion of *Sir Hervey Bruce,* Bill to amend the Law relating to the removal of Destitute Persons from England and Scotland to Ireland, *ordered* to be brought in by Sir Hervey Bruce, Mr. Gregory, and Mr. Longfield:—Bill *presented,* and read 1°*. [Bill 86.]

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MINUTES.]— SELECT COMMITTEE—on Ordnance, the Marquess of Hartington *added.*
PUBLIC BILLS—*First Reading*—Metropolitan and City of London Police Amalgamation* [Bill 89].
Second Reading—Innkeepers' Liability (No. 1) [Mr. Wykeham Martin] [Bill 18]; Elections during Recess [Bill 48]; Borough Residence Uniform Measurement [Bill 60].
Committee — Marriages, &c. (Ireland) [Sir Edward Grogan] [Bill 40].
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Remaining Clauses *agreed to.*
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LORDS, THURSDAY, APRIL 23.

MINUTES.]—Public Bills—*First Reading*—Vice-Admiralty Courts* (No. 79).
Second Reading—Office of Secretary-at-War Abolition (No. 71); Dockyards Protection Act Amendment* (No. 66).
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Remaining Clauses *agreed to.*

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COMMONS, THURSDAY, APRIL 23.

MINUTES.]—New Writ Issued—For Halifax, *v.* James Stansfeld, esquire, Commissioner of the Admiralty.

New Member Sworn—Lord Frederick John Fitzroy, for Thetford.

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Public Bills—*First Reading* — Poisoned Grain Prohibition* [Bill 90].

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Question proposed, "That the words proposed to be left out stand part of the Question."

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After further Debate, Main Question put, and *agreed to:—*

WAYS AND MEANS *considered* in Committee :—

(In the Committee.)

Resolution,

(3.) That, towards raising the Supply granted to Her Majesty, in lieu of the Duties of Customs now charged on Tea, the following Duties of Customs shall, on and after the 25th day of April 1863, until the 1st day of August 1864, be charged thereon on importation into Great Britain and Ireland, viz.—

Tea ... ... the lb. 1*s.* 0*d.* 635

After Debate, Resolution *agreed to.*

(4.) That, towards raising the Supply granted to Her Majesty, the Duties and Drawbacks of Customs now charged and allowed on the articles undermentioned shall continue to be levied, charged, and allowed, on and after the 1st day of July 1863, until the 1st day of August 1864, on Importation into Great Britain and Ireland, or on Exportation thereof to Foreign parts, or on removal thereof to the Isle of Man for consumption therein, or on deposit thereof in any approved warehouse, upon such terms and subject to such regulations as the Commissioners of Customs may direct, for delivery therefrom as Ships' Stores only, or for the purpose of sweetening British Spirits in Bond, viz :—

Sugar, as denominated in the Tariff.
Molasses.
Almonds, paste of.
Cherries, dried.
Comfits, dry.
Confectionery.
Ginger, preserved.
Marmalade.
Plums, preserved in Sugar.
Succades, including all Fruits and Vegetables preserved in Sugar, not otherwise enumerated. 637

After Debate, Resolution *agreed to.*

(5.) That, towards raising the Supply granted to Her Majesty, there shall be charged, collected, and paid for one year, commencing on the 6th day of April 1863, for and in respect of all Property, Profits, and Gains mentioned or described as chargeable in the Act passed in the 16th and 17th years of Her Majesty's reign, chapter 34, for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, the following Rates and Duties (that is to say):

For every twenty shillings of the annual value or amount of all such Property, Profits, and Gains (except those chargeable under Schedule (B) of the said Act), the Rate or Duty of 7*d.*

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WAYS AND MEANS—Committee—*continued.*

And, For and in respect of the occupation of Lands, Tenements, Hereditaments, and Heritages chargeable under Schedule (B) of the said Act, for every twenty shillings of the annual value thereof,

In England, the Rate or Duty of 3½*d.*, and

In Scotland and Ireland respectively, the Rate or Duty of 2½*d.*

Subject to the provisions contained in the 28th section of the said Act for the exemption of Persons whose whole Income from every source shall be less than £100 a year. 644

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(7.) That, towards making good the Supply granted to Her Majesty, the Commissioners of Her Majesty's Treasury be authorized to raise any sum of money not exceeding One Million Sterling, by an issue of Exchequer Bonds.

(8.) That the principal of all Exchequer Bonds which may be so issued, shall be paid off at par, at any period not exceeding six years from the date of such Bonds.

(9.) That the Interest of such Exchequer Bonds shall be payable half-yearly, and shall be charged upon and issued out of the Consolidated Fund of the United Kingdom, or the growing Produce thereof.

Resolutions to be reported *To-morrow;* Committee to sit again *To-morrow.*

Vaccination (Ireland) Bill [Bill 70]—

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Question proposed, "That the word 'now' stand part of the Question."

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to:*—Bill read 2°, and *committed* for *Tuesday* next.

Judgments Law Amendment (Ireland) Bill [Mr. Whiteside]—[Bill 71]—Order for Second Reading read:—Second Reading *deferred* till *Monday* next. 653

Poisoned Grain Prohibition Bill—

On Motion of *Mr. Paull,* Bill to prohibit the sale and use of Poisoned Grain in certain cases, *ordered* to be brought in by Mr. Paull, Mr. Sclater-Booth, and Mr. Walter:—Bill *presented,* and read 1°*. [Bill 90.]

LORDS, FRIDAY, APRIL 24.

MINUTES.]—*Sat First in Parliament*—The Earl of Cottenham, after the death of his Brother.

SELECT COMMITTEE—*Report*—on Metropolitan Railway Communication, *Second Report* [*P.P.* 70] and *Evidence.*

PUBLIC BILLS—*Second Reading*—Qualification for Offices Abolition (No. 31), *negatived;* New Zealand Boundaries [H.L.]* (No. 73); Offences (South Africa) [H.L.] (No. 74]; Leases and Sales of Settled Estates Act Amendment [H.L.]* (No. 42); Trustees (Scotland) Act Amendment (No. 53).

Committee—Office of Secretary-at-War Abolition* (No. 71); Dockyards Protection Act Amendment [H.L.]* (No. 66).

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That when a Bill shall have passed this House with Amendments these Orders shall not apply to any new Bill sent up from the House of Commons which the Chairman of Committees shall report to the House is substantially the same as the Bill so amended. 670

Offences South Africa Bill [H.L.] (No. 74)—
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Leases and Sales of Settled Estates Act Amendment Bill [H.L.] (No. 42)—
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COMMONS, FRIDAY, APRIL 24.

MINUTES.]—New Writ Issued—For Antrim County, *v.* Major Gen. the Hon. George Frederick Upton, now Viscount Templeton, a Peer of Ireland.
Select Committee—on Navy (Promotion and Retirement), Mr. Charles Berkeley *added*.
Report—Kitchen and Refreshment Rooms (House of Commons) [No. 215].
Supply—*considered* in Committee*; Resolutions (April 23) *reported*.
Ways and Means—Resolutions (April 23) *reported*.
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SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"— 677

Sailors' Homes—Amendment proposed,
To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the Board of Trade or Department of the Government having the control of and management of the monies belonging to the Mercantile Marine and Seaman's Fund, should be empowered by Parliament to give to those Sailors' Homes (not in the neighbourhood of the dockyards) such pecuniary assistance as in its judgment and at its discretion may be advisable,"—(*Sir H. Stracey*,)—instead thereof. 677

After Debate, Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to* 681

The Glasgow Murder—Case of Jessie Maclachlan—Motion for Address for Copies of the Proceedings at the Trial of Jessie M'Intosh Maclachlan:—(*Mr. Stirling*:)—Motion, being irregular, not put:—Explanation, Sir George Grey:—Long Debate thereon .. 681

Supply—Motion for Committee—*continued.* *Page*

Seizure of the Alexandra—Observations, Mr. Horsfall; Reply, The Attorney General:—Long Debate thereon 705

Main Question put, and *agreed to*:—

Supply *considered* in Committee:—
Committee report Progress; to sit again on *Monday* next.

SUPPLY—Resolutions (April 23) *reported*:—
(1.) "That a sum, not exceeding £50,000, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1864, towards the Expense of a National Memorial for His late Royal Highness the Prince Consort."
(2.) "That a sum, not exceeding £85,925, be granted to Her Majesty, to enable Her Majesty to make a Grant to the Naval and Land Forces employed in the Expedition to Kertch and Yenikale in the year 1855, on account of the value of the Stores captured."
(3.) "That a sum, not exceeding £1,000,000, be granted to Her Majesty, to pay off and discharge Exchequer Bonds payable on the 8th day of May 1863."
First Resolution read. 759
Motion made, and Question proposed, "That the further Consideration of the said Resolution be postponed." 761
After Debate, Motion, by leave, *withdrawn*:—Resolution *agreed to.*
Subsequent Resolutions *agreed to.*

Post Office Savings Banks Bill (No. 47)—
Lords' Amendments *considered*, and *agreed to* 762

Customs and Inland Revenue Bill—
Bill to grant certain Duties of Customs and Inland Revenue, *presented*, and read 1°*. [Bill 91.]

LORDS, MONDAY, APRIL 27.

MINUTES.]—Public Bills—*Second Reading*—London, &c. Dioceses [H.L.]* (No. 68).
Committee—New Zealand Boundaries [H.L.]* (No. 73); Offences (South Africa) [H.L.]* (No. 74).
Report—Alkali Works Regulation [H.L.] (No. 77, 81); Local Government Act (1858) Amendment* (No. 78).
Third Reading—Office of Secretary at War Abolition* (No. 71), and *passed*; Dockyards Protection Act Amendment [H.L.]* (No. 66), and *passed.*

Private Bills—On the Motion of *Lord Redesdale*, Standing Order No. 189, Section 14, *considered* (according to Order), and amended 763

United States—Seizure of British Vessels with Mail-Bags—Explanation, Earl Russell 763

Charging of Entailed Estates for Railways—Report of the Select Committee (Report *Parl. P.* No. 80)—Observations, Lord Redesdale 767

Alkali Works Regulation Bill [H.L.] (No. 77)—
Amendments *reported* (according to Order) 770
Clause 4 (Conduct of Alkali Works) amended, and *agreed to.*
Further Amendments made; Bill to be read 3ª *To-morrow.*
Bill as amended on Report (No. 81).

COMMONS, MONDAY, APRIL 27.

MINUTES.]—New Member Sworn—Ion Trant Hamilton, esquire, for Dublin County.
Select Committee—*Report*—on Public Petitions, *Seventeenth Report.*
Ways and Means—Excise Duties—*considered* in Committee.
Public Bills—*Resolution in Committee*—Anchors and Chain Cables.*
First Reading—Naval Medical Supplemental Fund Society Winding-up Act (1861) Amendment Bill* [Bill 93]; Consolidated Fund (£20,000,000)*; Exchequer Bonds (£1,000,000).*
Second Reading—Savings Banks (*Mr. Chancellor of the Exchequer*) [Bill 79]; Customs and Inland Revenue, *deferred;* Judgments Law Amendment (Ireland)* (*Mr. Whiteside*) [Bill 71].
Committee—Salmon Fisheries (Ireland)* [Bill 1]; Elections during Recess* [Bill 48].
Report—Elections during Recess* [Bill 48].

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Innkeeper's Liability Bill—Explanation, Mr. P. Wykeham Martin .. 771

Public Business—The Financial Measures—Observations, The Chancellor of the Exchequer 771

Law and Equity (England and Ireland) Commission—Question, Mr. Longfield; Answer, The Attorney General 773

Attack on the Late Mr. Fonblanque—Question, Mr. Darby Griffith; Answer, Mr. Layard 773

The City and Metropolitan Police—Question, Colonel French; Answer, Sir George Grey 773

Lancashire Distress—The Mansion House Committee—Question, Mr. Alderman Salomons; Answer, Mr. W. Cubitt 774

St. Mary's Island, Chatham—Question, Mr. Digby Seymour; Answer, Lord Clarence Paget 775

Employment of Lancashire Operatives—Question, Mr. Hibbert; Answer, Viscount Palmerston 775

Ordered, That the Orders of the Day be postponed till after the Notice of Motion relative to the Cotton Manufacturing Districts.

Cotton Manufacturing Districts—Motion made, and Question proposed,

"That, in the opinion of this House, it is the duty of the Government to take into consideration, without delay, what measures may be necessary to relieve the distress which prevails in the Cotton Manufacturing Districts, so that the people may no longer continue unemployed."—(*Mr. Ferrand.*) 776

Amendment proposed,

To leave out from the first word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying that She will be graciously pleased to appoint a Royal Commission to inquire into the present state of the Cotton Manufacturing Districts, and to report on the best mode of relieving the distress existing therein,"—(*Mr. Potter,*)—instead thereof. 803

Question proposed, "That the words proposed to be left out stand part of the Question."

After long Debate, Amendment and Motion, by leave, *withdrawn.*

WAYS AND MEANS *considered* in Committee—Excise Duties:—

(In the Committee.)

Resolution 10,

"That, towards raising the Supply granted to Her Majesty, there shall be charged and paid for a Licence to be taken out, yearly, by or on behalf of any Club or Association, occupying a House of the rent or value of £100 a year, to authorize the selling and supplying by retail to the Members of such Club or Association, of Beer, Wine, Spirits, and all other Liquors, for the selling whereof an Excise Licence is required by Law to be taken out, and also Tobacco, the Excise Duty of . . . . £17 1*s.* 0*d.*

And 5 per cent thereon.

And for every such Licence to authorize the selling and supplying as aforesaid, Beer and Tobacco only . . . . £3 10*s.* 0*d.*

And 5 per cent thereon."—(*Mr. Chancellor of the Exchequer.*) ... 838

After Debate, Question put:—The Committee *divided;* Ayes 143, Noes 111; Majority 32:—Division List, Ayes and Noes 816

Resolution 11,

"That, towards raising the Supply granted to Her Majesty, there shall be charged and paid for and upon every Excise Licence to be taken out by any person who shall be duly authorized by Justices of the Peace to keep a common Inn, Alehouse or Victualling-house, and who shall sell Beer, Cyder, or Perry by retail, to be drunk or consumed in his, her, or their house or premises, and who shall not take out a Licence to retail Spirits, the Duty of . . . . £3 3*s.* 0*d.*

And 5 per cent thereon.

In lieu of the Duty now payable on such Licence to retail Beer." 843

—after Debate, *agreed to.*

Resolution 12,

"That, towards raising the Supply granted to Her Majesty, where any person shall be duly licensed to sell strong Beer in casks containing not less than four and

Ways and Means—Committee—*continued.* *Page*

a half gallons, or in not less than two dozen reputed quart bottles at one time, there shall be charged and paid for every additional Excise Licence which may be taken out to authorize such person to sell Beer in any less quantity and in any other manner than as aforesaid, but not to be drunk or consumed on the premises where sold, the Duty of . . . . £1 1*s.* 0*d.*

And 5 per cent thereon."

—*agreed to.*

Resolution 13,

"That, towards raising the Supply granted to Her Majesty, the Duties of Excise on Sugar made in the United Kingdom, specified in Schedule (B) of the Act passed in the 20th and 21st years of Her Majesty's reign, chap. 61, shall be continued and be levied and charged until the 1st day of August 1864."

—*agreed to.*

Resolution 14,

"That, towards raising the Supply granted to Her Majesty, there shall be charged and paid for and upon every Occasional Licence to be taken out under this Act by any person to use a Carriage for the conveyance of Passengers at separate Fares, the Duties of Excise following :—

For a Licence for any Carriage drawn by one horse, for one day.	£0 3*s.* 0*d.*
For any Carriage drawn by two horses, for one day . . .	£0 5*s.* 0*d.*
For any Carriage drawn by more than two horses, for one day	£0 10*s.* 0*d.*

And where such Licence shall be required for a longer period than one day, the further Duty of one-half the above-mentioned rates for each day after the first day.

—*agreed to.*

(15.) *Resolved,* That it is expedient to amend the Laws relating to the Inland Revenue. 849

Resolutions to be reported *To-morrow:* Committee to sit again on *Wednesday.*

Savings Banks Bill [Mr. Chancellor of the Exchequer]—[Bill 79]—

Read 2°, and *committed* for *Monday* next. 850

Customs and Inland Revenue Bill—

Order for Second Reading read:—After short Debate, Second Reading *deferred* till *To-morrow.* 850

Salmon Fisheries Ireland Bill [Bill 1]—

Bill *considered* in Committee (*Progress 26th March*) :— 852

(In the Committee.)

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again:"—(*Mr. Bagwell:*)—The Committee *divided;* Ayes 38, Noes 53; Majority 15 852

After further Debate, Committee report Progress; to sit again *To-morrow.*

Anchors and Chain Cables Bill—

Anchors and Chain Cables—*considered* in Committee :—

(In the Committee.)

On Motion of *Mr. Laird, Resolved,** That the Chairman be directed to move the House, That leave be given to bring in a Bill for regulating the proving and sale of Anchors and Chain Cables.

Resolution *reported:*—Bill *ordered* to be brought in by Mr. Laird and Sir James Elphinstone*.

Naval Medical Supplemental Fund Society Winding-up Act (1861) Amendment Bill—

Bill to amend the Naval Medical Supplemental Fund Society Winding-up Act (1861), *presented,* and read 1°*. [Bill 93.]

Consolidated Fund (£20,000,000) Bill—

Bill to apply a sum, out of the Consolidated Fund, to the Service of the year one thousand eight hundred and sixty-three, *presented,* and read 1°*.

Exchequer Bonds (£1,000,000) Bill—

Bill for raising a sum of money, by Exchequer Bonds, for the Service of the year one thousand eight hundred and sixty-three, *presented,* and read 1°*.

LORDS, TUESDAY, APRIL 28.

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MINUTES.]—Public Bills—*Third Reading*—Alkali Works Regulation [H.L.]* (No. 81); Local Government Act (1858) Amendment* (No. 78); New Zealand Boundaries [H.L.]* (No. 73); Offences (South Africa) [H.L.]* (No. 74), and *passed.*

The Galway Contract—Question, The Earl of Hardwicke; Answer, Lord Stanley of Alderley 854

Metropolitan Railway Communication—Observations, Earl Granville; Reply, Lord Campbell 855

COMMONS, TUESDAY, APRIL 28.

MINUTES.]—Ways and Means—Resolutions (April 27) *reported,* and Bills *ordered.*

Public Bills — *Resolution in Committee* — Stock Certificates to Bearer (Remuneration)*.

First Reading—Anchors and Chain Cables* [Bill 95]; Poor Removal* [Bill 96]; Inland Revenue* [Bill 97].

2nd Readg.—Exchequer Bonds (£1,000,000)*; Consolidated Fund (£20,000,000)*.

Report of Select Committee — Thames Embankment (North Side)* [Bill 94, *P.P.* 219].

Report — Van Diemen's Land Company (*Lords*)*.

Considered as amended—Bakehouses Regulation* [Bill 54]; Elections during Recess* [Bill 48].

Lords' Amendts. considered — Illegitimate Children (Ireland).

Medical Officers of the Indian Army—Question, Mr. Bazley; Answer, Sir Charles Wood.. 857

Cupola and Broadside Ships—Question, Mr. Addington; Answer, Lord Clarence Paget 858

Asylum for Criminal Lunatics—Question, General Buckley; Answer, Sir George Grey 858

Ionian Islands Expenses—Question, Lord Robert Cecil; Answer, The Marquess of Hartington 859

The Licensing System—Question, Mr. Lawson; Answer, Sir George Grey .. 859

Slave Trade Papers—Question, Mr. W. E. Forster; Answer, Mr. Layard .. 859

Army—(Distinguished Service Colonels)—

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to appoint a Royal Commission to inquire into the claims of twenty-one Officers of the Army, who were promoted to the rank of Colonel in 1855 and 1856, as Aides-de-Camp to the Queen, and for distinguished service in the Crimean War, who, by a recommendation of the Royal Commission of 1858, which had reference to another class of Officers, have been deprived, to an undue extent, of the position they attained by the promotion conferred upon them; and to report to Her Majesty whether they are entitled to any redress; and, if so, to recommend in what form such redress should be accorded to them."—(*General Lindsay.*) ... 860

After long Debate, Motion, by leave, *withdrawn.*

Colonies—(Military Defence)—

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Copy of all Communications which have passed since the commencement of the year 1862 between the Secretary of State for the Colonies and the Representatives of the Crown in the British Dependencies respecting the mode and cost of their Military Defence."—(*Mr. Arthur Mills.*) 876

After long Debate, Motion, by leave, *withdrawn.*

Navy—(Iron-clad Ships)—

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to appoint a Royal Commission to consider the best mode of construction and form of the Iron-clad Ships which are to compose the future Navy of England; to report upon the Ships presently built and building, and the amount of Dock and Basin accommodation required for their use at Home and Abroad."—(*Sir James Elphinstone.*) 898

Navy (Iron Clad Ships)—Resolution (*Sir James Elphinstone*)—*continued.* Page

Amendment proposed,

To leave out from the first word "That" to the end of the Question, in order to add the words "with a view to provide for the economical construction of Ships for the Royal Navy of the most suitable forms and materials, the Board of Admiralty should be empowered by Parliament to introduce into the Public Service a class of persons equal in education and position to the Military Cadets of Woolwich, who (subject to certain regulations and conditions to be made by or with the sanction of the Comptroller of the Navy) may ultimately fulfil the duties of Royal Naval Architects,"—(*Lord Robert Montagu,*)—instead thereof. 905

Question proposed, "That the words proposed to be left out stand part of the Question."

After long Debate, Amendment and Motion, by leave, *withdrawn.*

Sewage of Towns—

Notice being taken, that the Analysis of Evidence appended to the Report of the Select Committee on Sewage of Towns, in Session 1862, comprised observations and opinions not within the scope of such Analysis:—

On Motion of *Mr. Ker Seymer*, *Ordered*, That the said Analysis be cancelled. 920

Illegitimate Children (Ireland) Bill [Bill 13]—

Lords' Amendments *considered* 925

Amendments, to Clause A, *agreed to.*

Clause A read.

Motion made, and Question put, "That this House doth agree with The Lords in the said Amendment:"—The House *divided*; Ayes 20, Noes 21; Majority 1.

Clause B *disagreed to*:—Other Amendments *agreed to.*

Committee *appointed*, "to draw up Reasons to be assigned to The Lords for disagreeing to the Amendments to which this House hath disagreed:"—Sir Robert Peel, Sir George Grey, Lord Naas, Mr. Bagwell, Mr Whiteside, and Colonel Dunne:—To withdraw immediately; Three to be the quorum.

Thames Embankment (North Side) Bill—

Bill *reported*, with Minutes of Evidence; to be *printed*, as amended *. [Bill 94.]

Bill *re-committed* for *Monday* next.

Minutes of Evidence to be *printed.*

Anchors and Chain Cables Bill—

Bill for enforcing a Standard Proof to be applied to Merchant Ships' Anchors and Chain Cables, and for the testing thereof prior to sale by the Manufacturer or dealer, *presented*, and read 1° *. [Bill 95.]

Poor Removal Bill—

On Motion of *Mr. Herbert*, Bill to authorize the removal of Poor Persons born in England or Scotland and chargeable in Ireland, *ordered* to brought in by Mr. Herbert, Mr. Monsell, and Mr. Butt:—Bill *presented*, and read 1° *. [Bill 96.]

Inland Revenue Bill—

Bill for granting to Her Majesty certain Duties of Inland Revenue, and to amend the Laws relating to the Inland Revenue, *presented*, and read 1° *. [Bill 97.]

COMMONS, WEDNESDAY, APRIL 29.

MINUTES.]—New Member Sworn—James Stansfeld, esquire, for Halifax.

Public Bills — *Resolution in Commitee*— Stock Certificates to Bearer [Remuneration] (April 28) *reported*.*

First Reading — Sheep, &c. Contagious Diseases Prevention * [Bill 98].

Second Reading — Church Rates Abolition Bill [Sir John Trelawny] [Bill 2], *negatived.*

Considered as amended—Marriages, &c. (Ireland) [Sir Edward Grogan] [Bill 40].

Third Reading—Bakehouses Regulation*[Bill 54]; Elections During Recess* [Bill 48], and *passed.*

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Church Rates Abolition Bill [Sir John Trelawny]—[Bill 2]—

Motion made and Question proposed, "That the Bill be now read a second time."—(*Sir John Trelawny.*) 926

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Gathorne Hardy.*) 932

Question put, "That the word 'now' stand part of the Question:"—The House *divided;* Ayes 275, Noes 285; Majority 10.

Words *added:*—Main Question, as amended, put, and *agreed to:*—Bill *put off* for six months.

Division List—Ayes and Noes 975

Marriages, &c. (Ireland) Bill [Sir Edward Grogan]—[Bill 88]—

Bill, as amended, *considered:*— 979

Clause *added.*

Another Clause (Registrar not to grant Licences for Marriage in certain cases,)—(*Sir Edward Grogan,*)—*brought up*, and read 1°; 2°.

Amendment proposed, in line 1, after the word "licence," to insert the words "or certificate of publication of notice."—(*Mr. Butt.*)

Question, "That those words be there inserted," put, and *negatived.*

Clause *added.*

Another Clause *added.*

Amendments made.

Another Amendment proposed, in page 2, line 33, to leave out the words "5. When the Marriage is intended to be contracted in the office of the Registrar, he shall, in addition to sending a copy of the notice to the minister of the church, chapel, or registered place of public worship as aforesaid, forthwith suspend a copy of the notice, on a printed form properly and legibly filled up, in some conspicuous place in his office, and keep the same so suspended,—in the case of a Marriage intended to be celebrated by virtue of a certificate, for twenty-one days,—and in the case of a Marriage intended to be celebrated by virtue of a licence, during seven days, next after the day of entry of the notice."—(*Mr. Butt.*)

Question put, "That the words proposed to be left out stand part of the Bill:"—The House *divided;* Ayes 70, Noes 50; Majority 20.

Another Amendment proposed, in page 3, line 19, to leave out the word "twelve," and insert the word "two."—(*Sir Hugh Cairns.*)

Question, "That the word 'twelve' stand part of the Bill," put, and *negatived.*

Word "two" *inserted.*

Further Proceeding *adjourned* till *To-morrow.*

Sheep, &c. Contagious Diseases Prevention Bill—

On Motion of *Mr. Holland,* Bill to extend the provisions and continue the term of the Act of the twelfth year of Her Majesty, chapter one hundred and seven, and of the Act of the seventeenth year of Her Majesty, chapter sixty-two, to prevent the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals, *ordered* to be brought in by Mr. Holland and Sir William Miles:—Bill *presented,* and read 1°*. [Bill 98.]

LORDS, THURSDAY, APRIL 30.

MINUTES.] — *Sat First in Parliament*—The Lord Dunmore, after the death of his Father.

Public Bills — *First Reading* — Elections during Recess * (No. 84); Bakehouses Regulation * (No. 85).

Second Reading—Corrupt Practices at Elections (No. 62); Hares (Ireland) * (No. 52); Inclosure * (No. 59).

Third Reading—Drainage of Land (Ireland) (No. 33), and *passed.*

Illegitimate Children (Ireland) Bill (No. 50)—

Returned from the Commons, with certain of the Amendments *agreed to,* and some *disagreed to;* together with their Reasons for such disagreement; The said Reasons, and Bill, with the Amendments, to be *printed.* * (Nos. 82 and 83.)

Drainage of Land (Ireland) Bill (No. 33)—

Moved, That the Bill be now read 3ª: (*The Earl of Belmore.*) .. 980

After short Debate, Bill read 3ª, and *passed.*

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United States—Seizure of British Ships with Mail-Bags—Explanation, Earl Russell 980

Corrupt Practices at Elections Bill (No. 62)—

Moved, That the Bill be now read 2ª: (*Earl Russell.*) 981

After Debate, Motion *agreed to* ; Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

The Forts at Spithead—Question, The Earl of Hardwicke; Answer, The Duke of Somerset:—Debate thereon 983

COMMONS, THURSDAY, APRIL 30.

MINUTES.]—Select Committee—on Ecclesiastical Commission, *nominated* (*List of Members*).

Public Bills—*First Reading*—Accidents Compensation * [Bill 103]; Watchmen in Towns (Ireland) * [Bill 102].

Second Reading—Customs and Inland Revenue [Bill 91].

Committee—Stock Certificates to Bearer [Bill 76]; Consolidated Fund (£20,000,000) *; Exchequer Bonds (£1,000,000) *; Borough Residence Uniform Measurement [Bill 60], *negatived*; Judgments Law Amendment (Ireland) [Mr. Whiteside] [Bill 71]—r. p.; Jurors' Remuneration * [Bill 36].

Report—Stock Certificates to Bearer [Bill 100]; Consolidated Fund (£20,000,000) *; Exchequer Bonds (£1,000,000) *; Jurors' Remuneration * [Bill 101], and *re-committed.*

Considered as amended—Marriages, &c. (Ireland) [Sir E. Grogan] * [Bill 88].

Third Reading—Telegraphs [Bill 78], and *passed.*

Naval Barracks—Question, Mr. Addington; Answer, Lord Clarence Paget .. 988

Stamps on Delivery Orders—Question, Mr. Bass; Answer, The Chancellor of the Exchequer 989

Dangerous Lunatics in Ireland—Question, Mr. MacEvoy; Answer, Sir Robert Peel 989

School of Naval Architecture—Question, Sir John Pakington; Answer, Lord Clarence Paget 990

Colonial Bishoprics—Question, Mr. Lefroy; Answer, Mr. Chichester Fortescue 990

Unemployed Factory Operatives—Question, Mr. Ferrand; Answer, Mr. C. P. Villiers 991

The Case of the "Alexandra"—Question, Mr. Whiteside; Answer, The Attorney General 992

Naval Models at Somerset House—Question, Lord Robert Montagu; Answer, Lord Clarence Paget 992

Duty on Chicory—Question, Sir Edward Codrington; Answer, The Chancellor of the Exchequer 992

Galway Packet Contract—Questions, Lord Dunkellin, Mr. Gregory, Mr. E. P. Bouverie; Answer, Mr. Peel 993

Carlton House Terrace—Questions, Mr. Locke, Sir Harry Verney; Answer, Mr. Cowper 994

United States—Seizure of the "Peterhoff"—The Mail-Bags—Question, Mr. W. E. Forster; Answer, Mr. Layard 995

Customs and Inland Revenue Bill [Bill 91]—

Motion, "That the Bill be now read 2°."—(*Mr. Chancellor of the Exchequer.*) 995

Bill, after long Debate, read 2°, and *committed* for *Monday* next.

Stock Certificates to Bearer Bill [Bill 76]—

Motion, "That the House do now go into Committee on this Bill."—(*Mr. Chancellor of the Exchequer.*) 1024

After Debate, Motion *agreed to.*

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Bill *considered* in Committee :— 1033
(In the Committee.)
Clauses 1 to 3 *agreed to.*
Clause 4 (Restriction as to Trustees taking Certificates of Title)—After short Debate, Clause *agreed to.*
Remaining Clauses, with Amendments, *agreed to.*
Bill *reported ;* as amended, to be considered on *Monday* next, and to be *printed.* [Bill 100.]

Telegraphs Bill [Bill 78]—

Motion made, and Question proposed, " That the Bill be now read the third time."—(*Mr. Milner Gibson.*) 1034
Amendment proposed, to leave out the word " now," and at the end of the Question to add the words " upon this day six months."—(*Lord Alfred Churchill.*) 1034
Question proposed, " That the word 'now' stand part of the Question."
After Debate, Amendment, by leave, *withdrawn.*
Main Question put, and *agreed to :*—Bill read 3°, and *passed.*

Naval Medical Supplemental Fund Society Winding-up Act (1861) Amendment Bill [Bill 93]—

Moved, "That the Bill be now read a second time."—(*Sir George Grey.*) .. 1036
After short Debate, Second Reading *deferred* till *To-morrow.*

Borough Residence Uniform Measurement Bill [Bill 60]—

Order for Committee read ; Motion made, and Question proposed, " That this House will, To-morrow, resolve itself into a Committee on the said Bill." —(*Mr. Vance.*) 1036
Amendment proposed, to leave out from the word "That," to the end of the Question, in order to add the words " the Order for the Committee on the said Bill be discharged,"—(*Mr. M'Cann,*)—instead thereof. .. 1037
Question proposed, " That the words proposed to be left out stand part of the Question."
Motion made, and Question proposed, " That the Debate be now adjourned." —(*Sir Matthew Ridley.*) 1038
After Debate, Motion, by leave, *withdrawn.*
Question again proposed, "That the words proposed to be left out stand part of the Question." 1042
Amendment, and Original Question, by leave, *withdrawn.*
Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Collins.*)
Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words " this House will, upon this day six months, resolve itself into the said Committee,"—(*Mr. E. P. Bouverie,*)—instead thereof.
Question put, "That the words proposed to be left out stand part of the Question :"—The House *divided;* Ayes 139, Noes 182 ; Majority 43.
Words *added :*—Main Question, as amended, put, and *agreed to :*—Committee *put off* for six months.

Judgments Law Amendment (Ireland) Bill [Mr. Whiteside]—[Bill 71]—

Bill *considered* in Committee :— 1042
(In the Committee.)
Clauses 1 and 2 *agreed to.*
Clause 3 (Repeal of certain Acts) 1042
After Debate, Committee report progress ; to sit again on *Wednesday* 13th May.

ECCLESIASTICAL COMMISSION—

Motion made, and Question proposed, "That the Select Committee on the Ecclesiastical Commission do consist of sixteen Members."—(*Mr. Henry Seymour.*) 1043

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Ecclesiastical Commission—Nomination of Select Committee—*continued.*

Amendment proposed, to leave out the word "sixteen," and insert the word "seventeen,"—(*Mr. Lygon,*)—instead thereof.

Question, "That the word 'sixteen' stand part of the Question,"—put, and *negatived.*

Word "seventeen" *inserted*:—Committee *nominated*:—

Mr. Henry Seymour, Mr. Lowe, Mr. Walpole, Mr. Locke King, Mr. Edward Pleydell Bouverie, Lord Robert Cecil, Mr. Alderman Copeland, Mr. Fenwick, Sir Henry Willoughby, Lord Fermoy, Mr. Newdegate, Mr. Tite, Mr. Kinnaird, Mr. Scourfield, Mr. Selwyn, Mr. Hunt, and Sir William Heathcote:—Power to send for persons, papers, and records; Five to be the quorum.

Accidents Compensation Bill—

On Motion of *Sir James Fergusson,* Bill to regulate the Compensation for Accidents, *ordered* to be brought in by Sir James Fergusson and Mr. Thompson:—Bill *presented,* and read 1°*. [Bill 103.]

Watchmen in Towns (Ireland) Bill—

On Motion of *Mr. Bagwell,* Bill to make more effectual provision for the appointment of Watchmen in Towns in Ireland, *ordered* to be brought in by Mr. Bagwell and Mr. Waldron:—Bill *presented,* and read 1°*. [Bill 102.]

LORDS, FRIDAY, MAY 1.

MINUTES.]—*Sat First in Parliament*—The Lord Sherborne, after the death of his Father.

Public Bills—*First Reading*—Telegraphs* (No. 86); Cayman Islands [H.L.]* (No. 88).

Second Reading — Vice Admiralty Courts [H.L.] (No. 79).

Report—Inclosure* (No. 59).

Vice Admiralty Courts Bill (No. 79)—

On Motion of *The Duke of Newcastle,* Bill read 2ª. 1044

Cayman Islands Bill [H.L.]—

A Bill for the Government of the Cayman Islands—Was *presented* by The Duke of Newcastle, and read 1ª*. (No. 88.)

COMMONS, FRIDAY, MAY 1.

The House met; and Forty Members not being present at Four o'clock, Mr. Speaker adjourned the House till *Monday* next.

LORDS, MONDAY, MAY 4.

MINUTES.]—Public Bills—*First Reading* — Duchy of Cornwall Management (1863) [H.L.]* (No. 90).

Committee—Hares (Ireland)* (No. 52); Vice-Admiralty Courts [H.L.]* (No. 79).

Report—Hares (Ireland)* (No. 52).

3rd Reading—Inclosure (No. 59)*, and *passed.*

Royal Assent—Post Office Savings Banks [26 & 27 *Vict.*, c. 14];

Gardens in Towns Protection [26 & 27 *Vict.*, c. 13];

Office of Secretary at War Abolition [26 & 27 *Vict.*, c. 12].

Albert Bridge Bill [H.L.]—

Moved, That the Bill be re-committed to the same Select Committee to which the Bill was referred on the 14th April last: (*Lord Chelmsford.*) .. 1046

After long Debate, Motion, by leave of the House, *withdrawn.*

Then it was *moved,* That the Bill be re-committed.

On Question *Resolved* in the *Negative.*

Duchy of Cornwall Management (1863) Bill [H.L.]—

A Bill giving power to sell and dispose of Lands Parcel of the Possessions of the Duchy of Cornwall, and to purchase other Lands to be annexed thereto, and to regulate future Grants of Leases of the Possessions of the said Duchy; and for other purposes—Was *presented* by the Duke of Newcastle, and read 1ª*. (No. 90.)

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COMMONS, MONDAY, MAY 4.

MINUTES.]—Public Bills—*Resolution in Committee*—Judgments Law Amendment (Ireland) [Stamp Duty]*.
Second Reading—Naval Medical Supplemental Fund Society Winding-up Act (1861) Amendment [Bill 93]; Courts of the Church of Scotland (*Lords*) [Bill 92]; Watchmen in Towns (Ireland) * [Bill 102].
Committee—Customs and Inland Revenue [Bill 91]; Savings Banks [Mr. Chancellor of the Exchequer] [Bill 79]; Salmon Fisheries (Ireland) [Bill 1]—R.P.
Report—Customs and Inland Revenue [Bill 91]; Savings Banks [Mr. Chancellor of the Exchequer] [Bill 79].
Considered as amended—Stock Certificates to Bearer [Bill 100], *Debate adjourned.*
Third Reading—Marriages, &c. (Ireland) [Sir Edward Grogan]* (Bill 88); Exchequer Bonds (£1,000,000)*; Consolidated Fund (£20,000,000)*; and *passed.*

Loan Societies Act—Question, Mr. North; Answer, Mr. Peel .. 1054

The Australian Colonies—Question, Mr. Marsh; Answer, Mr. Chichester Fortescue 1054

The Island of Sombrero—Question, Mr. Maguire; Answer, Mr. Layard .. 1055

Metropolitan and City of London Police Amalgamation Bill [Bill 89]—
Question, Sir James Duke; Answer, Sir George Grey 1056
Question, Colonel French; Answer, Sir George Grey 1056

Public Business—Orders of the House—The "No House" on Friday—
Observations, Lord Robert Montagu 1057
Motion made, and Question proposed, "That this House do now adjourn."—(*Lord Robert Montagu.*)
After Debate, Motion by leave, *withdrawn.*

Customs and Inland Revenue Bill [Bill 91]—
Bill *considered* in Committee:— 1067
(In the Committee.)
Clause 1 *agreed to.*
Clause 2 (Provisions of former Acts to apply to this Act)—Amendment moved, to add to the Clause " or the forty-fourth section of the said Act, directing that no assessors shall be appointed for Duties under Schedules (A) and (B).—(*Sir James Fergusson.*) 1067
After long Debate, Amendment *negatived*:—Clause *agreed to.*
Clause 3 (Certain Exemptions not continued except as herein mentioned) ... 1072
After long Debate, Clause *negatived.*
Clause 4 *withdrawn.*
Clause 5 (Exemption of Persons whose Income is under £100, and Abatement to those whose Income is under £200 respectively)—Amendment (*Mr. Peacocke*) ... 1135
After Debate, Amendment *withdrawn*:—Clause *agreed to.*
Clause 6 and the Schedules *agreed to.*
Bill *reported*; as amended, to be considered *To-morrow.*

Stock Certificates to Bearer Bill [Bill 100]—
Motion made, and Question proposed, "That the Bill be now taken into Consideration." 1136
Debate arising; Debate *adjourned* till *Thursday.*

Savings Banks Bill [Mr. Chancellor of the Exchequer]—[Bill 79]—
Bill *considered* in Committee:— 1137
(In the Committee.)
Clause 1 *agreed to.*
Clause 2 (Treasury may cancel additional Amount not exceeding £5,000,000, and create terminable Annuities)— 1137
Motion to omit the Clause.—(*Mr. Hubbard.*)
After Debate, Amendment *withdrawn*:—Clause *agreed to.*
Remaining Clauses *agreed to.*
Bill *reported*; as amended, to be considered *To-morrow.*

Naval Medical Supplemental Fund Society Winding-up Act (1861) Amendment Bill [Bill 93]—
Motion made, and Question proposed, "That the Bill be now read a second time."—(*Lord Clarence Paget.*) 1140

Naval Medical Supplemental Fund Society Winding-up Act (1861) Amendment Bill—Second Reading—*continued.*

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Lygon.*)
Question proposed, "That the word 'now' stand part of the Question."
Amendment, by leave, *withdrawn.*
Main Question put, and *agreed to* :—Bill read 2°, and *committed* for *Thursday*

Courts of the Church of Scotland Bill [Bill 92]—
After short Debate, Bill read 2°, and *committed* for *Thursday.* .. 1140

Salmon Fisheries (Ireland) Bill [Bill 1]—
Bill *considered* in Committee :— 1140
After short Debate, Committee report Progress; to sit again on *Monday* next.

LORDS, TUESDAY, MAY 5.

MINUTES.]—Public Bills—*First Reading* —Exchequer Bonds (£1,000,000)*; Consolidated Fund (£20,000,000)*; Marriages, &c. (Ireland)* (No. 93).
Report- Augmentation of Benefices* [h.l.] (No. 59) [Report of Select Committee, *Parl. P.* No. 91; Bill, as amended, No. 92]; Vice-Admiralty Courts* (No. 79).

Mail Service between Dover, Calais, and Ostend—Question, Lord Chelmsford; Answer, Lord Stanley of Alderley 1142

Outbreak in the Roman Catholic Reformatory in Charnwood Forest—Question, Lord Berners; Answer, Earl Granville 1148

COMMONS, TUESDAY, MAY 5.

MINUTES.]—New Member Sworn—Richard Green Price, esquire, *for* New Radnor.
Public Bills—*Resolution in Committee*—Judgments Law Amendment (Ireland) [Stamp Duty] (May 4) *reported.*
First Reading—Act of Uniformity Amendment* [Bill 104]; Pier and Harbour Orders Confirmation* [Bill 109]; Harwich Harbour* [Bill 110]; Drainage and Improvement of Land (Ireland)* [Bill 106]; Sale of Mill Sites, &c. (Ireland)* [Bill 105]; Sheriff Courts (Scotland)* [Bill 107]; Volunteers Acts Amendment* [Bill 108].
Committee—Jurors' Remuneration* [Bill 101] (*on Re-Committal*).
Report—Jurors' Remuneration* [Bill 101].
Considered as amended—Customs and Inland Revenue* [Bill 91]; Savings Banks Monies [Mr. Chancellor of the Exchequer]* [Bill 79].
Withdrawn—Writs Prohibition (No. 2) [Bill 62].

The Attack on Shon-Hing—Question, Colonel Sykes; Answer, Lord Clarence Paget 1150

Greenwich Hospital—Question, Mr. Coningham; Answer, Lord Clarence Paget 1151

Poor Law (Scotland)—Question, Mr. Dalglish; Answer, The Lord Advocate 1151

The Drawback on Exported Refined Sugar—Question, Mr. Moffatt; Answer, The Chancellor of the Exchequer 1152

The Case of Captain Melville White—Question, Colonel Dunne; Answer, Mr. Layard 1152

United States—Mail-Bags on board the "Peterhoff"—Question, Lord Robert Cecil; Answer, Mr. Layard 1153

Education—Motion made, and Question proposed,

"That it is the opinion of this House, That the sums annually voted by Parliament for Educational purposes ought to be made applicable to all the poorer schools throughout the Country (not being private schools, or carried on for profit), in which the attendance and examination of the children exhibit the results required, under the Revised Code, by Her Majesty's Inspectors of schools."—(*Mr. Walter.*) 1154

Amendment proposed,

To leave out from the word "applicable" to the end of the Question, in order to add the words "to Schools only of the working classes, but to all of them alike, in the way of proportionate aid to voluntary support; subject to the favourable report of the Inspector, and to tests of at least elementary instruction being given in them by teachers in all respects qualified,"—(*Mr. Adderley,*)—instead thereof 1211

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Question proposed, "That the words proposed to be left out stand part of the Question."

After long Debate, Amendment and Motion, by leave, *withdrawn.*

Motion made, and Question put,

"That to require the employment of certificated teachers, or of pupil-teachers, by school managers, as an indispensable condition of their participation in the Capitation Grant, is inexpedient, and unjust to the managers of such schools."

The House *divided;* Ayes 117, Noes 152; Majority 35.

Uniformity Act Amendment Bill—

Motion made, and Question proposed, "That this House will immediately resolve itself into a Committee upon certain portions of the Act of Uniformity."—(*Mr. E. Pleydell Bouverie.*) 1228

Motion made, and Question proposed, "That the Debate be now adjourned." —(*Lord R. Cecil.*) 1239

Motion, by leave, *withdrawn.*

After long Debate, Original Question put:—The House *divided;* Ayes 157, Noes 135; Majority 22.

Act of Uniformity *considered* in Committee:— 1242

(In the Committee.)

Resolved, That the Chairman be directed to move the House, That leave be given to bring in a Bill to repeal so much of the Act of Uniformity as relates to Fellows and Tutors in any College, Hall, or House of Learning.

Resolution *reported:*—Bill *ordered* to be brought in by Mr. Edward Pleydell Bouverie and Mr. Pollard-Urquhart.

Bill to amend the Act of Uniformity as regards Fellows of Colleges, *presented,* and read 1° *. [Bill 104.]

HOLYHEAD HARBOUR—Motion made, and Question proposed,

"That a Select Committee be appointed to inquire into the state of Holyhead Harbour, with a view to ascertain the best method of affording safe and efficient accommodation for the Vessels engaged in the Irish Mail Service, and for the Passengers conveyed by them."—(*Colonel Dunne.*) 1243

After Debate, Motion made, and Question proposed, "That the Debate be now Adjourned:"—(*Mr. Chancellor of the Exchequer:*)—The House *divided;* Ayes 40, Noes 35; Majority 5.

Debate *adjourned* till *Tuesday* next.

DARTMOOR PRISON—*Moved,*

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Copy of or Extracts from the Correspondence between the Home Office, the Prison Authorities, and the Visiting Roman Catholic Priest, recently dismissed from attendance at the Dartmoor Prison."—(*Mr. Newdegate.*) 1245

After short Debate, Question put:—The House *divided;* Ayes 21, Noes 35; Majority 14.

Writs Prohibition (No. 2) Bill—

Order for Second Reading read, and *discharged:*—Bill *withdrawn.* .. 1246

Pier and Harbour Orders Confirmation Bill—

Pier and Harbour Orders Confirmation *considered* in Committee:—

(In the Committee.)

*Resolved,** That the Chairman be directed to move the House, That leave be given to bring in a Bill for confirming certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Blackpool, Deal and Walmer, Exmouth, Llandudno, Rhyl, Rosehearty, Ilfracombe, Instow, Bangor, Chatham, Bray, Dartmouth, and Nairn.

Resolution *reported:*—Bill *ordered* to be brought in by Mr. Milner Gibson and Mr. Hutt:—Bill *presented,* and read 1° *. [Bill 109.]

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Harwich Harbour Bill—

Harwich Harbour *considered* in Committee:—

(In the Committee.)

*Resolved,** That the Chairman be directed to move the House, That leave be given to bring in a Bill for the Preservation and Improvement of Harwich Harbour under the General Pier and Harbour Act, 1861.

Resolution *reported*:—Bill *ordered* to be brought in by Mr. Milner Gibson and Mr. Hutt:—Bill *presented*, and read 1° *. [Bill 110.]

Drainage and Improvement of Land (Ireland) Bill—

On Motion of *Mr. Peel*, Bill to enable Landed Proprietors to construct works for the Drainage and Improvement of Land in Ireland, *ordered* to be brought in by Mr. Peel and Mr. Chancellor of the Exchequer:—Bill *presented*, and read 1° *. [Bill 106.]

Sale of Mill Sites, &c. (Ireland) Bill—

On Motion of *Mr. Peel*, Bill to amend the Act of the twentieth and twenty-first years of Victoria, authorizing the Sale of Mill Sites and Water Powers by the Commissioners of Public Works in Ireland, *ordered* to be brought in by Mr. Peel and Mr. Chancellor of the Exchequer:—Bill *presented*, and read 1° *. [Bill 105.]

Sheriff Courts (Scotland) Bill—

On Motion of *Mr. Caird*, Bill to enlarge the Sheriff Small Debt Jurisdiction in Scotland, *ordered* to be brought in by Mr. Caird, Mr. Dalglish, and Mr. Mackie:—Bill *presented*, and read 1° *. [Bill 107.]

Volunteers Acts Amendment Bill—

On Motion of *The Marquess of Hartington*, Bill to consolidate and amend the Acts relating to the Volunteer Force in Great Britain, *ordered* to be brought in by the Marquess of Hartington and the Judge Advocate General:—Bill *presented*, and read 1° *. [Bill 108.]

COMMONS, WEDNESDAY, MAY 6.

MINUTES.]—Public Bills—*Second Reading*—Church Rates Commutation [Mr. Newdegate] [Bill 14] (*negatived*); Church Rates Redemption [Mr. Alcock] [Bill 12] (*negatived*); Marriages Registration (Ireland) [Mr. Monsell] * [Bill 39]; Admiralty Court (Ireland)* [Bill 45]; Security from Violence [Bill 85].

Report—Security from Violence.

Church Rates Commutation Bill [Mr. Newdegate]—[Bill 14]—

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Newdegate.*) 1247

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Sir Charles Douglas.*) 1263

After long Debate, Question put, "That the word 'now' stand part of the Question:"—The House *divided*; Ayes 56, Noes 94; Majority 38.

Words *added*.

Main Question, as amended, put, and *agreed to*:—Bill *put off* for six months.

Division List—Ayes and Noes 1272

Church Rates Redemption Bill [Mr. Alcock]—[Bill 12]—

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Alcock.*) 1273

After short Debate, Question put, "That the Bill be now read a second time:"—The House *divided*; Ayes 72, Noes 81; Majority 9.

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Security from Violence Bill [Bill 35]—

Bill *considered* in Committee:— 1275

(In the Committee.)

Clause 1—(Award of Punishment of Whipping)—Amendment proposed, in page 2, line 4, after the word "may," to insert the words "Provided any previous conviction for felony be proved against him:"—(*Mr. Peacocke*:)—Question put, "That those words be there inserted:"—The Committee *divided*; Ayes 37, Noes 191; Majority 154 ... 1275

Another Amendment moved, to insert words that the instrument to be used should be a "cat:"—(*Mr. Knightley*:)—After short Debate, Amendment *negatived* ... 1279

Another Amendment moved, to add the words "in each case the Court shall specify the number of strokes to be inflicted, and the instrument to be used:"—(*Mr. Adderley*:)—Amendment *agreed to* 1280

Another Amendment moved, to add the words, "Provided that in no case shall such whipping take place after the expiration of six months from the passing of the sentence."—(*Mr. Hibbert.*)

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again:"—(*Mr. Dent*:)—The Committee *divided*; Ayes 32, Noes 159; Majority 127.

After short Debate, Amendment *agreed to*:—Proviso added to the Clause.

Question put, "That the Clause, as amended, stand part of the Bill:"—The Committee *divided*; Ayes 144, Noes 31; Majority 113.

Bill *reported*; as amended, to be considered on *Friday*, and to be *printed*. [Bill 111.]

LORDS, THURSDAY, MAY 7.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Exchequer Bonds (£1,000,000)* and Consolidated Fund (£20,000,000)* (Committee *negatived*); Cayman Islands [H.L.]* (No. 88).

Committee — Corrupt Practices at Elections (No. 62); London, &c. Dioceses [H.L.]* (No. 68).

Third Reading — Vice-Admiralty Courts [H.L.]* (No. 79), and *passed*.

Corrupt Practices at Elections Bill (No. 62)—

Moved, "That the House do now go into Committe on the said Bill."—(*Earl Russell.*) 1283

After Debate, Motion *agreed to*; House in Committee.

Clause 1 *agreed to*.

Amendment moved, to insert the following Clause, to follow Clause 1:—"If any Person, either during any Election or within One Month previous to such Election, be employed as Agent, Attorney, Poll Clerk, Messenger, Doorkeeper, or in any other Capacity for the Purposes of such Election, in consideration of any Money, Retaining Fee, or other Payment made or promised or agreed to be made in respect of such Employment, such Person shall be incapable of Voting at such Election; and if he give any Vote at such Election, his Vote shall be void."—(*Lord Lyveden.*)

After short Debate, on Question, Whether the said Clause shall be there inserted? their Lordships *divided*; Contents 51, Not-Contents 66; Majority 14:—*Resolved* in the *Negative*.

Division List—Contents and Not-Contents 1286

Clauses 2 to 9 *agreed to*.

Clause 10 (Suspension of Writs)—An Amendment moved, to omit the words ("the House of Commons") and insert the words ("both Houses of Parliament") instead thereof.—(*Earl Russell.*)

After short Debate, on Question, *agreed to*:—Amendment made.

On Question, That Clause 10, as amended, stand Part of the Bill? their Lordships *divided*; Contents 26, Not-Contents 92; Majority 66. 1288

Clause *struck out*.

Division List—Contents and Not-Contents 1289

Clause 11 *struck out*.

Remaining Clauses *agreed to*.

Amendments made: The Report thereof to be received on Monday next; and Bill to be *printed* as amended. (No. 94.)

CHARGING OF ENTAILED ESTATES FOR RAILWAYS—*Moved*, to resolve, That the Principle of charging Entailed Estates for Railways involves Questions of too much Nicety and Importance to be sanctioned by Parliament otherwise than by public Legislation.—(*Lord Redesdale.*) 1291

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Charging of Entailed Estates for Railways—Resolution (*Lord Redesdale*)—*continued.*

An Amendment *moved,*

To leave out from ("That") to the End of the Motion, for the Purpose of inserting:

"While this House is of opinion that the Question of empowering Landowners to charge Settled Estates for the Purpose of taking Shares in Railways contiguous to those Estates ought to be dealt with as soon as possible by a Public Act (which should also comprehend Provisions for charging Estates for Drainage, Building, and other Improvements), it is not prepared to withdraw from the Consideration of Committees on Railway Bills Clauses which may confer such Powers:

"Provided, That such Securities and Conditions be obtained as shall be satisfactory to the Committee, and that the Charge so imposed shall be in the Form of a Rentcharge for a Term not exceeding Twenty-five years:

"Provided also, That no such Charge shall be imposed unless it has been proved to the Satisfaction of the Inclosure Commissioners that the proposed Railway will confer a permanent Benefit to a greater annual Amount than the said Rentcharge on the Lands through or near to which it is intended to pass, nor until the said Railway has been completed and opened for Traffic under the Authority of the Board of Trade."—(*Viscount Eversley.*) 1293

After Debate, on Question, Whether the Words proposed to be left out shall stand Part of the Motion? *Resolved* in the *Affirmative:* Then the original Motion was *agreed to.*

COMMONS, THURSDAY, MAY 7.

MINUTES.]—Public Bills—*First Reading*—Offences (South Africa) (*Lords*)*[Bill 113]; New Zealand Boundaries (*Lords*)*[Bill 112].

Second Reading—Inland Revenue [Bill 97].

Select Committee—on Thames Embankment (South Side) Bill, *nominated** (*List of Members*).

Committee—Prison Ministers [Bill 24]—R. P.; Naval Medical Supplemental Fund Society Winding-up Act (1861) Amendment *[Bill 93]; Courts of the Church of Scotland (*Lords*) * [Bill 92].

Report—Naval Medical Supplemental Fund Society Winding-up Act (1861) Amendment*; Courts of the Church of Scotland (*Lords*)*.

Considered as amended—Stock Certificates to Bearer [Bill 100]—(*Debate res.*) [Bill 114].

Third Reading—Savings Banks Monies [Mr. Chancellor of the Exchequer] * [Bill 79], and *passed;* Jurors' Remuneration * [Bill 101], and *passed.*

The Chalmers Target—Question, Mr. Maguire; Answer, Lord Clarence Paget 1299

Convocation in Ireland—Question, Mr. Henry Seymour; Answer, Sir George Grey 1299

Survey of the Environs of London—Question, Mr. Warner; Answer, The Marquess of Hartington 1299

The Exhibition Building of 1862—Question, Lord Robert Cecil; Answer, The Chancellor of the Exchequer 1300

Vaccination (Ireland) Bill—Question, Mr. Longfield; Answer, Sir Robert Peel 1300

British Kaffraria—Question, Mr. Arthur Mills; Answer, Mr. Chichester Fortescue 1301

The Naval Reserve and the Blue Ensign—Question, Mr. Cave; Answer, Lord Clarence Paget 1301

Vacant Ground at Carlton Terrace—Question, Sir John Shelley; Answer, Mr. Peel:—Observations, Sir Morton Peto 1302

Customs and Inland Revenue Bill—Question, Mr. Lygon; Answer, The Chancellor of the Exchequer 1303

Brazil—Conduct of Mr. Christie—Question, Mr. Monckton Milnes; Answer, Viscount Palmerston 1303

Motion made, and Question proposed, "That this House do now adjourn."—(*Mr. Bramley-Moore.*) 1305

After long Debate, Question put, and negatived.

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Prison Ministers Bill [Bill 24]—

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Sir George Grey.*) 1315

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee,"—(*Mr. R. Long,*)—instead thereof.

After long Debate, Question put, "That the words proposed to be left out stand part of the Question:"—The House *divided;* Ayes 172, Noes 141; Majority 31.

Main Question put, and *agreed to.*

Division List—Ayes and Noes 1333

Bill *considered* in Committee:— 1336

(In the Committee.)

Clause 1 *agreed to.*

Clause 2 (Application of Act)—Amendment proposed, in page 1, line 14, to leave out the words "and in Scotland to all local Prisons, as defined by 'The Prisons (Scotland) Administration Act, 1860.'"—(*Mr. Mure.*) 1336

After long Debate, Question put, "That the words proposed to be left out stand part of the Clause:"—The Committee *divided;* Ayes 96, Noes 55; Majority 41.

Clause *agreed to.*

Clause 3 (Additional Ministers in Prisons, and Regulation as to Admission of Minister)—Amendment proposed, in page 2, line 1, to leave out, at the beginning of the Clause, the words "Where the."—(*Mr. Hunt.*) 1348

After Debate, Question put, "That the words 'Where the' stand part of the Clause:"—The Committee *divided;* Ayes 96, Noes 80; Majority 16.

Another Amendment moved, to omit certain words, and to add the following to the Clause:—"Whenever the number of such prisoners shall exceed twenty, the justices or other persons having the appointment of chaplain in the said prison shall appoint."—(*Sir William Jolliffe.*) 1355

After short Debate, Amendment, by leave, *withdrawn.*

Another Amendment moved, to omit the words "or other persons," in that part of the clause which referred to the parties having the appointment of the chaplains:—(*Mr. Bentinck:*)—After Debate, Amendment put, and *negatived.* 1356

Amendment proposed, in line 11, to leave out the words "And they may, if they think fit:"—Question proposed, "That the words proposed to be left out stand part of the Clause." 1358

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again:"—(*Lord Adolphus Vane Tempest:*)—After Debate, Motion, by leave, *withdrawn.* 1359

After further Debate, Question put, "That the words proposed to be left out stand part of the Clause:"—The Committee *divided;* Ayes 101, Noes 71; Majority 30.

Committee report Progress; to sit again *To-morrow.*

Inland Revenue Bill [Bill 97]—

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Chancellor of the Exchequer.*) 1365

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Ayrton.*)

Question proposed, "That the word 'now' stand part of the Question."

Debate arising, Motion made, and Question, "That the Debate be now adjourned,"—put, and *negatived.*

Question again proposed, "That the word 'now' stand part of the Question."

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to:*—Bill read 2°, and *committed* for *Monday* next.

Stock Certificates to Bearer Bill [Bill 100]—

Order read, for resuming Adjourned Debate on Question [4th May], "That the Bill be now taken into Consideration." 1367

Question again proposed:—Debate *resumed.*

Bill *considered:*—

Clause 4 (Restriction as to Trustees taking Certificates of Title)—Amendment proposed, in page 2, line 8, to leave out the words "unless he is authorized so to do by the terms of his trust."—(*Mr. Hunt.*)

STOCK CERTIFICATES TO BEARER BILL—Consideration—*continued.*

After short Debate, Question, "That the words proposed to be left out stand part of the Bill,"—put, and *agreed to.*

Other Amendments made.

Bill to be read 3° on *Monday* next, and to be *printed.* [Bill 114.]

Sheep and Cattle (Scotland) Bill—

On Motion of *Sir Michael Shaw Stewart,* Bill to render Owners of Dogs in Scotland liable for injuries to Sheep and Cattle, *ordered* to be brought in by Sir Michael Shaw Stewart, Mr. Dunlop, and Mr. Henry Bailie.*

Thames Embankment (South Side) Bill—

Select Committee on the Thames Embankment (South Side) Bill *nominated* * :—

Mr. Cowper, Lord John Manners, Mr. Doulton, Mr. Cox, Mr. William Cubitt, Viscount Holmesdale, and five Members to be nominated by the Committee of Selection :—Power to send for persons, papers, and records ; Five to be the quorum.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present, House adjourned.

LORDS, FRIDAY, MAY 8.

MINUTES.]—PUBLIC BILLS—*First Reading* —Savings Banks Monies * (No. 97) ; Jurors' Remuneration * (No. 98).

Committee—Augmentation of Benefices (No. 92) ; Cayman Islands * (No. 88).

Report—Cayman Islands * (No. 88).

3rd Readg.—Exchequer Bonds (£1,000,000) * ; Consolidated Fund (£20,000,000)*, and *passed.*

POLAND—Petitions on behalf of the Poles, *presented* by *The Marquess of Normanby* and *The Earl of Shaftesbury* :—Long Debate thereon .. 1369

Augmentation of Benefices Bill (No. 92)—

On Motion of *The Lord Chancellor,* House in Committtee : Amendments made : The Report thereof to be received on Monday next, and Bill to be *printed,* as amended. (No. 99.) 1394

COMMONS, FRIDAY, MAY 8.

MINUTES.]—NEW WRIT ISSUED—For Tralee, *v.* Daniel O'Connell, Esquire, Manor of Northstead.

SUPPLY—*considered in Committee**—R.P.

PUBLIC BILLS — *First Reading* — Sheep and Cattle (Scotland) * [Bill 115] ; Court of Session (Scotland) * [Bill 116] ; Salmon Fisheries (Scotland) Act Continuance * [Bill 117].

Second Reading — Offences (South Africa) (*Lords*) * [Bill 113] ; New Zealand Boundaries (*Lords*) * [Bill 112] ; Poor Removal (No. 1) [Sir Hervey Bruce], *negatived.*

Considered as amended—Security from Violence * [Bill 111].

Withdrawn—Municipal Elections (No. 2) * [Bill 83.]

TURKEY—APPLICATION OF THE LOAN OF 1862—Question, Mr. Darby Griffith; Answer, Mr. Layard 1395

CLUB LICENCES—Question, Mr. Lygon; Answer, The Chancellor of the Exchequer 1395

IRISH CENSUS RETURNS—Question, Captain Stacpoole; Answer, Sir Robert Peel 1396

POLAND—Question, Mr. Horsman; Answer, Mr. Layard 1396

REGISTRATION OF ASSURANCES (IRELAND) BILL—Question, Mr. Bernal Osborne ; Answer, Sir Robert Peel 1397

SUPPLY—Order for Committee read ; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

COMMERCE WITH NAPLES—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copy of any further papers respecting the state of Southern Italy,"—(*Mr. Hennessy,*)—instead thereof.

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SUPPLY—Amendment on Motion for Committee—*continued.*

Question proposed, "That the words proposed to be left out stand part of the Question." 1397

After Long Debate, Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to*:—

SUPPLY *considered* in Committee:—
Committee report Progress; to sit again on *Monday* next.

Poor Removal Bill [Sir Hervey Bruce]—[Bill 86]—
Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir Hervey Bruce.*) 1499
Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Dunlop*)
Question put, "That the word 'now' stand part of the Question:"—The House *divided;* Ayes 9, Noes 58; Majority 49:—Words *added.*
Main Question, as amended, put, and *agreed to*:—Bill *put off* for six months.

Sheep and Cattle (Scotland) Bill—
Bill to render Owners of Dogs in Scotland liable for injuries to Sheep and Cattle, *presented,* and read 1°*. [Bill 115.]

Court of Session (Scotland) Bill—
On Motion of *The Lord Advocate,* Bill to consolidate and amend the Laws relating to Procedure in the Court of Session in Scotland, and in Appeals to the House of Lords, *ordered* to be brought in by The Lord Advocate and Sir George Grey:—Bill *presented,* and read 1°*. [Bill 116.]

Salmon Fisheries (Scotland) Act Continuance Bill—
On Motion of *The Lord Advocate,* Bill to continue the powers of the Commissioners under the Salmon Fisheries (Scotland) Act until the first day of January one thousand eight hundred and sixty-five, *ordered* to be brought in by The Lord Advocate and Sir George Grey:—Bill *presented,* and read 1°*. [Bill 117.]

LORDS, MONDAY, MAY 11.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Elections during Recess* (No. 84); Marriages, &c. (Ireland)* (No. 93).
Report—Corrupt Practices at Elections* (No. 94); London, &c. Dioceses* (No. 95); Augmentation of Benefices* (No. 99).
Third Reading—Hares (Ireland)* (No. 52), and *passed.*
Royal Assent—Exchequer Bonds (£1,000,000) [26 & 27 *Vict.*, c. 16]; Local Government Act (1858) Amendment [26 & 27 *Vict.*, c. 17]; Inclosure [26 & 27 *Vict.*, c. 18]; Consolidated Fund (£20,000,000) [26 & 27 *Vict.*, c. 15].

ITALY—CASE OF MR. BISHOP—Petition, Observations, The Marquess of Normanby 1501
Reply, Earl Russell:—Long Debate thereon 1517

COMMONS, MONDAY, MAY 11.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Church Building and New Parishes Act Amendment [Bill 82], and *committed* to Select Committee; Sale of Mill Sites, &c. (Ireland)* [Bill 105]; Drainage and Improvement of Land (Ireland) [Bill 106]; Poor Removal (No. 2) [Mr. Herbert] [Bill 96].
Referred to Select Committee—Church Buildings and New Parishes Act Amendment [Bill 82]. (*List of the Committee.*)
Select Committee nominated — Partnership Law Amendment* [Bill 26].
Committee—Prison Ministers [Bill 24]; Customs and Inland Revenue [Bill 91] (*on Re-Committal*); Inland Revenue [Bill 97]; Marriages Registration (Ireland)* [Mr. Monsell] [Bill 39].

DIVISION OF THE NORTHERN CIRCUIT—Question, Mr. Hadfield; Answer, The Attorney General 1525

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BOMBARDMENT OF BELGRADE—Question, Mr. Darby Griffith; Answer, Mr. Layard 1525

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GREECE—THRONE OF GREECE—Question, Mr. Baillie Cochrane; Answer, Viscount Palmerston 1526

THE VOLUNTEER FORCE—Question, Sir William Scott; Answer, The Marquess of Hartington 1526

GUNPOWDER IN EDINBURGH CASTLE—Question, Mr. Black; Answer, The Marquess of Hartington 1526

Prison Ministers Bill [Bill 24]—

Bill *considered* in Committee (*Progress May 7th*):— 1527

(In the Committee.)

Clause 3 (Additional Ministers in Prisons, and Regulation as to admission of Minister)—Amendment proposed, in page 2, line 12, to leave out from the words "such sum," to the word "expenses," in line 15, inclusive 1528

After Debate, Question put, "That the words proposed to be left out stand part of the Clause:"—The Committee *divided;* Ayes 192, Noes 126; Majority 66.

Division List—Ayes and Noes. 1537

Another Amendment proposed, to insert in the clause, after "think fit," the words "with the consent of the boards of guardians of any county wherein the said gaols, prisons and houses of correction are situated:"—(*Sir Lawrence Palk:*)—After short Debate, Amendment *negatived.* 1540

Another Amendment proposed, to add to the clause the following proviso:—"That when the justices or other authorities of any borough or separate jurisdiction commit persons to a county prison, any expenses incurred under this Act shall be paid by the treasurers of such boroughs or separate jurisdictions in proportion to the population of such places and the county:"—(*Sir Baldwin Leighton:*)—Amendment put, and *negatived.* 1541

Question put, "That Clause 3, as amended, stand part of the Bill:"—The Committee *divided;* Ayes 166, Noes 71; Majority 95.

Clause *agreed to.*

Clause 4 *agreed to.*

Clause 5 (Qualified Repeal of portion of 4 *Geo.* 4, c. 64, s. 30)—Amendment (*Mr. Hibbert*) *agreed to.* 1542

After Debate, an Amendment made to insert the words "any Prisoner belonging to any Church or Religious Persuasion."—(*Sir George Grey.*) 1543

Clause, as amended, *agreed to.*

New Clause (*Sir Morton Peto*) moved; and, after short Debate, *negatived.*

Preamble, after short Debate, *agreed to.*

Bill *reported;* as amended, to be considered on *Thursday.*

Customs and Inland Revenue Bill [Bill 91]—

Bill *considered* in Committee (on Re-Committal):— 1545

(In the Committee.)

Clause 2 (Provisions of former Acts to apply to this Act)—An Amendment moved (*Mr. Blackburn*); and, after short Debate, *withdrawn*... 1546

After Debate, Clause *agreed to.*

New Clause—"On and after the passing of this Act so much of section 130 of the Act passed in the fifth and sixth years of the reign of Her present Majesty, chap. 35, intituled 'An Act for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices until the 6th day of April 1845,' as relates to persons assessed to the income tax under £150 per year shall be and the same is hereby repealed; and every person so assessed or charged shall, if he think fit, appeal to the Commissioners for special purposes, upon giving notice thereof in writing to the inspector or surveyor within the time limited for notices of appeal, and thereupon every such appeal shall be heard and determined by two or more of the Commissioners for special purposes."—(*Lord Robert Cecil.*) 1548

After Debate, Clause *withdrawn.*

Bill *reported,* without Amendment; to be read 3° *To-morrow.*

Inland Revenue Bill [Bill 97]—

Bill *considered* in Committee:— 1555

(In the Committee.)

Clause 1 (Clubs to be licensed for the selling of excisable Liquors to their Members) *struck out.*

Clauses 2 to 8 were *agreed to.*

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INLAND REVENUE BILL—Committee—*continued.*

Clause 9 (Lower Rates of Duty on Stage Carriages licensed to carry not more than Eight Persons)—Amendment proposed, in page 4, line 26, to leave out the words "one halfpenny," and insert the words "one farthing."—(*Mr. Ayrton.*) 1556
After long Debate, Question put, "That the words 'one halfpenny' stand part of the Clause:"—The Committee *divided;* Ayes 81, Noes 35; Majority 46.
Clause *agreed to.*
Clauses 10 to 20 *agreed to.*
Clause 21 (In certain cases Excisable Liquors may be sold under a Publican's occasional Licence after Sunset)—After Debate, Clause *agreed to.* 1569
Remaining Clauses *agreed to.*

Bill *reported;* as amended, to be considered on *Monday* next.

Assurances Registration (Ireland) Bill [Bill 46]—
Order for Committee read:—On Motion of *Mr. Solicitor General,* after short Debate, Order *discharged:*—Bill *withdrawn.* 1571

Church Building and New Parishes Acts Amendment Bill [Bill 82]—
Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Solicitor General.*) 1573
After short Debate, Motion *agreed to:*—Bill read 2°; and, after further short Debate, *committed* to a Select Committee.
And on May 13 Select Committee *nominated:*—
Mr. Solicitor General, Mr. Cardwell, Lord John Manners, Mr. Walpole, Mr. Puller, Mr. Henry Seymour, Mr. Gathorne Hardy, Sir William Heathcote, Mr. Walter, Mr. Remington Mills, Mr. Mowbray, Mr. Locke, Mr. Hunt, Mr. Francis Sharpe Powell, and Mr. Serjeant Pigott:—Five to be the quorum.

Drainage and Improvement of Land (Ireland) Bill [Bill 106]—
On Motion of *Mr. Peel,* Bill, after short Debate, read 2°, and *committed* for *Monday* next. 1575

Poor Removal (No. 2) Bill [Mr. Herbert]—[Bill 96]—
On Motion of *Mr. Herbert,* Bill read 2°, and *committed* for *Monday* next. 1575

Partnership Law Amendment Bill—
Select Committee on the Partnership Law Amendment Bill [*appointed* March 25] *nominated* *:—
Mr. Scholefield, Mr. Thomas Baring, Mr. Buchanan, Mr. Cave, Mr. William Forster, Mr. George, Mr. Milner Gibson, Mr. George Grenfell Glyn, Mr. Kirkman Hodgson, Mr. Malins, Mr. Moffatt, Mr. Murray, Mr. Potter, Mr. Vance, and Mr. Weguelin:—Power to send for persons, papers, and records; Five to be the quorum.

LORDS, TUESDAY, MAY 12.

MINUTES.]—PUBLIC BILLS—*First Reading*—Stock Certificates to Bearer * (No. 100).
Committee—Elections during Recess * (No. 84).
Report—Elections during Recess * (No. 84).
Third Reading—Cayman Islands * (No. 88), and *passed;* London, &c. Dioceses * (No. 95).

THE VOLUNTEER FORCE—THE NEW REGULATIONS—Question, Viscount Hardinge; Answer, Earl De Grey and Ripon. 1576

London (City) Traffic Regulation Bill—
Moved, That the House do now go into Committee on the said Bill: (*Lord Chelmsford.*) 1577
After Debate, Motion *agreed to:* House in Committee; Amendment made: The Report thereof to be received on *Friday* next.

HARBOUR OF HOWTH—Motion for Copy of a Memorial: (*The Marquess of Clanricarde.*) 1579
Motion *agreed to:* Return ordered to be laid before the House.

COMMONS, TUESDAY, MAY 12.

MINUTES.] — SELECT COMMITTEE — Holyhead Harbour, *Debate resumed* — Select Committee *appointed* (*List of the Committee*).
PUBLIC BILLS—*Ordered*—Weights and Measures*.
First Reading—Leases and Sales of Settled Estates Act Amendment* [Bill 119].
Second Reading—Savings Banks Acts Amendment [Sir Henry Willoughby]* [Bill 80]; Pier and Harbour Orders Confirmation* [Bill 109].
Referred to Select Committee—Pier and Harbour Orders Confirmation, as to Orders 4 & 5*.
Third Reading — Customs and Inland Revenue* [Bill 91], and *passed*; Security from Violence [Bill 111], and passed.

THE CASE OF FLOGGING ON BOARD THE "MAJESTIC"—Question, Mr. Hadfield; Answer, Lord Clarence Paget 1580

EDUCATION—THE REVISED CODE—Question, Sir Stafford Northcote; Answer, Mr. Lowe 1582

BRIGANDAGE IN ITALY—Questions, Mr. Hennessy, Lord John Manners; Answer, Viscount Palmerston 1583

IONIAN ISLANDS—REMOVAL OF JUDGES—*Moved*,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to direct that there be laid before the House, Copy of Memorials presented by Sir George Marcoras and Sir Typaldo Xydras, on the 16th day of September 1862, to His Excellency Major General Sir Henry Storks, Her Majesty's Lord High Commissioner in the Ionian Islands."—(*Mr. Roebuck.*) 1586

After long Debate, Resolution amended, and *agreed to.*

Address for,

"Copy of Memorials presented by Sir George Marcoras and Sir Typaldo Xydras, on the 16th day of September 1862, to His Excellency Major General Sir Henry Storks, Her Majesty's Lord High Commissioner in the Ionian Islands, and Copies or Extracts of Correspondence relating thereto." [*Parl. P.* No. 329.]

EAST INDIA (WASTE LANDS)—Motion made, and Question proposed,

"That the occupation of Waste Lands in India by settlers, and the redemption of a portion of the Land Tax of India, are desirable objects, especially with a view to the present state of the Cotton industry in this Country; and that it is expedient that Her Majesty's Government take further steps to carry them out."—(*Mr. Henry Seymour.*) 1610

After long Debate, Motion, by leave, *withdrawn.*

MALTA NEW DOCK—Motion for Copy

"Of all Official Correspondence and Reports of the late Admiral Commander-in-Chief of the Mediterranean Station, and of the late Admiral Superintendent of Malta Dockyard, relating to the proposed New Dock at Malta; and all other Official Correspondence bearing on the subject."—(*Captain Talbot.*) 1659

After short Debate, *agreed to.*

HOLYHEAD HARBOUR—Order read, for resuming Adjourned Debate on Question [5th May],

"That a Select Committee be appointed to inquire into the state of Holyhead Harbour, with a view to ascertain the best method of affording safe and efficient accommodation for the Vessels engaged in the Irish Mail Service, and for the Passengers conveyed by them."

Question again proposed:—Debate *resumed.* 1660

After further Debate, Question put:—The House *divided;* Ayes 73, Noes 47; Majority 26.

Select Committee *appointed.*

And on June 1 Committee *nominated*, as follow:—

Colonel Dunne, Mr. Corry, Mr. Layard, Colonel Pennant, Colonel Vandeleur, Lord Naas, Mr. John Tollemache, Mr. Lefroy, Mr. Milner Gibson, Mr. Stansfeld, Mr. Herbert, Mr. Dalglish, Colonel French, Lord John Browne, and Lord Richard Grosvenor:—Power to send for persons, papers, and records; Five to be the quorum.

Security from Violence Bill [Bill 111]—

Motion made, and Question proposed, "That the Bill be now read the third time." 1661

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Grant Duff.*)

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SECURITY FROM VIOLENCE BILL—Third Reading—*continued.*

Question put, "That the word 'now' stand part of the Question:"—The House *divided;* Ayes 76, Noes 18; Majority 58.

Main Question put, and *agreed to*:—Bill read 3° and *passed.*

Weights and Measures Bill—

On Motion of *Mr. William Ewart,* Bill for decimalizing our existing system of Weights and Measures, and for establishing an accordance between them and those of Foreign Countries, *ordered* to be brought in by Mr. William Ewart, Mr. Adderley, Mr. Cobden, and Mr. Finlay.*

Leases and Sales of Settled Estates Act Amendment Bill—

On Motion of *Mr. Cox,* Bill to amend the Leases and Sales of Settled Estates Act, 1856, *ordered* to be brought in by Mr. Cox and Sir Morton Peto:—Bill *presented,* and read 1°.* [Bill 119.]

Pier and Harbour Orders Confirmation Bill—

Bill read 2°,* and *committed.*

Ordered, That the Bill, so far as it relates to the Confirmation of the Orders 4 and 5 in the Schedule thereto, for the construction of Piers at Llandudno and Rhyl, be referred to a Select Committee.

COMMONS, WEDNESDAY, MAY 13.

MINUTES.]—PUBLIC BILLS—*First Reading*—Weights and Measures* [Bill 120]; Poisoned Grain, &c. Prohibition* [Bill 121]; District Parochial Churches (Ireland)* [Bill 122]

Second Reading—Statute Labour Roads and Bridges (Scotland) [Bill 63]; Statute Labour Roads and Bridges (Scotland) Transfer [Bill 64]; Judgments &c. Law Amendment [Mr. Hadfield] [Bill 5], *negatived;* Accidents Compensation [Bill 103], *negatived.*

Select Committee nominated — On Church Building and New Parishes Acts Amendment Bill (*See May* 11, p. 1575).

Withdrawn — Poisoned Grain Prohibition [Bill 90].

Weights and Measures Bill—

Bill for decimalizing our existing System of Weights and Measures, and for establishing an accordance between them and those of Foreign Countries, *presented,* and read 1°*. [Bill 120.]

Statute Labour Roads and Bridges (Scotland Bill) [Bill 63]—

Moved, "That the Bill be now read a second time."—(*Sir John Ogilvie.*) .. 1665

After short Debate, Motion *agreed to*:—Bill read 2°, and *committed* for *Friday.*

Statute Labour Roads and Bridges (Scotland) Transfer Bill [Bill 64]—read 2°, and *committed* for *Friday.*

Judgments, &c. Law Amendment Bill [Mr. Hadfield]—[Bill 5]—

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Hadfield*) 1666

After Debate, Question put, "That the Bill be now read a second time:"—The House *divided;* Ayes 23, Noes 43; Majority 20.

Poisoned Grain Prohibition Bill [Bill 90]—

On Motion of *Mr. Paull,* Order of the Day for the Second Reading *discharged*:—Bill *withdrawn.*

Poisoned Grain, &c. Prohibition Bill—

Bill to Prohibit the Sale and Use of Poisoned Grain or Seed or Poisonous Preparations in certain cases, and the destruction of Birds not already protected by Law, *ordered* to be brought in by Mr. Paull, Mr. Sclater-Booth, and Mr. Walter:—Bill *presented,* and read 1°*. [Bill 121.]

Accidents Compensation Bill [Bill 103]—

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir James Fergusson.*) 1673

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Accidents Compensation Bill—Second Reading—*continued.*

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Longfield.*) 1677

After long Debate, Question put, "That the word 'now' stand part of the Question:"—The House *divided;* Ayes 70, Noes 90; Majority 20:—Words *added.*

Main Question, as amended, put, and *agreed to:*—Second Reading *put off* for six months.

Church Rates Redemption Bill [Bill 12]—

Motion made, and Question proposed, "That the Church Rates Redemption Bill be read a second time upon Wednesday the 10th day of June next."—(*Mr. Alcock.*) 1687

After Debate, on Question, the House *divided;* Ayes 25, Noes 39; Majority 14.

District Parochial Churches (Ireland) Bill—

On Motion of *Sir Hugh Cairns,* Bill to amend the Law relating to District Parochial Churches in Ireland, *ordered* to be brought in by Sir Hugh Cairns and Mr. Whiteside:—Bill *presented,* and read 1° *. [Bill 122.]

COMMONS, THURSDAY, MAY 14.

MINUTES.]—New Member Sworn—Edward O'Neill, esquire, *for* Antrim.

Public Bills—*First Reading*—Election Petitions* [Bill 124]; Costs Security* [Bill 126]; Port Erin Harbour (Isle of Man)* [Bill 123]; Execution of Decrees* [Bill 125].

Second Reading—Volunteers [Bill 108]; Salmon Fisheries (Scotland) Act Continuance* [Bill 117].

Committee — Thames Embankment (North Side) [Bill 94] (*on Re-Committal*); London Coal and Wine Duties Continuance [Bill 27]; Vaccination (Ireland) [Bill 70]; Sale of Mill Sites, &c. (Ireland)* [Bill 105]; English Church Services in Wales (*Lords*) [Bill 81] (*on Re-Committal*)—R.P.

Report—Thames Embankment (North Side) [Bill 94]; London Coal and Wine Duties Continuance [Bill 27]; Vaccination (Ireland) [Bill 70]; Sale of Mill Sites, &c. (Ireland)* [Bill 105].

Considered as amended — Prison Ministers [Bill 24].

Third Reading—Naval Medical Supplemental Fund Society Winding-up Act (1861) Amendment* [Bill 93], and *passed.*

Captain Sir William Wiseman—Question, Sir Frederic Smith; Answer, Lord Clarence Paget 1689

Wreck of the "Anglo-Saxon"—Question, Mr. Dawson; Answer, Mr. Milner Gibson 1689

Prison Ministers Bill [Bill 24]—

Bill, as amended, *considered:*— 1691

Clause 3 (Additional Ministers in Prisons and Regulation as to Admission of Minister)—Amendment proposed, in page 2, line 10, to leave out from the word "persuasion" to the end of the Clause.—(*Mr. Bentinck.*)

Question proposed, "That the words proposed to be left out stand part of the Question."

After short Debate, Amendment, by leave, *withdrawn:*—Clause *agreed to.*

Clause 4 (Keepers of Prison to Register Religion of Prisoners)—Amendment (*Mr. Henley*); *agreed to.* 1692

Bill to be read 3° on *Monday* next.

Volunteers Bill [Bill 108]—

Moved, "That the Bill be now read a second time."—(*Sir George Grey.*) .. 1693

After Debate, Bill read 2°, and *committed* for *Monday* next.

Thames Embankment (North Side) Bill [Bill 94]—

Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair." 1702

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the Bill be re-committed to the Select Committee, with Instruction to take into consideration certain Proposals made by the Corporation of the City of London to Her Majesty's First Commissioner of Works since the date of the Report of the Select Committee,"—(*Mr. Crawford,*)—instead thereof. 1702

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THAMES EMBANKMENT (NORTH SIDE) BILL—Motion for Committee—*continued.*

Question proposed, "That the words proposed to be left out stand part of the Question."

After Debate, Amendment, by leave, *withdrawn.*

Main Question, put, and *agreed to*:—Bill *considered* in Committee:— .. 1714

(In the Committee.)

Clause 1 (Board to make new Street)—An Amendment moved (*Mr. Cowper*); and, after short Debate, *withdrawn*:—Clause *agreed to.*

Clauses 2 to 7 *agreed to.*

Clause 8 (Power to make Subway.—Its Maintenance)—An Amendment moved (*Mr. Crawford*); and, after short Debate, *negatived*:—Clause *agreed to.* ... 1716

Clause 9 *agreed to.*

Clause 10 (Ground laid open into new Street to form Part thereof; Street to be under Commissioners of Sewers)—An Amendment moved (*Mr. Crawford*); and, after short Debate, *agreed to.* 1718

Another Amendment moved (*Mr. Crawford*); and, after short Debate, *withdrawn.*

Clause, as amended, *agreed to.*

Remaining Clauses *agreed to.*

Bill *reported*; as amended, to be considered *To-morrow.*

London Coal and Wine Duties Continuance Bill [Bill 27]—

Bill *considered* in Committee:— 1721

(In the Committee.)

Clause 1 *agreed to.*

Clause 2 (Fourpenny Coal Duty to be applied by Corporation of London to Holborn Hill Improvements)—An Amendment moved, to insert the words "Removal of Middle Row, Holborn."—(*Mr. Cox.*)

After short Debate, Amendment *negatived*:—Clause *agreed to.*

Bill *reported*, with Amendment; to be read 3° *To-morrow.*

Vaccination (Ireland) Bill [Bill 70]—

Bill *considered* in Committee:— 1724

(In the Committee.)

Clauses 1 to 7, inclusive, *agreed to.*

Clause 8 (Penalty for non-compliance with the Provisions of the Act, 20*s.*)—Amendment, that the penalty should not exceed 5*s.*—(*Mr. M'Mahon.*)

After Debate, Amendment, by leave, *withdrawn*, and penalty fixed at 10*s.*

Clause, as amended, *agreed to.*

Remaining Clauses and Schedules also *agreed to.*

Bill *reported*; as amended, to be considered *To-morrow.*

LISBURN ELECTION—Report of the General Committee of Elections *considered* 1724

Motion made, and Question proposed,

"That the Petition of William John Knox and Moses Bullick, complaining of an undue Election and Return for the Borough of Lisburn, do stand referred to the General Committee of Elections, the Document withdrawing such Petition not having constituted a withdrawal thereof, under the Election Petitions Act, 1848."—(*The Attorney General.*)

Amendment proposed, in line 4, to leave out the word "stand," and insert the word "remain."—(*Mr. Peacocke.*) 1728

Question proposed, "That the word proposed to be left out stand part of the Question."

After Debate, Amendment, by leave, *withdrawn.*

After further Debate, Main Question put, and *agreed to*:—

Ordered, That the Petition of William John Knox and Moses Bullick, complaining of an undue Election and Return for the Borough of Lisburn, do stand referred to the General Committee of Elections, the Document withdrawing such Petition not having constituted a withdrawal thereof, under the Elections Petitions Act, 1848.

English Church Services in Wales Bill (*Lords*) [Bill 81]—

Bill *considered* in Committee:— 1731

(In the Committee.)

Clause 1 (Bishop of Welsh Dioceses may licence Chapel for performance of Divine Service in English, and nominate Minister thereto)—Amendment, to insert the word "inhabitants," instead of "English residents;"—(*Mr. Puller*;)—*agreed to.* ... 1731

Amendment proposed, in page 1, line 15, after the word "inhabitants," to insert the words "of whom three shall be householders."—(*Mr. Hunt.*) 1732

Question put, "That those words be there inserted:"—The Committee *divided*; Ayes 31, Noes 45; Majority 14.

An Amendment (*Mr. H. A. Bruce*); *agreed to.*

English Church Services in Wales Bill—Committee—*continued.*

Amendment proposed, to omit, after the word "inhabitants," the words "or those who commonly use the English language:"—(*Mr. Puller:*)—Amendment *negatived.* ... 1732

Amendment proposed, in line 17, after "Wales," to insert "in which the ordinary parochial services are in the Welsh tongue:"—(*Mr. Lygon:*)—After short Debate, Amendment, by leave, *withdrawn.* 1733

Amendment proposed, in page 2, line 12, after the word "licence," to insert the words "on the nomination by the incumbent of the said parish, district, or place of a fit and proper person as minister to such chapel."—(*Colonel Pennant.*) ... 1734

Question put, "That those words be there inserted:"—The Committee *divided;* Ayes 32, Noes 31; Majority 1.

Committee report Progress; to sit again on *Wednesday* 10th June.

Election Petitions Bill—

On Motion of *Mr. Hunt,* Bill to amend the Law relating to Election Petitions, *ordered* to be brought in by Mr Hunt and Mr. Serjeant Pigott:—Bill *presented,* and read 1°*. [Bill 124.]

Costs Security Bill—

On Motion of *Mr. Butt,* Bill to amend the Law relating to the giving of Security for Costs by Plaintiffs residing out of the jurisdiction of the Courts, *ordered* to be brought in by Mr. Butt and Mr. Murray:—Bill *presented,* and read 1°*. [Bill 126.]

Port Erin Harbour (Isle of Man) Bill—

Port Erin Harbour (Isle of Man)—*considered* in Committee.

(In the Committee.)

*Resolved,** That the Chairman be directed to move the House, That Leave be given to bring in a Bill to authorize the taking of Harbour Dues at Port Erin, in the Isle of Man, in order to provide a fund for the Improvement of the Harbour; and for other purposes.

Resolution *reported:*—Bill *ordered* to be brought in by Mr. Milner Gibson and Mr. Hutt:—Bill *presented,* and read 1°. [Bill 123.]

Execution of Decrees Bill—

On Motion of *Mr. Butt,* Bill to make better provision for the enforcement throughout England and Ireland of the Decrees and Orders of the Courts of Chancery, Probate, and Divorce, *ordered* to be brought in by Mr. Butt, Mr. Longfield, and Mr. Murray:—Bill *presented,* and read 1°*. [Bill 125.]

LORDS, FRIDAY, MAY 15.

MINUTES.]—Public Bills—*First Reading*—Naval Medical Supplemental Fund Society Winding-up Act, 1861, Amendment* (No. 102); Security from Violence* (No. 103).
Second Reading—Duchy of Cornwall Management (No. 90); Telegraphs (No. 80); Redemption of Rents (Ireland) [H.L.]* (No. 29).
Third Reading—Corrupt Practices at Elections* (No. 94); Elections during Recess* (No. 84); Augmentation of Benefices [H.L.] (No. 99).

Ludgate Station and Junction Railways Bill [H.L.]—The Proposed Viaduct Across Ludgate Hill—Petitions *presented* by The Bishop of London and Lord Chelmsford:—Debate thereon 1735

Duchy of Cornwall Management Bill [H.L.] (No. 90)—

On Motion of *The Duke of Newcastle,* Bill read 2ª, and *committed* to a Committee of the Whole House on *Monday* next.

Holstein and Schleswig—Question, The Earl of Ellenborough; Answer, Earl Russell:—Long Debate thereon 1738

Telegraphs Bill (No. 83)—

On Motion of *Lord Stanley of Alderley,* Bill, after Debate, read 2ª, and *committed* to a Committee of the Whole House on *Monday* the 1*st of June* next 1765

Augmentation of Benefices Bill [H.L.] (No. 99)—

The Queen's Consent signified.

On Motion of *The Lord Chancellor,* Bill, after short Debate, read 3ª; Amendments made; Bill *passed,* and sent to the Commons. .. 1765

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Illegitimate Children (Ireland) Bill (No. 83)—
Commons' Reasons for disagreeing to certain of the Amendments made by the Lords, *considered* (according to Order): Then it was *moved*, not to insist on the Amendments to which the Commons have disagreed; on Question, Whether to insist? *Resolved* in the *Negative;* and a Message sent to the Commons to acquaint them therewith.*

Dublin Metropolitan Railway Bill [h.l.]—
Moved, That the Evidence taken before the Select Committee on this Bill be *printed:* (*Lord Talbot de Malahide.*) 1766
After short Debate, on Question, *Resolved* in the *Negative.*

COMMONS, FRIDAY, MAY 15.

MINUTES.] — Supply *considered* in Committee *—Committee r. p.
Public Bills—*Ordered*—Fisheries (Ireland)*.
First Reading — Vice-Admiralty Courts (*Lords*)* [Bill 129]; Dockyards Protection Act Amendment (*Lords*)* [Bill 130].
Committee — Statute Labour Roads and Bridges (Scotland)* [Bill 63]; Statute Labour Roads and Bridges (Scotland) Transfer* [Bill 64].
Report—Statute Labour Roads and Bridges (Scotland)*, and Statute Labour Roads and Bridges (Scotland) Transfer*; and *re-committed* [Bills 127 and 128].
Considered as amended—Thames Embankment (North Side)* [Bill 94]; Vaccination (Ireland)* [Bill 70].
Third Reading—London Coal and Wine Duties Continuance* [Bill 27], and *passed;* Sale of Mill Sites, &c. (Ireland)* [Bill 105], and *passed.*

Report on the River Shannon—Question, Colonel French; Answer, Mr. Peel 1768

The "Chalmers Target"—Question, Mr. Aspinall Turner; Answer, Lord Clarence Paget 1768

The Case of Mr. Harvey—Question, Mr. Newdegate; Answer, Sir Charles Wood 1769

Compulsory Labour in Egypt—Question, Mr. Darby Griffith; Answer, Viscount Palmerston 1770

The Bourbon-Neapolitan Committee in Rome—Question, Sir George Bowyer; Answer, Viscount Palmerston 1770

The Mail-Packet Services—Questions, Mr. Dunlop, Sir Stafford Northcote; Answers, Mr. Peel 1772

Charitable Bequests in Ireland—Question, Mr. Blake; Answer, The Chancellor of the Exchequer 1773

Alleged Outrage in Circassia—Question, Viscount Raynham; Answer, Viscount Palmerston 1773

The Whitsuntide Holidays—Observations, Viscount Palmerston .. 1774

The Traffic in Diseased Meat—Question, Viscount Raynham; Answer, Mr. Lowe 1774

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

Regimental Quartermasters—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copy of Correspondence relating to the condition of the Regimental Quarter Masters of the Army,"—(*Sir Frederic Smith,*)—instead thereof. 1774

Question proposed, "That the words proposed to be left out stand part of the Question." 1779

After Debate, Amendment, by leave, *withdrawn.*

China—Relations with China—Another Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copy of a Letter, dated the 24th day of March 1863, and addressed to the Secretary of State for Foreign Affairs, by Colonel Sykes, M.P., together with a Translation of Copy of the Taeping Customs Tariff accompanying the said letter; Copies of

SUPPLY—Motion for Committee—*continued.*

all instructions given to Captain Dew, of Her Majesty's Ship 'Encounter,' by Admirals Hope and Kuper; Copies of all Communications received from or addressed to Admiral Kuper by the Board of Admiralty relative to Naval operations in China; Copies of all Communications between Sir Frederick Bruce and the Chinese Government at Pekin relative to the Foreign Settlement at Ningpo; and, Copies of all further Correspondence relating to China, in continuation of Papers presented in 1863,"—(*Mr. Liddell,*)—instead thereof ... 1783

After Debate, Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question put, "That Mr. Speaker do now leave the Chair:"—After Debate, Question *agreed to.* 1799

Supply *considered* in Committee:—

Committee report Progress; to sit again on *Monday* next.

Fisheries (Ireland) Bill—

On Motion of *Sir Robert Peel,* Bill to amend the Laws relating to Fisheries in Ireland, *ordered* to be brought in by Sir Robert Peel and Mr. Bruce.*

Pier and Harbours Orders Confirmation Bill—

*Ordered,** That the Select Committee on the Pier and Harbour Orders Confirmation Bill, so far as it relates to the Piers at Llandudno and Rhyl, be appointed by the Committee of Selection, in the same manner as in the case of a Private Bill.—(*Mr. Milner Gibson.*)

LORDS, MONDAY, MAY 18.

MINUTES.]—*Sat First in Parliament*—The Duke of Grafton, after the death of his Father.

Public Bills—*First Reading*—London Coal and Wine Duties Continuance * (No. 104); Sale of Mill Sites, &c. (Ireland)* (No. 105.)

Committee—Duchy of Cornwall Management* (No. 90); Marriages, &c. (Ireland)* (No. 93.)

Report—Duchy of Cornwall Management * (No. 106), and *re-committed.*

Dublin Metropolitan Railway Bill—

Moved, That the Bill be now read 3ª 1804

Amendment *moved,* to leave out ("now") and insert ("this Day Six Months"): (*The Earl of Clancarty.*) 1804

After long Debate, on Question, That ("now") stand Part of the Motion? their Lordships *divided;* Contents 65, Not-Contents 11; Majority 54.

Resolved in the *Affirmative;* Bill read 3ª accordingly, and *passed,* and sent to the Commons.

Division List—Contents and Not-Contents 1816

Metropolitan Railways—Question, Lord Stratheden; Answer, Earl Granville 1817

United States—Proceedings of the Prize Courts—

Motion for Copies of any Reports from our Consular or Diplomatic Agents in North America of the Decisions or Proceedings of the Prize Courts of the United States: (*The Marquess of Clanricarde.*) 1818

After long Debate, Motion (by leave of the House) *withdrawn.*

COMMONS, MONDAY, MAY 18.

MINUTES.]—Supply—*considered* in Committee—Civil Service Estimates—Post Office Packet Service.

Public Bills—*Second Reading*—Vice Admiralty Courts (*Lords*) * [Bill 129].

Committee—New Zealand Boundaries (*Lords*)* [Bill 112]; Land Drainage (Provisional Orders)* [Bill 85]; Salmon Fisheries (Scotland) Act Continuance * [Bill 117]; Offences (South Africa) (*Lords*) [Bill 113].

Report—New Zealand Boundaries (*Lords*) * [Bill 112]; Land Drainage (Provisional Orders)* [Bill 85]; Salmon Fisheries (Scotland) Act Continuance* [Bill 117]; Offences (South Africa) [Bill 113].

Third Reading—Prison Ministers [Bill 24], and *passed;* Thames Embankment (North Side)* [Bill 94], and *passed;* Vaccination (Ireland)* [Bill 70], and *passed.*

The Cotton Districts—Question, Mr. Ferrand; Answer, Mr. C. P. Villiers .. 1835

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THE AUDITOR OF THE PRIZE ACCOUNTS—Question, Mr. Liddell; Answer, Lord Clarence Paget 1836

RELATIONS WITH BRAZIL—Question, Mr. Pollard-Urquhart; Answer, Mr. Layard .. .. : 1837

MODEL SCHOOLS IN IRELAND—Question, Mr. O'Reilly; Answer, Sir R. Peel.. 1837

THE SCOTCH UNIVERSITIES—ARMY COMMISSIONS — Question, Mr. Dalglish; Answer, The Marquess of Hartington 1838

VOLUNTEERS BILL — Question, Mr. Humberston; Answer, The Marquess of Hartington 1838

THE CASE OF MR. JAMES—Question, Mr. Roebuck; Answer, Mr. C. Fortescue 1838

THE NEW COURTS OF JUSTICE — Question, Mr. Arthur Mills; Answer, Sir George Grey 1838

MAIL SERVICE BETWEEN DOVER AND CALAIS—Question, Sir Stafford Northcote; Answer, Lord Clarence Paget 1839

THE GLASGOW MURDER—CASE OF JESSIE MACLACHLAN—Question, Mr. Blackburn; Answer, Sir George Grey 1839

THE DEAD MEAT MARKET IN THE CITY—Question, Sir Morton Peto; Answer, Sir George Grey 1840

MR. ODO RUSSELL AND THE PAPAL GOVERNMENT—Question, Lord John Manners; Answer, Viscount Palmerston; Explanation, Mr. Layard .. 1840

Prison Ministers Bill [Bill 24]—

Motion made, and Question proposed, "That the Bill be now read the third time."—(*Sir George Grey.*) 1842

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Black.*)

After Debate, Question put, "That the word 'now' stand part of the Question:"—The House *divided;* Ayes 196, Noes 167; Majority 29.

Main Question put, and *agreed to:*—Bill read 3°, and *passed.*

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

THE CONVICT STUART FARQUHARSON—Question, Colonel North; Answer, Sir George Grey 1849

MALTA EXTRADITION ORDINANCE—Question, Sir George Bowyer; Answer, Mr. Chichester Fortescue 1850

Motion *agreed to:*—

SUPPLY *considered* in Committee—CIVIL SERVICE ESTIMATES—PACKET SERVICE:—

(In the Committee.)

Motion made, and Question proposed,

"That a sum, not exceeding £250,000, be granted to Her Majesty, on account, towards defraying the Charge of the Post Office Packet Service, which will come in course of payment during the year ending on the 31st day of March 1864, which sum includes provision for payments to Mr. Joseph George Churchward, for the conveyance of Mails between Dover and Calais and Dover and Ostend, from the 1st day of April 1863, to the 20th day of June 1863, but no part of which sum is to be applicable or applied in or towards making any payment in respect of the period subsequent to the 20th day of June 1863, to the said Mr. Joseph George Churchward, or to any person claiming through or under him by virtue of a certain Contract, bearing date the 26th day of April 1859, made between the Lords Commissioners of Her Majesty's Admiralty (for and on behalf of Her Majesty) of the first part, and the said Joseph George Churchward of the second part, or in or towards the satisfaction of any claim whatsoever of the said Joseph George Churchward, by virtue of that Contract, so far as relates to any period subsequent to the 20th day of June 1863."—(*Mr Peel.*) 1855

Amendment proposed, to leave out all the words after the words "March 1864," to the end of the Question.—(*Sir Stafford Northcote.*) .. 1864

Question proposed, "That the words proposed to be left out stand part of the proposed Resolution."

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SUPPLY—Packet Service—*continued.*

After long Debate, Question put:—The Committee *divided;* Ayes 176, Noes 168; Majority 8.

Original Question put, and *agreed to.*

Division List—Ayes and Noes 1919

Resolution to be reported on *Thursday* 28th May:—Committee to sit again on *Thursday* 28th May.

Offences (South Africa) Bill (*Lords*) [Bill 113]—

Bill *considered* in Committee, and *reported,* without Amendment; to be read 3° *To-morrow.* 1922

Admiralty Court (Ireland) Bill [Bill 45]—

Order for Committee read 1923

House *counted out.*

LORDS, TUESDAY, MAY 19.

MINUTES.]—PUBLIC BILLS—*First Reading*—Vaccination (Ireland)* (No. 108); Prison Ministers* (No. 109).

Second Reading—Acts of Uniformity Amendment [H.L.] (No. 1); Stock Certificates to Bearer * (No. 100); Customs and Inland Revenue * (No. 101).

Committee—Redemption of Rents (Ireland) [H.L.] (No. 29).

Report—Redemption of Rents (Ireland) [H. L.] (No. 110).

Third Reading—Marriages, &c. (Ireland) * (No. 93), and *passed.*

AUGMENTATION OF BENEFICES BILL—Observations, Lord Brougham .. 1923

Acts of Uniformity Amendment Bill [H.L.] (No. 1)—

Moved, That the Bill be now read 2ª: (*Lord Ebury.*) 1924

Amendment *moved,* to leave out ("now") and insert ("this Day Six Months:") (*The Archbishop of Canterbury.*) 1932

After long Debate, on Question, That ("now") stand part of the Motion? their Lordships *divided;* Contents 50, Not-Contents 90; Majority 40.

Resolved in the *Negative;* and Bill to be read 2ª on *this Day Six Months.*

Division List—Contents and Not-Contents 1945

Redemption of Rents (Ireland) Bill [H.L.] (No. 29)—

Moved, "That the House do now go into Committee on the said Bill:" (*The Earl of Donoughmore.*) 1946

After short Debate, Motion *agreed to;* House in Committee; Bill *reported,* without Amendment; Amendments made; and Bill to be *printed,* as amended. (No. 110.)

COMMONS, TUESDAY, MAY 19.

MINUTES.]—SELECT COMMITTEE—Religious Endowments (Ireland) *moved—Debate adjourned.*

Report—on Public Accounts—*First Report* [No. 286].

PUBLIC BILLS—*Ordered*—African Slave Trade Treaty *.

First Reading — Cayman Islands (*Lords*)* [Bill 132]; London, &c. Dioceses (*Lords*) * [Bill 133]; Augmentation of Benefices (*Lords*)* [Bill 134]; Alkali Works Regulation (*Lords*)* [Bill 135]; Civil Bill Courts (Ireland) * [Bill 138]; Vaccination (Scotland)* [Bill 139]; Poor Removal (No. 3)* [Bill 140]; Fisheries (Ireland)* [Bill 137].

Second Reading—District Parochial Churches (Ireland) * [Bill 122]; Harwich Harbour * [Bill 101].

Third Reading—Salmon Fisheries (Scotland) Act Continuance * [Bill 117], and *passed.*

BRITISH INVESTMENTS IN PORTUGAL—Question, Mr. Ayrton; Answer, Mr. Layard 1947

OUTRAGE AT NEWTONGORE, IRELAND—Question, Mr. W. O. Gore; Answer, Sir Robert Peel 1948

CASE OF CAPTAIN MELVILLE WHITE—Question, Colonel French; Answer, Mr. Layard 1949

THE INTERNATIONAL EXHIBITION BUILDING—Question, Sir Harry Verney; Answer, The Chancellor of the Exchequer 1949

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Small Pox in the Metropolis—Question, General Buckley; Answer, Mr. C. P. Villiers .. 1950

The Church in Jamaica—Question, Mr. Adderley; Answer, Mr. Chichester Fortescue .. 1950

The China Vote of Credit—Question, Sir Stafford Northcote; Answer, The Chancellor of the Exchequer .. 1951

British Officers in China—Question, Lord Naas; Answer, Sir George Grey .. 1951

The British Vice Consul at Mobile—Questions, Mr. Warner, Sir James Fergusson; Answers, Mr. Layard .. 1952

Turkey—Lord Hobart's Report—Question, Mr. Darby Griffith; Answer, Mr. Layard .. 1953

The Whitsuntide Recess—Adjournment of the House—Motion, "That this House, at its rising, do adjourn until *Thursday* 28th May."—(*Viscount Palmerston.*)

Poland—Conduct of Prussia—Question, Mr. Hennessy; Answer, Viscount Palmerston:—Short Debate thereon .. 1954

Foreign Affairs—Position of this House in Relation to our Foreign Affairs—Observations, Mr. Peacocke; Answer, Mr. Layard:—Debate thereon .. 1958

Naval Courts of Inquiry—Question, Captain Jervis; Answer, Lord Clarence Paget:—Debate thereon .. 1969

Meeting of Irish Members—Question, Mr. Esmonde; Answer, Sir Robert Peel:—Debate thereon .. 1984

United States—Federal Interference with Neutral Trade—Observations, Lord Adolphus Vane Tempest .. 1987

Motion *agreed to*:—House at rising to adjourn till *Thursday* 28th May.

Religious Endowments (Ireland)—Motion made, and Question proposed,

"That a Select Committee be appointed to inquire how far the present distribution of endowments for religious purposes throughout Ireland may be so amended as most to conduce to the welfare of all classes of Her Majesty's Irish subjects; to search the Journals of this House for any Resolutions passed since the Act of the 39 & 40 *Geo.* III., c. 67, having reference to the application of any surplus revenue arising from Ecclesiastical Endowments in Ireland; and to report how far such Resolution or Resolutions appear to have been subsequently carried into effect."—(*Mr. Dillwyn.*) ... 1988

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying that She will be graciously pleased to appoint a Royal Commission to inquire into—

1. The territorial arrangement of existing Benefices, whether consisting of single parishes or unions of parishes, and upon impropriate parishes; as to their extent, contiguity of the parts, position of churches, and means of internal communication; and upon the provision of the cure of souls; and on the amount of population and number of Protestants in each Benefice:
2. On the erection of new parishes where required, by formation or dissolution of unions, or by divisions of parishes, or exchange of portions of parishes or unions, having regard to amount of ministerial work, and the circumstances of surrounding parishes:
3. On the districts which it might be desirable to serve provisionally by Stipendiary Curates:
4. On the incomes of Benefices in Ireland, and on parts of Benefices, so far as might be necessary fairly to adjust the incomes of parishes proposed to be erected:
5. On the incomes of parishes or districts proposed to be served provisionally by Stipendiary Curates:
6. On poor Benefices which need to be augmented:
7. On the liability of appropriators and impropriators, and the provision and payments made by them for the cure of souls:
8. On the revision and amendment of the Law which would be required to give effect to their recommendations,"—(*Mr. Henry Seymour,*)—instead thereof. ... 1999

Question proposed, "That the words proposed to be left out stand part of the Question."

After long Debate, Debate adjourned till *Thursday* 28th May.

Civil Bill Courts (Ireland) Bill—

On Motion of *Sir Robert Peel,* Bill to amend the Procedure in the Civil Bill Courts in Ireland, *ordered* to be brought in by Sir Robert Peel and Mr. Attorney General :—Bill *presented,* and read 1° *. [Bill 138.]

Vaccination (Scotland) Bill—

On Motion of *The Lord Advocate,* Bill to extend and make compulsory the practice of Vaccination in Scotland, *ordered* to be brought in by The Lord Advocate and Sir William Dunbar:—Bill *presented,* and read 1° *. [Bill 139.]

African Slave Trade Treaty Bill—

On Motion of *Viscount Palmerston,* Bill to carry into effect an Additional Article to the Treaty of the seventh day of April one thousand eight hundred and sixty-two, between Her Majesty and the United States of America, for the suppression of the African Slave Trade, *ordered* to be brought in by Viscount Palmerston and Mr. Layard.*

Poor Removal (No. 3) Bill—

On Motion of *Mr. Villiers,* Bill for the further amendment of the Law relating to the removal of Poor Persons, natives of Ireland, from England, *ordered* to be brought in by Mr. Villiers and Mr. Bruce:—Bill *presented,* and read 1° *. [Bill 140.]

Fisheries (Ireland) Bill—

Bill to amend the Laws relating to Fisheries in Ireland, *presented,* and read 1°.* [Bill 137.]

LORDS, THURSDAY, MAY 21.

MINUTES.]—Public Bills—*First Reading* —Salmon Fisheries (Scotland) Act Continuance* (No. 112).

Second Reading—Savings Banks Monies*(No. 97).

Committee — Stock Certificates to Bearer* (No. 100); Customs and Inland Revenue* (No. 101).

Report—Stock Certificates to Bearer* (No. 100); Customs and Inland Revenue* (No. 101).

Their Lordships met, and having gone through the business on the Paper without Debate, House adjourned.

COMMONS, THURSDAY, MAY 28.

MINUTES.]—New Member Sworn—Right hon. Thomas O'Hagan, *for* Tralee.

New Writs Issued—*for* London, *v.* Western Wood, esquire, deceased; *for* Kinsale, *v.* Sir John Arnott, Manor of Hempholme; *for* New Ross, *v.* Charles Tottenham, esquire, Chiltern Hundreds.

Supply—Resolution (May 18) *reported.*

Ways and Means—*considered* in Committee.

Public Bills—*First Reading*—Royal Naval Reserve* [Bill 142]; Passengers Act Amendment* [Bill 143].

Second Reading-Execution of Decrees* [Bill 125].

Select Committee — Harwich Harbour [Bill 101], *referred* to a Select Committee*; Land Drainage (Provisional Orders) [Bill 85], *referred* to a Select Committee*.

Committee—Drainage and Improvement of Land (Ireland) [Bill 106]; District Parochial Churches (Ireland)* [Bill 122]; Admiralty Courts (Ireland) [Bill 45].

Report—Drainage and Improvement of Land (Ireland) [Bill 106]; District Parochial Churches (Ireland)* [Bill 122]; Admiralty Courts (Ireland) [Bill 141].

Prosecution of the Rev. Patrick Lavelle — Question, Mr. Hennessy; Answer, Mr. O'Hagan 2022

The Patriotic Fund—Question, Mr. J. A. Smith; Answer, Sir John Pakington 2023

SUPPLY—Civil Service Estimates—Packet Service Estimate—

Resolution (May 18) *reported,*

"That a sum, not exceeding £250,000, be granted to Her Majesty, on account, towards defraying the Charge of the Post Office Packet Service, which will come in course of payment during the year ending on the 31st day of March 1864, which sum includes provisions for payments to Mr. Joseph George Churchward, for the

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SUPPLY—Packet Service Estimates—*continued.*

conveyance of Mails between Dover and Calais and Dover and Ostend, from the 1st day of April 1863, to the 20th day of June 1863, but no part of which sum is to be applicable or applied in or towards making any payment in respect of the period subsequent to the 20th day of June 1863, to the said Mr. Joseph George Churchward, or to any person claiming through or under him by virtue of a certain Contract, bearing date the 26th day of April 1859, made between the Lords Commissioners of Her Majesty's Admiralty (for and on behalf of Her Majesty) of the first part, and the said Joseph George Churchward of the second part, or in or towards the satisfaction of any claim whatsoever of the said Joseph George Churchward, by virtue of that Contract, so far as relates to any period subsequent to the 20th day of June 1863." 2023

Resolution read 2°.

Amendment proposed, to leave out from the words "March 1864" to the end of the Resolution.—(*Mr. Walpole.*) 2024

After long Debate, Question put, "That the words proposed to be left out stand part of the Resolution:"—The House *divided;* Ayes 205, Noes 191; Majority 14.

Resolution *agreed to.*

Division List—Ayes and Noes 2059

WAYS AND MEANS *considered* in Committee:—

(In the Committee.)

Resolution *moved,*

"That the exemption from Duty granted by the 9th section of the Act passed in the 7th and 8th years of Her Majesty's reign, chapter 85, in respect of the conveyance of Passengers by Cheap Trains shall not extend to any Railway Train which shall not be a Train running on at least six days in the week, or else a Train running to or from a market town on a market day, and approved of by the Lords of the Committee of the Privy Council for Trade and Plantations as a Cheap Train, for the conveyance of Passengers to or from market."—(*Mr. Chancellor of the Exchequer.*) ... 2062

After long Debate, Resolution *agreed to.*

Resolution to be reported *To-morrow;* Committee to sit again *To-morrow.*

Land Drainage (Provisional Orders) Bill [Bill 85]—

Motion made, and Question proposed, "That the Bill be now read the third time." 2071

Amendment proposed,

To leave out from the word "Bill" to the end of the Question, in order to add the words be re-committed to a Select Committee, to be appointed by the Committee of Selection in the same manner as in the case of a Private Bill,"—(*Mr. Pease,*)—instead thereof. 2072

Question proposed, "That the words proposed to be left out stand part of the Question."

After Debate, Amendment, by leave, *withdrawn.*

Order for Third Reading read, and *discharged.*

Motion made, and Question proposed, "That the Bill, so far as relates to Morden Carrs, be referred to a Select Committee, to be appointed by the Committee of Selection in the same manner as in the case of a Private Bill."—(*Mr. Pease.*) 2075

Amendment proposed, to leave out all the words from the word "Bill," in order to add the words "be re-committed to a Committee of the Whole House."—(*Sir Stafford Northcote.*)

Question put, "That the words proposed to be left stand part of the Question:"—The House *divided;* Ayes 56, Noes 18; Majority 38.

Question put, and *agreed to:*—Bill *committed* to a Select Committee.

Drainage and Improvement of Land (Ireland) Bill [Bill 106]—

Bill *considered* in Committee. 2076

After short Debate, Bill *reported;* as amended, to be considered on *Thursday* next.

RELIGIOUS ENDOWMENTS (IRELAND)—

Order of the Day for resuming the adjourned Debate [19th May] on Motion for the appointment of Select Committee. 2076

Debate *further adjourned* till *Friday* 5th June.

Page

Admiralty Courts (Ireland) Bill [Bill 48]—

Bill *considered* in Committee. 2077

After short Debate, Bill *reported*; to be *printed*, as amended [Bill 141]; *re-committed* for *Monday* next.

Royal Naval Reserve Bill (subsequently called "OFFICERS OF ROYAL NAVAL RESERVE BILL")—

On Motion of *Lord Clarence Paget*, Bill to establish Officers of the Royal Naval Reserve, *ordered* to be brought in by Lord Clarence Paget and Mr. Stansfeld :—Bill *presented*, and read 1° *. [Bill 142.]

Passengers Act Amendment Bill—

On Motion of *Mr. Chichester Fortescue*, Bill to amend the Passengers Act, 1855, *ordered* to be brought in by Mr. Chichester Fortescue and Mr. Milner Gibson :—Bill *presented*, and read 1° *. [Bill 143.]

HANSARD'S
PARLIAMENTARY DEBATES

IN THE
FIFTH SESSION OF THE *EIGHTEENTH PARLIAMENT* OF THE
UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 31 MAY 1859, AND FROM THENCE CONTINUED TILL 5 FEBRUARY 1863, IN THE TWENTY-SIXTH YEAR
OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

SECOND VOLUME OF THE SESSION.

HOUSE OF LORDS,

Friday, March 27, 1863.

MINUTES.]—PUBLIC BILLS—*First Reading*—Corrupt Practices at Elections (No. 62).
Second Reading—Marine Mutiny; Augmentation of Benefices (No. 59).
Report—Post Office Savings Banks (No. 47).
Third Reading—Births and Deaths Registration (Ireland) (No. 57); and *passed*.
Royal Assent—Consolidated Fund (£10,000,000) [26 & 27 *Vict.*, c. 6]; Naval Coast Volunteers Act Amendment [26 & 27 *Vict.*, c. 5]; Malt Duty [26 & 27 *Vict.*, c. 3]; Union Relief Aid Act (1862) Continuance [26 & 27 *Vict.*, c. 7]; Tobacco Duties [26 & 27 *Vict.*, c. 4].

EAST INDIA (SALE OF WASTE LANDS, &c. INSTRUCTIONS)—LAW OF CONTRACTS (INDIA).

MOTION FOR A PAPER. QUESTION.

THE MARQUESS OF CLANRICARDE *moved* an Address for

> "Copy of the Instructions recently sent to the Governor General of India in Council, respecting the Sale of Waste Lands, the Redemption of Land Revenue, and the Extension of the Permanent Settlement."

He begged also to ask, Whether there was any objection to lay on the table the Minutes of Council and other documents relating to the Law of Contracts in India?

EARL GRANVILLE said, he had no objection to the production of papers relating to waste lands. But with regard to the noble Marquess's Question as to the papers connected with the law of contracts, the papers were voluminous; and as the correspondence was not yet quite concluded, it would require consideration before they were produced.

Motion *agreed to*.

DISTURBANCES IN IRELAND.

QUESTION.

THE EARL OF BANDON inquired of the President of the Council, Whether any investigation would be instituted as to the nature and extent of the organization manifested by the disloyal proceedings in Dublin, Cork, and other towns in Ireland?

EARL GRANVILLE was understood to say, that the matter had attracted the attention of the Government, and that an investigation into the nature and origin of those proceedings was being made by the authorities in Ireland.

DUBLIN METROPOLITAN RAILWAY BILL.—QUESTION.

The Marquess of CLANRICARDE, rose to present a petition from the Guardians of the North Poor Law Union of Dublin against the Metropolitan Railway Bill; and to ask whether the Irish Government or the Board of Trade has expressed any opinion upon the merits of that Bill? The noble Marquess said, that the petitioners represented that the project in question, if carried into effect, would do infinite mischief to Dublin. The Bill proposed to carry a railway by means of bridges over no less than fifty thoroughfares, thus cutting the city right through from west to east, destroying its beauty, interrupting the general traffic, and injuring the trade of the shopkeepers. The question was, whether a much better plan might not be adopted. Their Lordships were unanimous last night in thinking that the metropolitan railways ought not to be left to be decided upon singly by Select Committees, but that a Commission ought to be appointed to consider the subject as a whole. He trusted that Dublin would have the benefit of the same science and experience; and he had therefore, to ask whether the Government or the Board of Trade had expressed any opinion on the merits of the Dublin Metropolitan Bill?

Earl GRANVILLE said, the Lord-Lieutenant had communicated with the Board of Trade, and by the time the Bill came before their Lordships he hoped that their Report would be laid on the table.

The Earl of LEITRIM said, that the Dublin Metropolitan Railway Bill was a most wanton encroachment on the citizens of Dublin. It would materially injure the harbour, and would be a perfect nuisance to the citizens. He doubted very much whether, if their Lordships sanctioned the Bill, the railway would be made, and still more whether, if made, it would pay. He believed that it would be very easy to form a junction between the existing railways without interferring with the city of Dublin.

POLICE REWARDS (IRELAND).

ADDRESS FOR RETURNS.

The Earl of LEITRIM *moved*, That an humble Address be presented to Her Majesty for a Return showing the "Number of Rewards offered by Officers of Police in each County in Ireland during the year 1860;" and of details connected with that subject.

Earl GRANVILLE, in reply, said, that the noble Earl had frequently been appealed to by Peers on both sides of the House not to make Motions without previously giving sufficient notice. The noble Earl gave notice only last night of his intention to move for two sets of Returns—one set of eight, and the other of thirteen Returns. It was impossible to communicate in that short time with the Irish Government. The noble Earl opposite (the Earl of Ellenborough) once pointed out the absolute duty of Her Majesty's Government examining such notices, in order to avoid unnecessary expenditure of money and time. It was, for that reason, impossible to accede to the present Motion. The noble Earl might renew it after the recess; or, if it was inconvenient for him to attend the House for that purpose, it would (if the Returns were really worth having) be easy for him to procure the assistance of a noble Friend to move for them.

The Earl of LEITRIM said, he would postpone his Motion till after the recess.

BIRTHS AND DEATHS REGISTRATION (IRELAND) BILL—(No. 57.)

THIRD READING.

Bill read 3ª (according to Order).

The Earl of BANDON moved an Amendment on the 23rd clause of the Bill, that—

> "The Guardians of any Union shall appoint a Person, with such Qualifications as the Registrar-General may by any general Rule declare to be necessary, to be Registrar of Births and Deaths in each District, and in any case of Vacancy in the office of Registrar shall forthwith fill up the Vacancy."

He believed this proposal would give great satisfaction in Ireland, and it would tend to assimilate the machinery of registration in Ireland to that of England. Under the system as suggested by the Bill, he feared ill feeling would be excited between the dispensary doctors and the workhouse doctors. It was said, that if his Amendment were carried, the Bill would be lost; but he hoped their Lordships would not be deterred from considering his proposition on its merits.

The Earl of ST. GERMANS said, he should oppose the Amendment. The question it raised had been discussed in the other House, and the proposal was rejected. The dispensary doctors were very intelligent gentlemen and well fitted for the performance of the duties the Bill imposed upon them, and he did not believe any professional jealousy could be engendered between them and the workhouse doctors. He, moreover, thought it very undesirable to introduce a bone of contention by encouraging contested elections for this office.

THE EARL OF LEITRIM thought it desirable to assimilate the law of England and Ireland, and supported the Amendment. He objected to the charge of registration imposed on the poor rate by the Bill. He thought it should be a charge on the Consolidated Fund.

THE EARL OF DERBY said, his noble Friend who had just sat down, had diverted the attention of the House from the question immediately before it. He said that the charge should be thrown on the Consolidated Fund; that was not in accordance with his other argument, that they should assimilate the law of England and Ireland. If they were to do so, the charge must be on the local fund. As to the question itself, there was a good deal in the argument as to limiting the choice of the registrars to the dispensary doctors. They were, no doubt, generally very well calculated to discharge the duties of their office; but there were instances in which their other duties would occupy so much of their time as to render it impossible for them to do so, and in some large towns it might be desirable to have a registrar who would devote his whole time to the particular business. He did not entertain the same apprehension which the noble Earl opposite (the Earl of St. Germans) did, as to the contested elections that would take place if the boards of guardians elected the registrars; and there was considerable force in the argument that those who found the funds should chose those who were to receive them. He understood that this Amendment had been discussed in the House of Commons, when the view taken by the Government was affirmed by a majority of two to one. He could hardly think, that if the Amendment were carried, the Government would be justified in throwing up the Bill; but still, even while inclined to agree with the view taken by his noble Friend (the Earl of Bandon), he knew the great difficulty there had been in obtaining a system of registration for Ireland; and he would therefore suggest that the Amendment should not be pressed.

Amendment (by leave of the House) *withdrawn.*

Bill *passed*, and sent to the Commons.

AUGMENTATION OF BENEFICES BILL.
(NO. 59.) SECOND READING.

Moved, That the Bill be now read 2ª.

THE EARL OF SHAFTESBURY said, that not having been present when the subject was brought forward on the previous evening, he desired now to express his most hearty concurrence in the proposal of the Lord Chancellor.

THE BISHOP OF LONDON said, he could not allow that opportunity to pass without expressing the great importance which the right rev. Prelates attached to the Bill now before their Lordships. On the point of affirming the principle of the Bill no discussion was likely to take place, and therefore he would detain their Lordships but a few moments. The Bill appeared to him the more important that it was, as far as he knew; the first piece of ecclesiastical legislation submitted to the House by any Government for the last six years and a half, with the exception of the measure to continue the Ecclesiastical Commission. He must be allowed to say that they did not on that account feel less grateful to the noble and learned Lord for having taken up this question of the augmentation of small benefices in so practical a spirit. The difficulty to be contended with in dealing with such a question arose mainly from the necessity of adjusting the new state of things to arrangements, many of which belonged to old times. Many attempts had been made, during the last six years, to introduce alterations in reference to our ecclesiastical system, but all these attempts had failed, because they had been unable to secure the assistance of the Government The consequence was that noble Lords who had brought measures before their Lordships had not been able to carry them, for want of such assistance. A noble Lord (Lord Lyttelton) a short time ago brought in a measure in reference to the increase of the episcopate, and a noble Duke (the Duke of Marlborough), who was then present, had endeavoured to settle the very difficult question of church rates; but so long as such matters were left to individual effort, the right rev. Bench were persuaded that it was impossible that any satisfactory conclusion could be arrived at in reference to those ecclesiastical improvements which they wished to have effected. There had been continued complaints against the right rev. Bench for not having themselves undertaken and carried the ecclesiastical alterations which were much required; but he was convinced that the right rev. Bench had exercised a wise discretion in not putting themselves forward as champions of this or that particular scheme of amendment, unless they were satisfied that they would receive some strong support from those, both in that and the other House of Parliament, who were in a position to enable them to carry their measures to a successful issue. The proposal of the noble and learned Lord had this recommendation, that it was of a thoroughly practical nature. The noble and learned Lord complained yesterday, with great force, of the difficulty which existed in securing the services of properly-educated persons for the ministry throughout the country; and he naturally pointed to the existence of so many small benefices as one of the causes of this difficulty. Now, it so happened that the Church, in reference to this matter, notwithstanding the important changes which had been introduced in the course of the last twenty years into our ecclesiastical system, was perhaps in a worse case than at the beginning of those reforms. Under the old state of things these small benefices were held in plurality, and therefore it was possible to make a living out of them; but now, by wise legislation, the system of pluralities had come to an end, and this very improvement had caused fresh difficulties. Some of their Lordships might, perhaps, remember what the number of small benefices throughout the country was. The only Return which he had been able to obtain was printed in 1835, at the beginning of the great changes to which he had referred; and from that Return it appeared that there were 297 benefices under £50 per annum, 1,629 between £50 and £100, 1,602 between £100 and £150, and there were nearly 7,000 benefices (in all) below £300 a year. The changes which had been since introduced had established a machinery for raising the income of these small benefices; and it was only due to those who had the management of the affairs of the Commission to take this opportunity of saying, that they had spared no means to accomplish the result they had in view. One part of their work was to suppress sinecures, and from that source a considerable fund had been raised. Another duty of the Ecclesiastical Commissioners was to increase the value of the property of the Church by altering its tenure. Now, when he looked at the Report of the Ecclesiastical Commissioners, he saw that, notwithstanding all their labours, all they had been able to add to the property of the Church was not more than £1,200,000; and if that sum were divided among 7,000 benefices, it would only produce, on an average, an increase of £8 a year at the most. Taking, therefore, into consideration the great number of new poor benefices created by the Commission, their Lordships would see, that whatever was the situation of affairs in 1835, and however great had been their efforts at improvement, the Commissioners had not as yet been able to produce any very great result; and therefore they were still in the position of having an immense number of benefices which were quite inadequate for the support of their incumbents, and the difficulty of finding incumbents had been increased by the very reforms which had been introduced. He must say that the plan of the noble and learned Lord seemed to be the best plan of the kind which had yet fallen into his hands. The plan which had been proposed by the Commission, over which he believed Lord Harrowby presided, was, by the sale of benefices, to create a general fund, out of which 600 new churches might be built in the country. Now, that would have been a desirable result; but the great objection was to the multiplication of very poor benefices, which would entail serious evils. The noble and learned Lord, however, had confined his attention to one point—that of increasing the value of a certain number of the existing poor livings, and putting our existing system into a good state so far as his means went. In his opinion, the plan of the noble and learned Lord might be well applied to all benefices held in public patronage; and when they were about to assent to the principle of the Bill, it was not unimportant that they should remember that that principle would apply to a great many other cases besides that of the small benefices in the patronage of the Lord Chancellor. It was extremely important that all public patrons—such for example as the Deans and Chapters and other public bodies, to say nothing of the Bishops—if not able adequately to discharge the trust imposed upon them, should be able to dispose of that trust in order to improve the livings. Patronage, it must be borne in mind, was not held for the benefit of a private individual, still less as a mere appendage to the position of any dignitary; but it was a sacred trust for the benefit of the parishioners. If, therefore, the principle of the noble and learned Lord's proposal were carried further, great benefit to our ecclesiastical system might accrue. The reform which was needed in the matter of small benefices never could be perfected unless the Government determined to aid a scheme of improvement, such as that proposed by the noble and learned Lord.

The Archbishop of YORK said, their Lordships could hardly overrate the difficulty which the Bill was intended to remove. It was no reproach to any former Lord Chancellor to say that he had not well discharged the duties which the church patronage attached to the office imposed upon him, for they were duties which it was almost impossible for him to discharge well. The number of small benefices in his gift was 720, and it was estimated that on the average, in addition to other arduous duties, the Lord Chancellor had to find and place a fit clergyman in a parish once in every ten days. He was sure that every Member of the episcopal bench would find it difficult to appoint a fit revising barrister once in every ten days. This measure was a step in the right direction, for it was a step towards the better endowment of that most valuable and respectable class the working clergy; and it would remove a burden which the Lord Chancellor must severely feel. Some of the details of the Bill would require consideration—in particular, the estimated value of the presentations was much too high—and he recommended the Select Committee to whom it would be referred to see whether it would not be desirable to revise the scale altogether, and to bring the amounts down to the bare market price of the livings. The great reason for his addressing their Lordships was to express his thanks to the Lord Chancellor for having endeavoured to solve this problem, and he believed that the noble and learned Lord had insured the gratitude of every clergyman, who recognised in this attempt at legislation the effort of a friendly hand.

Lord CRANWORTH said, that if the principle of the Bill was merely the sale of small livings, and the application of the purchase money to their augmentation, he had no hesitation in expressing his immediate assent to it. But he had only seen the Bill that day, and had had no opportunity of reading it, before being thus called upon to express an opinion upon its principle. If it was important that the Bill should be read a second time to-night instead of on the first night after the recess, he would put no obstacle in the way, as long as it was understood that he reserved to himself the right to criticise its provisions when it came from the Select Committee.

The LORD CHANCELLOR said, that if he had anticipated any discussion, he should hardly have thought it fair to have brought forward the second reading of the Bill so soon after its introduction. He had not himself been perfectly satisfied as to the details of the plan at the time he submitted it to their Lordships; and he had now listened very attentively to the criticisms of those details by the right rev. Prelates; and he hoped to see a great many more in the public prints. All that their Lordships were now asked to do was to consent to the principle that the presentation to certain livings should be sold, and the purchase money applied in the best possible manner for the augmentation of small benefices. With regard to the market value estimated in the Bill, an eminent actuary whom he had consulted on the subject, though at first he expressed an opinion that the value taken was too high, after two days' consideration came to the conclusion that the terms were so advantageous that there could be no difficulty in obtaining the price calculated upon, and, indeed, that a higher estimate might have been prudently taken. Having derived confidence from that, he had adhered to his tables, merely, however, intending to submit them as a matter for their Lordships' discretion. He asked their Lordships to assent to the general principle of the Bill, the great object of which was to enable the advowsons of livings now in the hand of the Lord Chancellor to be transferred into the hands of the landed proprietors, who would be likely to take an interest in them. If the Bill was allowed to be read a second time, he would give notice of the names of the Peers who would form the Select Committee, and they could be nominated after Easter. His great object was to bring these advowsons into the hands of the landed proprietors, and he had consequently fixed the price at what might be considered a fancy price. He should now ask their Lordships to give their consent to the second reading of the Bill; and if they acceded to his proposition, he should move that the measure be referred to a Select Committee. He would ask their Lordships to commit themselves to nothing but to the expediency of the general principle of the measure.

Motion *agreed to;* Bill read 2^a accordingly and *referred* to a Select Committee.

And on *Tuesday, April* 14, the Lords following were named of the Committee:—

L. Abp. Canterbury.
Ld. Chancellor.
L. Abp. York.
Ld. President.
D. Somerset.
D. Marlborough.
E. Steward.
E. Derby.
E. Shaftesbury.
E. Stanhope.
E. Carnarvon.
E. Chichester.
E. Powis.
E. Ducie.
V. Eversley.
L. Bp. London.
L. Bp. Oxford.
L. Wodehouse.
L. Cranworth.
L. St. Leonards.
L. Ebury.
L. Chelmsford.
L. Kingsdown.

THE CLOONE LOAN FUND.

ADDRESS FOR CORRESPONDENCE AND RETURNS.

The Earl of LEITRIM rose to move an Address to Her Majesty for Copies of Correspondence and numerous Returns relating to the Cloone Charitable Loan Fund Society.

Earl GRANVILLE said, that without expressing an opinion whether the production of the Returns was desirable or not, he would ask the noble Earl to postpone his Motion until an opportunity was afforded for communicating with the Irish Government on the subject, and of learning whether they entertained any objection to the correspondence being presented to Parliament.

The Earl of LEITRIM consented.

Motion postponed.

CORRUPT PRACTICES AT ELECTIONS BILL.

Bill read 1^a, and to be *printed.* (No. 62.)

House adjourned at a quarter before Seven o'clock, to Tuesday, the 14th of April next, half past Ten o'clock.

* * *

HOUSE OF COMMONS,

Friday, March 27, 1863.

MINUTES.]—Supply—*considered* in Committee; Resolutions (March 26) *reported.*

Public Bills— *Resolution in Committee*—Savings Banks Acts.

The Lord Chancellor

THE STALEYBRIDGE RIOTS— THE MANSION HOUSE COMMITTEE.

QUESTION.

Colonel WILSON PATTEN said, he wished to ask the Secretary of State for the Home Department a Question in connection with the state of the manufacturing districts. The House was about to separate for the Easter holidays, and he thought it advisable that they should know from the right hon. Gentleman what he believed, from official information, to be the state of the cotton-manufacturing districts at the present moment. Several rumours had appeared in the papers, and statements had been made regarding disturbances in one or two places. He thought therefore that it was advisable they should have some assurance from the right hon. Gentleman that he was not alarmed by those statements, and that those districts were not likely to be seriously disturbed during the recess.

Sir GEORGE GREY: If my hon. Friend had asked this Question last night, I should have been able to answer him with greater confidence than I can now, from the reports I have received, that the disgraceful disturbances which took place at Staleybridge had been completely suppressed, and that there was no apprehension of their being revived. I am sorry to say, however, that yesterday evening and this morning I received several letters from persons in a position to be correctly informed, expressing apprehensions that, owing to what they conceive to be the extremely injudicious conduct of the Mansion House Committee in sending a grant of £500 to Staleybridge on the first application made, under the circumstances at that time existing at Staleybridge, and without the slightest communication with the Central Committee at Manchester, there may be renewed attempts at disturbance. I do not feel alarmed in consequence of these letters, for I believe the measures that have been taken by the civil and military authorities—and much will depend upon the firmness of the civil authorities—will be sufficient effectually to suppress any attempt at a renewal of those outrages.

Mr. Alderman CUBITT: I hope I may be allowed to say a word or two in vindication of the Mansion House Committee—

Mr. SPEAKER said, that the hon. Member was out of order, there being no Question before the House. There would be an opportunity for him to speak on the Motion for the adjournment of the House.

Mr. Alderman CUBITT: I will, to put myself in order, move the adjournment of the House. Some few days ago, the Mansion House Committee received an application from three clergymen at Staleybridge, who had superintendence of adult schools, informing us that, in consequence of the sudden change in the administration of relief made by the Staleybridge Committee, they were sadly apprehensive that there would be disturbances, and they applied to us in some way or other to mediate with the Committee, so as to induce them to go back to the former system. Communication was had with the Staleybridge Committee, and we got letters from them, setting forth the reasons which induced them to adopt the change. Then came another letter, from the Incumbent of St. John's, Staleybridge, which I will read—

"St. Paul's Parsonage, Staleybridge,
"March 21.

"Sir,—On behalf of the Rev. Messrs. Floyd and Bell, as well as myself, I beg to inform you, that the results we stated in our last as to be feared, if the respectful memorial we forwarded from the working men did not attain its object, have taken place. Every prudent person here was convinced, that if, in addition to other causes of complaint, the plan of giving tickets instead of money was rashly carried out, very unhappy consequences might be expected.

"The men unanimously refused the tickets. In the evening, we regret to say a crowd of lads and girls committed acts of violence, and the military were called out. The conduct of the men, we feel bound to state, was most excellent, though under circumstances of the most trying kind. Very few men took any part in the tumult.

"All this day the men have passed in quiet hope of some relief, but the Relief Committee have offered no compromise. Thus many hundreds of respectable, well-conducted men are left without food for to-day or to-morrow. This is a most sad fact, and full of danger. Extreme want will drive the most patient men to violence. We, therefore, again appeal for these sufferers to the Mansion House Committee, to which the working people have all along looked as a friend and protector. We beg of it to interpose before worse results take place.

"We have under our care schools containing respectively 115, 180, and 360 men. These have all behaved in a most proper manner, taking no part in the violence committed. But they all refuse the tickets. They are left destitute of relief. Many of them have not had a meal to-day. They have promised to assemble in their schools on Monday morning. We have promised to write for them to your Committee to beg most earnestly that some speedy succours may be extended to them. Extreme suffering will be endured, if this their cry for help to you be refused; and it is fearful to think of the results which may follow between a starving people and the dragoons. Feeling deeply, we earnestly entreat your Committee, which has done so much good, to hasten to reach a helping hand to these poor and patient and law-abiding sufferers. We have asked them to wait patiently your reply. We beg of you to make a special grant to these and the other adult schools, for men in the town, for a week or two, so as to give time for things to be settled, and for the unwise proceedings which have been taken, to be reversed. An early and favourable answer may be in time to prevent tumult, and will certainly save many from undeserved and great suffering. Trusting the serious nature of the case will excuse our urgency, I remain yours, respectfully,

"W. Worth Hoare,
"Incumbent of St. Paul's, Staleybridge.
"And for the Rev. T. Floyd, and W. Bell,
Incumbents of Castle Hall and St. John's."

That was on the 21st. On the 23rd a telegram was sent stating that the Mansion House Committee would be willing to receive any deputation they might be willing to send up. We then received the following letter:—

"St. Paul's Parsonage, Staleybridge,
"March 23.

"Sir,—Your welcome telegram arrived as Messrs. Floyd, Bell, and myself were speaking with men from many of the schools in the town. It gave them and us unspeakable relief, bringing tears to many eyes and 'Thank God!' from their lips. The hope given that your Committee will help them in this fearful crisis will gladden many a foodless home to-night. We verily believe you have not a moment too soon saved this town from bloodshed. Hitherto the rioters have been rough boys and girls. The men have been most praiseworthy in their conduct, and most surprisingly patient, when the fact is recollected that many most respectable and aged men have had to come without breakfast to school this morning, and have left their families in the same state at home. Some have come to ask leave to pawn clothing we had given them, to which, of course, we could but consent in the emergency. The amount necessary to pay all over sixteen at schools in the town for two weeks would be (as near as we can say), at 3*s.* per week, £532 4*s.* As the attendance varies, and as two schools are shut up this week, we cannot speak precisely. Last week, it appears, the attendance was 1,744, and, as yet, the men have received nothing for that week. If your Committee could grant for the week ending last Friday, and that ending next Friday, time will be given to have these evils rectified, if possible. As the clergy and ministers of religion are not on the Staleybridge Relief Committee, we cannot answer for them, but we feel sure they would not distribute the money, as it is they who are madly forcing the tickets. I send a memorandum sent to every school to-day which seems conclusive on this point. The men who were present begged that the money might be sent to us three, and we will pay it to the various superintendents of schools and transmit vouchers to you at once. The Rev. Thomas Floyd goes to town by to-night's express, and hopes to wait on your Committee at their meeting to-morrow, and answer any particulars you may desire to ascertain. By making this grant you will have given a fresh occasion for gratitude to the people here, taken a load of suffering off them, and prevented the spread of angry feeling which must have lasted for long years to come, and probably prevented bloodshed—for dragoons parading the streets crowded with starving people can hardly be without great danger. Many thanks for your prompt attention to the cry of these sufferers.—Yours obediently,

"W. WORTH HOARE."

We received the clergyman at the Mansion House, and deliberated on the subject for a couple of hours. The ultimate decision was not to send money down to the people, or to anybody but to the Relief Committee. We wrote and sent a letter to the Committee stating how much the Mansion House Committee deplored these unhappy occurrences, and suggesting that they should return to the system which they had hitherto carried on for a week or so, until they should have time to make such modifications as might seem desirable. We accompanied that letter with a cheque for £500 for the Committee to use as they might think fit. I have here in my hand a letter which I received this morning, and which will, I think, soothe the minds of hon. Gentlemen. It is from the Treasurer of the Relief Committee, to whom the £500 were sent. He says—

"Staleybridge Relief Fund, March 25.

"Sir,—I am duly in receipt of your letter of the 24th inst., enclosing cheque for £500, in which your Committee recommend that it be applied in the distribution of relief in money, instead of by ticket on shopkeepers as proposed by this Committee. My letters of the 23rd and 24th inst. would explain to you the reasons why this Committee proposed to adopt the ticket system; but as so much opposition has been brought against it, I beg to say that the Committee have reconsidered the matter, and it is expected that the question will be amicably and satisfactorily settled at a meeting to be held on Saturday next, when delegates representing the various schools will be appointed to confer with them on the subject. You are already aware that for the past and present weeks the men have agreed to accept payment by ticket, in which case this Committee propose to hold the cheque in hand, so that such modifications in the system of the distribution of relief may be introduced as may be deemed necessary and judicious.

"I am, Sir, your obedient servant,

"JAMES KIRK.

"J. Gibbs, Esq., Mansion House, London."

Now, I hope the House will feel that we at the Mansion House were placed in a very distressing position. On the one hand, we were told riots were at the moment going on, and that bloodshed might be expected; on the other hand, we felt that to interfere with the action of the Committee was what we ought on no account to do. Under these circumstances we thought we might mediate, and we wrote a conciliatory letter—a copy of which I have not now with me—suggesting that for the moment the local Committee should return to their original system, until they found whether they could apply modifications to the proposed change. We thought, that if we sent down a denial without any cheque for money, we should only have increased the violence of the agitation which prevailed; while, on the other hand, we felt very sensitively with regard to the position of those gentlemen in the locality who were devoting their best energies to the conduct of a great work. Then it was suggested that in sending a mediatory letter we had also better send the £500, not to go in addition to the relief, but to be applied in money.

Mr. Alderman Cubitt

COLONEL WILSON PATTEN said, that no one in the House would be more unwilling than himself to deny the merit of what had been done by the hon. Member for Andover (Mr. Cubitt). He believed there was only one feeling in Lancashire in respect of the hon. Gentleman. The hon. Member was the first to suggest a subscription for the relief of the distress in the manufacturing districts; and whatever their opinions might be on other points, he (Colonel Wilson Patten) would venture to say there was not an individual in Lancashire who was not influenced by a feeling of gratitude to the hon. Gentleman. But he was obliged to accompany this with the expression of his deep regret at the conduct of the Committee at the Mansion House, over which the hon. Gentleman presided. There was in Lancashire a body of gentlemen who had devoted themselves for the last eight months, at the sacrifice of every other consideration, to relieve the distressed manufacturing districts. If the House could know the sacrifices which had been made by merchants and gentlemen in every class of society to attain that object, he was sure, that even though little errors might have been committed, the greatest consideration would be shown. One of the most embarrassing circumstances which the Central Relief Committee had had to meet was the state of the district about Staleybridge, Ashton, and Dukinfield. After mature consideration, and entirely in the interests of the working classes, they resolved to make certain alterations in the mode of relief. This, it appeared, had given dissatisfaction to some of the operatives in the district. He had, however, such confidence in the good sense and good feeling of his constituents, that he was convinced, that if the parties had been left alone, they would have come to some satisfactory understanding. But just at the wrong moment there came the unfortunate letter—for he must call it so—from the Mansion House Committee, which changed the whole aspect of affairs. He still trusted in the good sense of his constituents, that they would not be led away by certain ill-judged letters and by demagogues who were trying to make mischief. He had entire confidence in the good sense of the operative classes in Lancashire; and notwithstanding the injudicious proceeding—for he could call it nothing else—of the Mansion House Committee, he believed they might look for a peaceful termination of this difficulty. He knew his hon. Friend (Mr. Cubitt) had but one feeling, and that was, a desire to relieve the distress of the operatives; but might he venture to suggest to him how totally impossible it was efficiently to conduct a system of relief if there were two sources of distribution, and if, when for months the Central Committee had given the greatest consideration to the whole subject, it was, from time to time, to be superseded by individuals, who went to the Mansion House Committee and induced that Committee to counteract its proceedings. An attempt was being made to describe the Central Relief Committee and the manufacturers of Lancashire as being bent upon repressive measures in regard to the operatives in the county. Such was not the case; the Central Committee had a very large sum in hand for the purposes of relief, but the prospects were such that they were obliged to act economically. They did not know what the future might be, they had frequently been obliged to make their grants less than they wished; but it was done under an awful responsibility. They felt that they might have to provide for distress at a long distant period when they might not have funds to meet it with. Under these circumstances they took care to husband their resources so as to make the relief as permanent as possible. It happened that they did not always act in accordance with the feelings of the operatives; but if those operatives were not misled by parties who were actuated—he would not say by bad motives—but by wrong impressions, he believed they would see that the Central Committee was using every possible care in the distribution of the funds committed to their charge.

Mr. Alderman CUBITT wished to explain. He had been misunderstood. He begged to represent to the House that the London Committee was left to do the work for four months, during which time the other organization grew up—

Mr. SPEAKER said, that the hon. Member might explain, but that he could not reply.

Mr. Alderman CUBITT would, then, say only that he had been misunderstood by the hon. Gentleman.

Mr. FERRAND said, he wished to put a question to the right hon. Baronet the Secretary of State for the Home Department. He asked him, whether he was not aware that the English Factory Committee of Operatives stated that the body at large was not only opposed to the riotous proceedings of the last few days, but that they had expressed their strongest indignation and their deepest regret at their occurrence. He (Mr. Ferrand) had recently received large numbers of letters from operatives in Lancashire assuring him that no fear need be entertained of any further outbreak, and stating that they looked forward with the greatest interest to the discussion on the subject of the Lancashire distress that was to come off after Easter.

Sir GEORGE GREY said, the hon Gentleman was quite right in stating that the great body of the operatives throughout Lancashire had taken no part whatever in the riotous proceedings and had given them no countenance. As he had already stated, the disgraceful disturbances were chiefly confined to Staleybridge; and when the excitement extended to other towns, it had been instigated chiefly by persons who had gone there from that place. He was glad to say that the conduct of the operatives as a body was beyond all praise. Nobody could doubt the benevolent intentions of the hon. Member for Andover (Mr. Cubitt), and he was sure the Mansion House Committee generally were actuated by the best motives. He fully agreed, however, with his hon. and gallant Friend opposite that it was to be regretted that there had been two sources of distribution of relief. As long as these two sources existed, bad consequences would be likely to occur. He concurred with those Gentlemen who had the best means of information, and who had expressed their opinion that the conduct of the Mansion House Committee in regard to Staleybridge was, under existing circumstances, most injudicious. Their fault was not in sending the money, which the hon. Member for Andover appeared erroneously to suppose was the only alternative to a cold refusal, but in sending it without communicating with the Central Committee, which comprised men of great experience and local knowledge, and whose views should have been ascertained.

Mr. BRIGHT: I think it has been a misfortune from the beginning that there should have been two funds, one distributed from the Mansion House and the other from Manchester. There is one thing to be said for the Mansion House Committee. I think it not unlikely that the Lord Mayor, by opening a subscription list in London, has been able to get larger subscriptions than could otherwise have been obtained. But I do not think there is any man who has observed what has been doing in Lancashire during the last twelve months who will not agree with me in saying that it is a most unfortunate thing that there was ever more than one agency for the distribution of relief. I do not know how it is at Staleybridge, but I have heard that at Ashton the greatest difficulty has been experienced from this double organization. There has been a sort of competition between the two Committees by which the relief was given. I do not know whether the Mansion House Committee will take the course, but I should recommend them, if it be not too late, to let all the funds at their disposal go down to the Committee at Manchester. I can confirm what was said by the hon. Member for North Lancashire (Colonel Wilson Patten), that there are many men on that Committee who have given an amount of labour and time to this business of which those who are strangers in the district have little idea, who, I am sure, may be entirely trusted with the distribution of any funds which may be contributed from any part of the world on behalf of this great cause.

Motion made, and Question, "That this House do now adjourn," put, and *negatived.*

THE NAVAL COMMAND IN THE MEDITERRANEAN.—QUESTION.

Sir JOHN HAY said, he rose to ask the Secretary to the Admiralty, Whether it is true that the naval Command-in-Chief in the Mediterranean is to be confided to a Rear Admiral; and whether this appointment is rendered necessary by the unfitness of the forty-eight active Admirals and Vice Admirals to undertake that command, or in consequence of the reluctance of some of them to incur the expenses incidental to the appointment?

Lord CLARENCE PAGET, in reply, said, it was quite true that Admiral Smart was to be appointed Commander-in-Chief in the Mediterranean. The appointment, however, was not rendered necessary by the unfitness of the active Admirals and Vice Admirals to undertake the command, nor was it made in consequence of the reluctance of some of them to incur the requisite expenses. Rear Admiral Smart had been recommended to Her Majesty by the Government in consequence of his superior merits, and because they thought his appointment would be beneficial to the public service.

THE INTERNATIONAL EXHIBITION BUILDING.—QUESTION.

Mr. HENRY SEYMOUR said, he would beg to ask Mr. Chancellor of the Exchequer, Whether he has entered into negotiations with Messrs. Kelk and Lucas for the purchase of the building of the Great Exhibition of 1862, with a view to remove into it a portion of the collections of the British Museum.

Mr. GREGORY said, he would also beg to ask the right hon. Gentleman when the Royal Commissioners of the Exhibition of 1862 intend to publish their final Report; and whether the Commissioners of 1851 intend to insist on the removal of the present Exhibition Building within six months after the closing of the Exhibition.

The CHANCELLOR of the EXCHEQUER said, in reply, that the Government had entered into no negotiations with Messrs. Kelk and Lucas, for the purchase of the building of the Great Exhibition of 1862, either with a view to remove into it a portion of the collections of the British Museum, or for any other object. In point of fact, he was not in a condition, as a Minister, to give any information on the subject. His hon. Friend (Mr. Henry Seymour), however, was probably aware that the disposal of the Exhibition building depended upon a concurrence of parties, and not upon Messrs. Kelk and Lucas alone, and that it could only be by an agreement between the Commissions of 1862, the Commissioners of 1851, and Messrs. Kelk and Lucas, that any proposal on that subject could be made. He believed that the Finance Committee of 1851, which was in some sense the organ for such purposes of the Commissioners of 1851, had entertained the question, whether it would be expedient to make a proposal to the Government to take over the building, and might have had, or perhaps had had some communication with Messrs. Kelk and Lucas upon that subject on its own account and responsibility, and not at all on the responsibility of the Government. He might also add, that having heard, not formally or officially, but informally and unofficially, what were the views of the contractors, he did not think, so far as he was able to comprehend them, that those views would be compatible with what the Government would think due to the exigencies of the public service or to the justice of the case. That was all he was able to say. On the part of the Government, indeed, he had absolutely nothing to say, and what he had ventured to say he had said merely to convey to his hon. Friend, in an imperfect form, such information, if it could be called such, as he possessed as a private individual.

With respect to the Question of the hon. Member for Galway (Mr. Gregory), he believed the Commissioners of 1862 had prepared what the hon. Gentleman termed their final Report, though it was not, strictly speaking, a final Report, because the publication of their final Report would, of couse, involve the winding up of all their concerns. No doubt, however, the hon. Member meant their principal Report, in which they gave an account of the transactions connected with the Exhibition. That Report was prepared, was ready for presentation, and only awaited one or two necessary formalities in order to be laid before Parliament. With regard to the latter part of the Question—whether the Commissioners of 1851 intended to insist on the removal of the present Exhibition building within six months after the closing of the Exhibition of 1862—he was not aware that the Commissioners had come to any absolutely final conclusion upon that subject, but he believed that directions had been given to issue to the contractors a notice requiring them to remove the building, so as to keep alive the full rights of the Commissioners as they stood under the original agreement.

BARRACK-MASTERS.—QUESTION.

COLONEL FRENCH said, he would beg to ask the Secretary of State for War, Whether Barrack-Masters, of late employed as Public Accountants, Bankers, and Lawyers, having charge of Public Property, paying and receiving Rents, undergo any examination as to their fitness to carry out so many professions, never before united in the same person; whether assistance is given them by educated clerks or by men taken promiscuously from the ranks at 2*s.* per diem; and whether the Accountant lately appointed to Pimlico with a very large salary has relieved those officers in Western London of their Financial Duties?

SIR GEORGE LEWIS said, in reply, that barrack-masters had always been employed as public accountants, and in that capacity had been intrusted with the duty of paying and receiving rents; but they had never been employed either as lawyers or as bankers. They were not required to undergo any examination in regard to their fitness as accountants. They received the assistance of certain officials, called barrack-clerks, and also of non-commissioned officers, whose pay averaged about 5*s.* a day. An accountant had lately been appointed at the Pimlico establishment, with a salary of £410 a year, but his duties were exclusively confined to that establishment, and he had not relieved any officers in Western London of their financial duties.

EDUCATION REPORTS.—QUESTION.

SIR JOHN PAKINGTON said, he wished to ask the Vice President of the Committee of Council on Education, Whether the Report of the Rev. Mr. Watkyns last year, and the Reports of other Inspectors in the last two years, have been altogether suppressed or much altered in the Annual Report from the Committee of Council; and, if so, what were the reasons for any such suppression or alteration; and whether there is any objection to lay such suppressed Reports on the table of this House?

MR. LOWE, in reply, said, it was the practice of the Education Committee to lay before Parliament every year, in addition to the Report of the Department itself, and in addition to the tabulated Reports about schools, Reports from the twenty-eight Chief Inspectors. In order that those Inspectors might make their Reports they were allowed the very ample and, he thought, unreasonable period of fourteen working days to prepare them, the Reports generally not exceeding five or six octavo pages. The result was, that the time of the Inspectors was consumed in preparing their Reports. Considerable difficulty had always been found by the Committee in confining the Reports within what appeared to them legitimate and convenient limits. When the right hon. Member for North Staffordshire (Mr. Adderley) held the office of Vice President, he endeavoured to carry out a scheme for digesting the Reports under heads, as if they were evidence; but the House did not approve that scheme, thinking as the noble Lord now at the head of the Government expressed it, that any Department administered with proper decision and vigour ought to be able to keep down the Reports of its officers without any formal decision of Parliament. Since then the Department had tried to keep the Reports within due limits, and for that purpose several Minutes had been issued, but those Minutes had not fully succeeded in their object. It had also been suggested to the Inspectors that certain paragraphs, thought to be irrelevant or improper, should be omitted, but the Inspectors objected to the omission, because, they said, it was garbling their Reports, and because, if any part were taken away, the Reports would be no longer their own. Under these circumstances, the Committee considered the matter carefully about two years ago, and this was the course they adopted:—They found that, in substance the Minutes previously issued amounted to an instruction to the Inspectors to confine their Reports to the state of the schools inspected by them, and to practical suggestions for their management and improvement, and they embodied that direction to the Inspectors in a new Minute. Then, in order to avoid all difficulty about striking out particular paragraphs, they determined to make the Inspectors their own censors, and the regulation they laid down was this:—Whenever a Report appeared to them to wander beyond the prescribed limits it was to be sent back to the Inspector, with a direction to him to make it conform to the Minute, intimating, at the same time, that if he failed to do so, the Report would not be printed or laid before Parliament. That was the course they had adopted, and the result was, that during the last year three of the Reports

Mr. Lowe

which had been sent back to the Inspectors were not amended in a manner satisfactory to the Committee of Council, and they consequently were not presented to Parliament. In the present year, also, three of the Reports had been sent back to the Inspectors, and the amendments not having been considered satisfactory, they would not be printed with the Report of the Department. One of the Inspectors, Mr. Watkyns, appeared in both lists. Last year he sent in a Report containing a great deal of speculative and controversial matter, which it was not thought proper by the Committee to lay before Parliament and have printed at the public expense. Mr. Watkyns declined to make any material alterations in his Report, and it was therefore not printed. This year he had sent in a Report likewise dealing with controversial matter; and as that was not thought within the scope of the Minute, the Report was returned to him with the usual intimation; but he declined to make any alteration in it, and for that reason it would not be printed with the Report of the Department. The right hon. Baronet also asked whether he (Mr Lowe) had any objection to lay these Reports before the House of Commons. He trusted the right hon. Gentleman would be convinced by what he had just said that such a course would not be proper. The very reason why he had declined to have them printed with the appendix of the Department's Report, was the very reason why he should decline to have them specially printed and circulated among Members of Parliament. It was desirable to keep the Inspectors, in their Reports on the state of the schools, to the points that had been indicated to them, and not encourage them to enter into speculative and controversial matters on such a delicate subject as education. If he were to consent to lay these Reports on the table, and give them the notoriety and publicity of being specially distributed among hon. Members, he should really be offering a premium to the Inspectors to disregard the rules of the Department, and be thereby striking at the foundation of discipline. He was sure that the right hon. Gentleman, who had held a far higher office than that which he (Mr. Lowe) had the honour of filling, would not wish him to do that.

SCIENTIFIC INSTITUTIONS IN DUBLIN.—QUESTION.

Lord NAAS said, he wished to ask the

Vice President of the Committee of Council on Education, Whether the Commissioners appointed to inquire into the state of certain Scientific Institutions in Dublin have made a Report; and, if so, whether it will be laid before Parliament?

Mr. PEEL replied, that the Report had been sent to the Treasury, and the Treasury had been and were still in correspondence with the Department of Science and Art, and with the Irish Government, and he hoped shortly to be able to lay the Report on the table of the House.

CONCENTRATION OF THE COURTS OF JUSTICE.—QUESTION.

Mr. ARTHUR MILLS said, he would beg to ask the Secretary of State for the Home Department, Whether it is the intention of Her Majesty's Government to introduce, during the present Session, any measure for enabling the Commissioners of Works and Public Buildings to acquire a site for the erection and concentration of Courts of Justice?

Sir GEORGE GREY, in reply, said, it was not the intention of Her Majesty's Government to introduce any Bill for that purpose. The subject of the erection of new Courts of Justice was under the consideration of the Government, and at a later period he would probably be able to give a more definite answer to the hon. Member's Question.

GENERALS OF THE ROYAL ENGINEERS.—QUESTION.

General LINDSAY said, he wished to ask the Secretary of State for War, Whether he has any objection to recommend Her Majesty to postpone filling up the vacancy in the establishment of Generals of the Royal Engineers, caused by the death of General Alexander Gordon, until a Motion for an Address to the Crown, respecting the claims of certain Colonels, promoted for Distinguished Service in the Crimean War, has been submitted to the judgment of the House of Commons? To make his Question intelligible, he would beg to say that he had given notice of his intention to move an Address to the Crown respecting the claims ef certain Officers who had been promoted as Queen's Aides-de-Camp, in 1855, and otherwise, for distinguished service. Should the House agree to that Address, and the Government adopt the view which he should put forward, one of those Officers would be promoted to fill a vacancy now existing; whereas if that vacancy were filled up immediately, another officer would fill it.

Sir GEORGE LEWIS said, in reply, that there would be ample opportunity, during the Session, for bringing forward the Motion of which the hon. and gallant Member had given notice. Under the circumstances of the case, however, he did not feel justified in tendering to Her Majesty the advice which the hon. and gallant Gentleman recommended. He thought the matter had better be left to the discretion of the General Commanding-in-Chief.

ADMINISTRATION OF JUSTICE IN TURKEY.—QUESTION.

Mr. AYRTON said, he would beg to ask the Under Secretary of State for Foreign Affairs, Whether the Instructions formerly issued by the Secretary of State for carrying into effect the Order in Council for the administration of justice in Turkey are still in force; and, if so, whether they will be laid upon the table of the House?

Mr. LAYARD said, the Order in Council relating to Consular Courts in the East was first issued in 1857, accompanied by explanatory instructions. A Report was afterwards directed to be made on the working of the Order; and in consequence of that Report an amended Order in Council was issued in 1860. That was again amended by a fresh Order in Council, issued lately, and placed on the table of the House together with the instructions by which it was accompanied. The previous instructions were no longer operative.

MACHINERY IN COTTON MILLS. QUESTION.

Lord JOHN MANNERS said, that he wished to ask the Secretary of State for the Home Department, Whether he is in possession of any official information showing what progress, if any, has been made in adapting the existing machinery in the Lancashire Cotton Mills to the working up of other materials, such as flax or wool; and, if so, whether he will place such information on the table af the House before the discussion takes place on the Motion which the hon. Member for Devonport (Mr. Ferrand) intends to bring forward after Easter?

Sir GEORGE GREY said, in reply,

that he had no information from the factory inspectors on that subject, except a Report from Mr. Redgrave, whose district, as Inspector, comprised far the greater part of the manufacturing districts in the North, stating that great exertions had been made to remove the difficulties attending the working of Indian cotton, and that there were machines in many factories which were also available for working the shorter kinds of cotton.

IRON-PLATED SHIPS.—QUESTION.

Sir JAMES ELPHINSTONE said, he wished to ask the Secretary to the Admiralty, If he will, during the recess, procure for the House a list of the iron-plated or iron-clad vessels built or building, with their tonnage, dimensions, armour, and draught of water. He asked this Question in consequence of a similar Return, ordered on the Motion of the hon. Member for Birkenhead (Mr. Laird), having been incorrectly worded and misunderstood to refer only to the old floating batteries.

Lord CLARENCE PAGET said, in reply, that if the hon. Member would let him know what the particular Returns were which he wanted, he would endeavour to obtain them.

THE EASTER RECESS.

Viscount PALMERSTON moved that the House at its rising do adjourn till Monday the 13th of April.

THE STALEYBRIDGE RIOTS— THE MANSION HOUSE COMMITTEE.

EXPLANATION.

Mr. Alderman CUBITT said, that as he had just been precluded, by the forms of the House, from saying a few words in vindication of the Mansion House Committee, he trusted the House would now indulge him for a few moments. On the 14th April he received a letter from a gentleman enclosing a cheque for twenty guineas. The writer expressed a belief that the distress then exhibiting itself in the cotton districts would grow to a great magnitude, and that something ought to be done in the way of relief. He put the cheque by for two or three days, and then sent for the gentleman and had some talk with him on the subject. The result was that in a few days a deputation of thirteen or fourteen gentlemen waited on him at the Mansion House, and urged the establishment of some kind of organization by which relief could be collected. In consequence of that, he spoke from the judicial bench at the Mansion House, in the presence of the public press, stating what had taken place and expressing his willingness to be the recipient of the public bounty with a view of transmitting it to the distressed districts. But he accompanied that with this condition. He said he could not undertake himself to distribute it, but that he would receive it and transmit it to some central organization, which, from what he had heard, was much needed and he had no doubt would soon be formed. The public responded to what he said at the Mansion House by sending large sums of money, and he soon had a large amount at the bankers and little use made of it. Referring then to the deputation that had waited on him, he requested them all to assist him as a committee of advice. Eight of them accepted the invitation; and from that day to this he had been assisted by them, they giving up to the matter a large portion of their time, although largely engaged in mercantile transactions. Finding that there was no central organization established, that the distress was growing, and that the fund was augmenting, the Committee determined at once to remit a portion of the funds for its alleviation. Accordingly on the 8th of May they sent £500 to Manchester, £500 to Preston, £250 to Wigan, and £250 to Stockport. From time to time various applications were made from other places, but they always made it a rule that there should be a proper local committee, and he never sent a shilling without having a list of such committee and being satisfied that they were responsible persons. They proceeded till August supplying all that was supplied for the purpose of relief, except what was raised by local subscriptions. In August the great general organization of the Manchester Central Committee came into being; and on the 11th of August that Committee made its first payments, sending them to precisely the same places and local committees as the Mansion House Committee had done. Now, to be told that this great Manchester Committee had been interfered with by the Mansion House Committee was hardly fair. It would seem from this, that the Manchester Committee were the original organization, and were being interfered with by new people, whereas the reverse was the case. The Mansion House Committee would have been glad to have ceased their labours and abdicated their functions; but the money was coming in in large amounts, and they hesitated to do so till they ascertained how far the public would be satisfied with what was going on in Manchester. It was not till some time afterwards that he felt satisfied that the public might be content to let the whole matter be left to the Manchester Committee. He accordingly suggested this course; but what was the response? All their meetings had been held in open day, and they had never been without the presence of representatives of the public press. On one occasion they discussed the propriety and expediency of handing over all their money to the Manchester Committee. They did not come to a decision on that occasion; and before they met again they received numerous letters imploring them to go on as they had hitherto done; and they were encouraged in acceding to those requests by continually increasing subscriptions being sent to them. The total amount received by the Mansion House Committee up to the present time exceeded £470,000. The Mansion House Committee looked on this as a great manifestation of the public opinion; and although they might be stigmatized as going out of their way and interfering improperly, on the whole he thought they must feel assured that up to the present time the public had been satisfied with them. He was very sorry to occupy the time of the House, but he would say for himself that the work had for the last twelve months been to him one of great anxiety; and if he could satisfactorily divest himself of all responsibility, he would be very glad to do so.

COLONEL WILSON PATTEN said, he did not know what the object of his hon. Friend was in making these observations; but he trusted that it was not on account of anything which had fallen from him. If he had said anything to detract from the merits of his hon. Friend, he deeply regretted it; he certainly did not intend to do so. He hoped he had never said anything that did not render ample justice to the kindly manner in which his hon. Friend first opened the subscription, and to the liberal and patriotic spirit with which he had carried it out. He gave his hon. Friend the highest possible credit for his conduct; and, whatever difference of opinion there might be as to the later management of the Committee over which he presided, there was not a single person in the county of Lancaster who did not entertain the same feelings of gratitude towards the hon. Gentleman which he (Colonel Wilson Patten) had now expressed. Whatever other differences there might be, there was no difference in that respect. He hoped that he had said nothing to wound the feelings of his hon. Friend. If he had done so, he had misrepresented the feelings of the whole of his constituents.

AFFAIRS OF POLAND.—OBSERVATIONS.

MR. HENNESSY said, that before the House rose for the recess, he was anxious to repeat the Question which he had asked on Monday, but to which the noble Viscount at the head of the Government declined to give an answer. He would remind the House that in again asking the noble Lord what was the policy of Her Majesty's Government with regard to Poland, he was only putting a question which had been asked in every Parliament in Europe, and which had been answered in every country except this. Strange to say, whereas in France the Government had fully and frankly explained their policy to the public of France, and a similar course had been pursued in Italy, Spain, Portugal, and Sweden, in fact wherever a representative assembly met to discuss public affairs, and even in Berlin Count Bismark had stated the course his Government intended to pursue, yet the Government of this country had not deigned to afford that House any information. When he remembered what in former times had been the policy of the noble Lord with regard to Poland, no one could say that he was prepared to trust the present Government implicitly: they knew that in all the past diplomatic history of Europe in relation to Poland, which the noble Lord had, unfortunately for that country, whenever the question turned up, had in his own hands, the policy of the noble Lord had been always adverse to Poland. But there was now an additional reason why they should wish to hear from the noble Lord a statement of what he was about to do. In July 1831, the noble Lord was asked, as had been frequently stated in that House, to enter into a joint mediation with France. Louis Philippe asked him to enter into a joint mediation. In March 1831 the noble Lord had written despatches to the Government of Russia, and Lord Heytesbury wrote to the noble Lord in reply. In one of these despatches Lord Heytesbury told the noble Lord that whatever view the Russian Government took of the policy of England—that whatever they thought of getting advice from England—there was one thing, and only one thing they feared, and that was a joint mediation of France and England. Lord Heytesbury went on to say—

> "As Prince Lieven is instructed to read this despatch to your Lordship, it will be unnecessary for me to say more than that the apparent understanding between England and France upon this subject is a much greater source of regret to this Government than anything contained in the representations I was called upon to make."

It was all very well for the noble Lord to tell the English Ambassador to make representations of what were the feelings of England, but as long as Count Nesselrode could isolate the policy of France and England, he would be content. In the year 1855, as they now knew, thanks to the Emperor of the French, who had published papers which had been kept concealed from the House of Commons, the French Government again asked the British Government to adopt a joint mediation with regard to Poland. The noble Viscount again refused. In the year 1856 his own Minister at the Congress of Paris, Lord Clarendon, spoke to Count Orloff upon the subject of Poland, and they had, within a few weeks, seen for the first time Lord Clarendon's despatch printed. In his despatch of April 15, 1856, Lord Clarendon said—

> "On the 9th instant, at the request of Count Walewski, I held a conversation with Count Orloff on this subject. I said that the condition of Poland had been discussed, and its future organization determined, by the Congress of Vienna, and that the present Congress could not view the question with indifference; but that, to the best of my belief, the Poles would be tolerably well satisfied if national institutions were restored to them, if their religion were respected, if they were allowed to use the Polish language, and if all their children were educated at Polish schools, instead of, as now, a limited number of them only at Russian schools. I suggested at the same time to his Excellency that he should volunteer some assurance to this effect, or should be prepared to declare it in answer to a question put to him by Congress.
>
> "Count Orloff replied that the Emperor had determined to restore to his Polish subjects everything I had suggested, but that the announcement could not be made to the Congress, as that would be misrepresented in Russia, and his Imperial Majesty would be thought to have yielded to foreign pressure, which would deprive him of the grace of the spontaneous acts he meant to perform
>
> "Count Orloff said to me in a friendly manner, 'Do not, in the interest of the Poles, bring the subject forward in the Congress; for I can tell you nothing there, nor admit your right to interrogate me. My answer, therefore, must be disheartening to the Poles, and the Emperor may perhaps think it a matter of dignity to postpone what he intends to do.'"

Well, the British Minister gave way; and what did Her Majesty's Government say to it? The noble Viscount said, in a despatch of the 17th April—

> "My Lord,—I have the honour to acknowledge the receipt of your Lordship's despatch of the 15th inst., reporting your conversations with Count Walewski and with Count Orloff on the question of Poland, and I have the honour to acquaint your Lordship that Her Majesty's Government entirely approve the course pursued by you, both in bringing the subject into discussion with Count Orloff, and in abstaining, in consequence of what Count Orloff said, from mooting the matter in the Congress."

In 1855, then, they found the noble Viscount accepting the Russian promises, and refusing to do anything. In 1856 they learnt from the papers laid before the French Senate that the French Government solicited the joint action of England, and that England again refused. Whenever the noble Viscount refused to join with France, he always adopted this tone—he said that the Emperor of Russia was prepared to promise something to Poland, and he would believe Russia; and in a despatch, describing the first transaction to which he had referred, the noble Viscount, in speaking of the Emperor Nicholas, at the time he was committing barbarities quite equal to the conduct which the noble Viscount the other day stigmatized as barbarous, the noble Viscount spoke of the "generous and high-minded sentiments" of the Emperor Nicholas; he appealed to the "moderation and mercy," which he believed to be congenial to the high-minded sentiments which were well known to belong to his Imperial Majesty," and to his "humane forbearance and lenity." This was written at a time when the Emperor Nicholas was slaughtering his subjects in Poland wholesale. Now, as long as they found the noble Viscount praising the Emperor of Russia, relying on his benevolence, trusting to an amnesty, talking of his merciful disposition, so long the noble Viscount's policy required to be closely scrutinized by that House. He would strongly urge upon the noble Viscount to pay more attention to what he (Mr. Hennessy) believed to be the sentiments of the people of England and the disposition of that House than to the sentiments of the Grand Duke Constantine, and the merciful disposition of the Emperor of Russia. He begged in conclusion to ask the noble Viscount, generally, what Her Majesty's Government proposed to do with regard to Poland; and, in particular, whether Her Majesty's Government had accepted or had refused any kind of mediation jointly with the Government of France in the affairs of Poland.

UNITED STATES—THE FOREIGN ENLISTMENT ACT.—QUESTION.

MR. W. E. FORSTER said, he rose to ask the First Lord of the Treasury, Whether the attention of Her Majesty's Government has been called to the danger to our friendly relations with the United States resulting from the fitting out in our Ports of Ships of War for the service of the self-styled Confederate States, in contravention of the Foreign Enlistment Act and of the policy of Neutrality adopted by this country? A danger such as he had referred to in his Question did really exist, because many persons, British subjects or acting under the protection of British law, and in defiance of the Queen's Proclamation and of the statutes of the realm, were breaking the law, and were engaged in efforts to break it to an extent which did certainly place this country in the danger of being involved in war. This was notorious from the papers that had been presented with regard to the most flagrant of these cases—the case of the *Alabama.* From these papers there arose two questions for consideration. The first was, whether Her Majesty's Government had done all they could—had used every possible exertion—to prevent these breaches of the law; and the second, whether they were impressed with the necessity of the duty of doing their utmost to prevent them for the future? And he must acknowledge that his object in addressing the noble Viscount the Question now was, that he thought that so great was the danger that they could not separate for the recess without obtaining an answer from the Government, more especially with regard to the second question, as to the future. With regard to the past, it would have been more convenient had discussion on it been postponed, because his hon. Friend the Member for Brighton (Mr. White) had a Motion for other papers which would throw additional light on the subject. But in the present state of public feeling, both in this country and in America, there might be advantage in the Government being able to give at once some explanation which the facts, as presented in the papers already published, seemed to demand. He would endeavour briefly to state the circumstances of the case. On June 23rd, the American Minister, having already had experience of one armed vessel leaving their shores and being engaged in the destruction of American ships, wrote to the Foreign Secretary, and after referring to the case of the *Oreto,* said—

> "I am now under the painful necessity of apprising your Lordship that a new and still more powerful war steamer is nearly ready for departure from the port of Liverpool on the same errand. This vessel has been built and launched from the dockyard of persons one of whom is now sitting as a Member of the House of Commons, and is fitting out for the especial and manifest object of carrying on hostilities by sea. It is about to be commanded by one of the insurgent agents, the same who sailed in the *Oreto.* The parties engaged in the enterprise are well known at Liverpool to be agents and officers of the insurgents in the United States."

The American Minister, in confirmation of this, enclosed a statement from the American Consul at Liverpool, who said—

> "The evidence I have is entirely conclusive to my mind. . . . The foreman in Messrs. Laird's yard says she is the sister to the gunboat the *Oreto,* and has been built for the same parties and the same purpose."

The vessel was apparently built under circumstances which suggested concealment, for he added—

> "The strictest watch is kept over the vessel; no person except those immediately engaged upon her is admitted into the yard."

The despatch was forwarded to the Foreign Office on the 23rd of June, and the Foreign Minister transmitted it to the Customs authorities at Liverpool; who replied that they were unable to take any steps to prevent the departure of the vessel. One point on which they required information was, as to the steps the Customs authorities had taken to find out the truth or falsehood of the American Minister's statement, which was so fully justified by the result. The next letter was dated July 22nd, in which the American Minister again wrote to Earl Russell, and enclosed sworn depositions which abundantly proved that the vessel was on the point of sailing as an armed vessel of war, Mr. ROEBUCK: The hon. Gentleman says "armed"—but was she armed?

Mr. W. E. FORSTER: The evidence was that the vessel was to be built and fitted up as a fighting ship in all respects. [Mr. Roebuck: She had no guns.] No; but one of the depositions—that of a seaman who had been enlisted by the Confederate agent—stated that she had a magazine, shot, and canister racks on deck, and was pierced for guns, and was built and fitted up as a fighting ship in all respects. The depositions proved the connection of the agent of the Confederate Government, Captain Bullock, with this vessel as superintending her construction in Mr. Laird's yard, while an old man-of-war's-man deposed to his having been enlisted by the agent of the Confederate States, Captain Butcher, to sail in the vessel. This deponent joined the vessel in Messrs. Laird & Co.'s yard at Birkenhead, and he went on to say—

> "The said vessel is a screw steamer of about 1,100 tons burden, as far as I can judge, and is built and fitted up as a fighting ship in all respects. She has a magazine, and shot and canister racks on deck, and is pierced for guns. . . . . There are now about thirty hands on board her, who have been engaged to go out in her. Most of them are men who have previously served on board fighting ships. . . . . It is well known by the hands on board that the vessel is going out as a privateer for the Confederate Government, to act against the United States under a commission from Mr. Jefferson Davis."

The next paper he would read was the opinion of the hon. and learned Member for Plymouth (Mr. Collier), which was given at the request of the American Government. It was as follows:—

> "I have perused the above affidavits, and I am of opinion that the Collector of Customs would be justified in detaining the vessel. Indeed, I should think it his duty to detain her; and that if, after the application which has been made to him, supported by the evidence which has been laid before me, he allows the vessel to leave Liverpool, he will incur a heavy responsibility—a responsibility of which the Board of Customs, under whose direction he appears to be acting, must take their share. It appears difficult to make out a stronger case of infringement of the Foreign Enlistment Act, which, if not enforced on this occasion, is little better than a dead letter. It well deserves consideration whether, if the vessel be allowed to escape, the Federal Government would not have serious grounds of remonstrance."

That opinion was dated July 23, 1862, and its validity appeared to have been allowed by the Government, because Earl Russell wrote five days afterwards he had submitted it to the Law Officers of the Crown, and that he had telegraphed for the seizure of the vessel. Now, how was it that five days elapsed after the receipt of this letter before any action was taken by the Government? Earl Russell had been informed that the vessel was ready to sail, and he had the strongest possible grounds of suspicion that she was going out in the service of the Confederate States. The House ought also to know how it was that the Customs authorities, whose duty it was to prevent the breach of the law, independently of the action of the Foreign Office and of the American Government, took no steps whatever in the matter. There was another question upon which, as he saw the Solicitor General present, he should like to have information. In his letter to Mr. Adams dated the 22nd of September, some time after the vessel had sailed, Earl Russell said—

> "The report of the Law Officers was not received until the 29th of July, and on the same day a telegraphic message was forwarded to Her Majesty's Government, stating that the vessel had sailed that morning. Instructions were then despatched to Ireland to detain the vessel should she put into Queenstown, and similar instructions have been sent to the Governor of the Bahamas, in case of her visiting Nassau."

As these orders had been sent to detain the vessel if she visited Nassau, why was she not subsequently detained in Port Royal, where, after fighting the *Hatteras*, she took refuge for six days last January? Earl Russell stated that she sailed the very day that the Law Officers gave their opinion. So that it appeared that the representations of the American Minister had merely the effect of warning the owners that it was necessary she should sail at once. It was certainly a curious coincidence that the day on which the opinion of the Law Officers was received was the very day when this vessel got away. She left professedly on a pleasure excursion, and notwithstanding the suspicion which attached to her, the Customs authorities did not find out that this pleasure excursion was her actual departure. She sailed out under the British flag, and in Angra Bay was joined by two other vessels under the British flag, and was supplied with arms and stores. It was said, that at that time she ceased to hoist the British and hoisted the Confederate flag; but had the Government attempted to find out whether she did really make this change; for if she had not ceased to be a British ship, she was, of course, still under British jurisdiction? She made good use of her time, for, up to the 16th September, she had captured and burnt ten vessels. She not only had sailed out under the British flag, but in cases of capture she kept it hoisted till she was upon the point of seizing her prey, when she lowered it to give place to that of the Confederates. It was hardly surprising that the announcement that this vessel, coming from a British port and thus hoisting the British flag, was making prize of American vessels, should have given rise to a great deal of feeling in America; and many protests were issued by the merchants in that country. In one protest they said that a large number of American ships had been captured by this vessel; that the cargoes of those ships had been plundered, and the crews subjected to brutal treatment. The protest further stated that the vessel which had committed those depredations had come from an English port; that, up to the time of the commission of the outrages complained of, she had been at no other but an English port; and that she sailed under the English flag, which she only exchanged for that of the rebels when within reach of her prey. Those merchants held that the British Government were responsible for the acts of this vessel. Now, he did not mean to say that our Government was responsible for them, but he was not astonished that American merchants should suppose that they were. This was almost altogether a British transaction. With the exception of two or three officers, there was hardly anything Confederate about her. She was manned by a British crew; she sailed out of a British port under a British flag; she had been built by British builders, contracted for by British agents, and paid for by money borrowed from British capitalists. When they considered that this was not the first vessel that was so employed, they could not be surprised at the feeling existing in America with regard to it.

He had now given to the House a brief statement in regard to the *Alabama;* but if one ship merely had been or probably would be so employed, he would not have brought the matter then before the House. He had no wish to make a case against the Government, and would have been content to let the matter alone; but when it was expected that this ship would be followed by many others of the same class, it became a question affecting their interests, the interests of the country, and their friendly relations with America. He should not have troubled the House if there were not reason to suppose that other ships intended to follow this example. As early as the 30th September there was a letter from Mr. Adams, stating his strong reasons for believing that other enterprises were in progress in the ports of Great Britain of a similar kind, and had attained such notoriety as to be openly announced in the newspapers of Liverpool and London. In the month of October, one month after the date of that letter, the Chancellor of the Exchequer made several speeches in the North, and there was one statement of his which excited more attention than even his eloquent statements have generally done. The right hon. Gentleman stated, that the South had an army, and in a very short time would have a navy. He could not be aware at the time of such a speedy realization of his prophecy, or that its fulfilment was then attempted by the agent of the Confederate States. In the same month of October, an official letter was intercepted from the Secretary of the Confederate Navy to the agent of the Confederates in England, in which he says—

> "Mr. Saunders has, as you are aware, contracted with this Department for the construction in England of six iron-clad steamers."

That was, in fact, the construction of a fleet to sail from the shores of England to attack the United States on the part of the Confederate States. The noble Lord the Member for Sandwich (Lord Clarence Paget) would jump at such an addition to the English navy. It seemed that the Chancellor of the Exchequer's prophecy was about to be followed by speedy fulfilment. It was not the case of one or two vessels sailing out to break the blockade, or catch one or two merchant ships, but English ports were made use of for the purpose of carrying on a private war in size and importance almost equal to a public war with the United States. Now, there came the question, what was to be done? He did not ask the Government to infringe the rights of any British subject, or to infringe the law, or to do anything detrimental to what was supposed to be the British interest; but he asked them to carry out the law, and if the law were not sufficiently powerful, they should come to that House and demand further powers. If they did so, they would only be following the example of the United States, which demanded and obtained summary powers when this country made a request in a similar case. He was not sure that they had waited for our request, nor did he actually know that the English Government had made such a request; but if not, the American Government did what they considered necessary without it. At the time of the rebellion in Canada, the United States Foreign Enlistment Act not being sufficient to prevent the transgression of the frontier between Canada and the United States, and the passage over it of armed men—precisely the same thing as the passage of armed vessels from the English shores to America—the American Government passed a temporary Act, enlarging the powers of their Foreign Enlistment Act. He believed the American Foreign Enlistment Act was similar to the English Foreign Enlistment Act, and the cases were also similar. Both Acts contained two provisions—one prohibiting the recruiting of armed men or the marching of an army over the frontier; the other was to prevent the equipping of vessels, or the departure of a navy from its ports. ["Hear!"] Notwithstanding that ironical cheer from the opposite side, he would say that they would be only following the example of the friendly conduct of America in a similiar situation, if the Government would obtain further powers by passing a temporary Act for the purpose. When making that suggestion, he was only stating what appeared to be the sentiments of Earl Russell during a part of last year. In December 1862 the noble Earl wrote to Mr. Adams that he was prepared to make an amendment in the Foreign Enlistment Act, to render the law more effectual to prevent the fitting out of vessels, if the United States would do the same. The only other information they had was, that on the 14th of February last, Earl Russell, writing to Lord Lyons, said—

> "On a second point—namely, whether the law with respect to the equipment of vessels for hostile purposes might be improved—Mr. Adams said that his Government were ready to listen to any proposition Her Majesty's Government had to make, but they did not see how their own law on the subject could be improved. I said that the Cabinet had come to a similar conclusion. So that no further proceedings need be taken at present on the subject."

Why did the United States Government say they did not think an amendment of their law was necessary? Because they had found the law effectual under similar circumstances. Eight years ago, when this country was engaged in a war with Russia, a similar case to the present one occurred. We blockaded the ports of Russia as the United States were blockading the Confederate ports. We believed we had shut in the Russian navy so as not to interfere with British commerce; but there was a considerable anxiety in this country lest the United States should send out privateers under the Russian flag. We feared that the Americans might do to us what we were now doing to the United States. In consequence of that feeling, our Consuls and Ministers received the same instructions as the American Ministers and Consuls now receive—to watch everything that was done. But it might be truly stated with confidence, that notwithstanding the strong temptation presented to American merchants to fit out privateers to prey on English commerce, not one single privateer or vessel of war left American ports to aid Russia during the whole of that war. On the contrary, he could mention two instances in which American subjects showed that they would not break the neutrality law. He believed it was supposed that a ship called the *General Admiral* did leave an American port to assist the Russian Government. The fact really was, that Mr. Webb, a great shipbuilder in America, received an order from the Russian Government to build this ship before the breaking-out of the war. He stated that he returned to New York in 1853 and commenced the work; that after the breaking-out of the war between Russia and England and her ally, with whom the United States Government was at peace, the legality of his continuing the prosecution of the work became questionable; and the result was the suspension of the work and the postponement of the fulfilment of his contract until after the restoration of peace; and they had got between Mr. Webb and the Grand Duke part of the correspondence that passed Constantine on the subject. There was a still more extraordinary case, that of an armed schooner which was suspected by the British Consul, and his suspicions appeared to be almost identical with the suspicions felt by the American Consul with regard to the *Alabama*. What did the American Government do? Upon the receipt of a deposition, nothing like so strong as that upon which the Foreign Office took five days to act, and then acted when it was too late, the American Government at once detained the vessel until the British Consul was convinced that she was not intended for the service of Russia; and that, in fact, she had been armed with a view to resist pirates in Chinese seas. It was rather a curious coincidence that that vessel belonged to a very eminent American merchant, Mr. Low, who had suffered most from the depredations of the *Alabama;* and it was also a curious fact that he was one of the largest, if not the largest subscriber to the American fund for the relief of the distress in Lancashire. Therefore, the House would not be surprised if his case had excited great sympathy in America. Well, in consequence of the arrest of this vessel, the *Maury*, the New York Chamber of Commerce, having a feeling, which he feared was not shared much in in England, that if the charge had been true, such a breach of the laws of neutrality would be disgraceful to their characters as merchants, appointed a committee to examine into the case, and they came to the conclusion that while an apology was due to Mr. Low for the ungrounded suspicions, it was incumbent on them to express their opinion of the charge. What was the nature of the Resolution they passed?—

> "That the merchants of New York, as part of the body of merchants of the United States, will uphold the Government in the full maintenance of the neutrality laws of the country, and will acknowledge and adopt, and always have regarded, the acts of the United States in preserving this neutrality as binding in honour and conscience as well as law, and we denounce those who violate them as disturbers of the peace of the world, and to be held in universal abhorrence."

With such a resolution come to in the year 1855, the House could not be surprised at the resolution recently passed by the same Chamber of Commerce, in which they express their indignation at the fact that armed vessels had been allowed to leave British ports for the purpose of acting against the commerce of the United States. He did not ask the Government to infringe the right of any British subject, but he was quite sure that if the Customs of Liverpool had acted with anything like the same vigilance as the Customs authorities at New York acted in the case of the *Maury*, the *Alabama* would never have been permitted to leave the port. And if they acted with anything like the vigilance that was now used to prevent smuggled tobacco coming in, he believed that the vessels that were now being built would never be able to get to sea. If, during the Russian war, the Americans had acted towards us as we were now acting towards them, he believed the indignation that would have been caused in this country would have been so great that it would have been very difficult for any Government to have maintained peace with the United States. There was only one more point which he wished to impress upon the attention of the Government. He could not help thinking, from the perusal of these papers, that the Custom-house authorities, whose business primarily it was to see this law was put in force, were acting in some respects on a wrong principle; for they seemed to suppose that it was not their business to put it in force until the American Government took action in the matter. That was not the case. This was not a question of sympathy as between the North and South, but it was a question of obedience to British law, and of carrying out a British Act, the preamble of which said that the equipment or fitting out of vessels in British ports was to be prevented, because it was prejudicial and calculated to endanger the peace and welfare of the kingdom. It might be said by some hon. Gentlemen that the United States had now so much to do that these things could be done with impunity. Suppose that to be the case. Let the House remember what a precedent this country was creating. We were neutrals now, but we had been belligerents, and may be belligerents again; and if so, could we expect that the United States would retire into their old position of neutrality, and act again as they did during the war in the Crimea? But he doubted that a nation of 20,000,000, roused up to a pitch of great excitement, would be restrained from hostilities merely because they were engaged in another war. If there were anything in our own history of which we were proud, it was this—that when engaged in war with one nation, we were ready to resent any insult or injury just as strongly as if we were at peace. He would only add that during this war, which had caused so much misery in this country, we had hitherto preserved neutrality under what he was willing to acknowledge had been no little provocation, and under the temptation of what to some appeared an advantage from its breach to the interests of those they most cared for—namely, their industrial population. Having done so, and having now a hope, as he trusted and believed they had, of seeing an end to this terrible war, surely the Government would do their utmost to preserve that neutrality from being violated by private interest in order to put money into the pockets of a few shipowners and contractors, however wealthy they might be, or however high their station.

The SOLICITOR GENERAL: Sir, my hon. Friend who has just sat down has referred to the strong feeling which exists in the United States on the subject of the *Alabama,* and to the important interests which he thinks may be compromised if this country does not exert the powers which it possesses to prevent the fitting out of similar vessels; and he has said that we cannot be surprised that the American merchants and the American public should hold this country responsible for the acts of that vessel. I shall take the liberty of saying that we should have very just reason to feel surprised that so extraordinary an error should prevail in the general mind of the American public, if it did not happen that we are able to trace that error in some respects to its source. The accusations that have been made against Her Majesty's Government with respect to the *Alabama,* and which I hope to show the House are entirely groundless, are but a part of a series of accusations of systematic breaches of neutrality which, unhappily, the Government of the United States has permitted itself to make against this country, from, I might almost say, the beginning of this war. In their diplomatic communications, made through Mr. Adams to Her Majesty's Government, and which I regret to add constitute no small part of the contents of the book which I hold in my hand — the book laid by the American Government before Congress — I find repeated, over and over again, a catalogue of grievances against this country, of which the matter of the *Alabama* is only a single item. I regret to say that it is indispensably necessary, in order that the House should appreciate the truth concerning the *Alabama,* and see how utterly destitute of solid ground are the complaints which have been made with respect to the *Alabama,* that I should show the House in what company those charges are found. I will only mention two or three examples. On the 13th of February, last year, we have Mr. Seward writing to complain of the exportation from this country of munitions of war and arms to the Confederate States, and representing this as a breach of the duties of neutrality, which the Government, if sincere in their neutrality, were bound to prevent. On the 1st of May, 1862, Mr. Seward complained that money had been provided by subscription in Liverpool, and employed in the purchase of arms and munitions for the Confederates. On the 12th of May Mr. Adams wrote to Earl Russell complaining of the supply of men and ships, which he mixed up with arms and money, to one of the parties in the war. Upon the 2nd of June Mr. Seward sent to Mr. Adams a report of a gentleman who gave a long account of the purchases of arms, munitions of war, and military stores, which had been shipped from England to the Confederate States; and only as late as the 30th of December, 1862, Mr. Adams, while engaged in correspondence with Earl Russell on the subject of the *Alabama,* annexed to his despatch documents giving an account of a large quantity of military and other stores which had been exported from this country to the Confederate States, and making the existence of that trade the subject of renewed complaints. It is true that Mr. Adams then endeavoured to give some colour to that complaint by connecting it with the question of blockade; but if the trade was not otherwise a violation of Her Majesty's neutrality, there could be no pretence for saying that the blockade of the Southern coast could make it so. This is the manner in which, from first to last, in their diplomatic correspondence with this country, the Government of the United States have not thought it unworthy of them to complain of this country as guilty of breaches of neutrality. They have in that correspondence done no more nor less than to deny the application to this country, in this war, of those principles as to neutrals which have been invariably recognised by all nations, and by no nation more emphatically and constantly than by the United States themselves. I have given the House the dates of several of those complaints—I will now mention another date. In November, 1862, the Mexican Minister at Washington addressed a complaint to Mr. Seward to this effect—

> "I have the honour to inform you that my Government has given me instructions to communicate to that of the United States that the Mexican Government has reliable information to the effect that the chief of the French expedition which is invading the republic has sent

> emissaries to New Orleans and New York to purchase mules and waggons for transporting the cannon, war materials, and provisions to the interior of Mexico. My Government thinks, that if such purchases should be realized, the neutrality to which they are bound would be violated by the sellers."

Now, what was the answer of Mr. Seward upon the 24th of November to that remonstrance? Mr. Seward, in his reply, quoted sundry extracts from well-known American authorities, as embodying the traditional doctrines and policy of his Government, and constituting his answer to this complaint. What were those extracts? The first was an instruction to the collectors of customs, issued by Alexander Hamilton, the Secretary of the Treasury, August 4th, 1793, as follows—

> "The purchasing and exporting from the United States, by way of merchandise, articles commonly called contraband, being generally warlike instruments and stores, is free to all parties at war, and is not to be interfered with. If our own citizens undertake to carry them to any of these parties, they will be abandoned to the penalties which the laws of war authorize."

Well, have we not abandoned to the penalties of the law all ships of our country which have been found on the high seas carrying contraband of war? The next extract is from Mr. Webster's letter, dated the 8th of July, 1842, to Mr. Thompson—

> "It is not the practice of nations to undertake to prohibit their own subjects from trafficking in articles contraband of war. Such trade is carried on at the risk of those engaged in it, under the liabilities and penalties prescribed by the law of nations or particular treaties."

In his instructions of the same date Mr. Webster further stated—

> "That if American merchants in the way of commerce had sold munitions of war to Texas, the Government of the United States, nevertheless, were not bound to prevent it, and could not have prevented it without a manifest departure from the principles of neutrality."

Then comes a passage from President Pierce's Message to Congress in 1855—

> "The laws of the United States do not forbid their citizens to sell to either of the belligerent Powers articles contraband of war, or take munitions of war or soldiers on board their private ships for transportation; and although in so doing the individual exposes his property or person to some of the hazards of war, his acts do not involve any breach of national neutrality, nor of themselves implicate the Government."

There is yet one extract more. We have heard complaints of loans of money, as well as of the sale of munitions of war. The doctrine of the United States, in that respect, is set forth in a communication from Mr. Webster to Mr. Thompson in 1841—

> "As to advances, loans, or donations of money or goods made by individuals to the Government of Texas, or its citizens, the Mexican Government hardly needs to be informed that there is nothing unlawful in this, so long as Texas is at peace with the United States, and that these are things which no Government undertakes to restrain.

I think the House will now see that the American mind has not been assisted by its own Government to appreciate, justly and truly, the specific value of the charges in regard to the *Alabama*, or the manner in which the acknowledged general principles of international law bear upon that and similar cases. We have, therefore, some reason to complain of, and certainly to regret, the course which the Government of the United States has pursued. I now come to the particular case of the *Alabama*. It is highly necessary, in order that the bearing of this question on international law, and the mutual relations of our Government and the United States, may be properly understood, that we should in the first instance ascertain clearly what is the right of the latter in the case. We, of course, have the deepest interest in the maintenance of our own rights, and are determined to enforce them in accordance with the laws and constitutional principles of this country But, the fact is, that if we, for our own reasons, and in order to prevent the violation of our neutrality by other Governments, had not thought fit to pass the Foreign Enlistment Act—an Act which we have as much right to repeal as to pass—if we had not done that of our own will and pleasure, it would have been impossible for the Government of the United States, on their own principles, to treat the sale of ships of war as in any degree more unlawful than the sale of any other kinds of munitions of war. I will prove that from their own authorities. They have a Foreign Enlistment Act as well as ourselves; and their Judges in deciding cases under it have had occasion to state the principles of that particular law, and also of the general law which prevails between nations. In 1815 the case of the *Alerta* was tried before the Supreme Court of the United States, and in the judgment this passage occurs—

> "A neutral nation may, if so disposed, without a breach of her neutral character, grant permission to both belligerents to equip their vessels of war within her territory; but without such per-

> mission the subjects of such belligerent Powers have no right to equip vessels of war, or to increase or augment their force, either with arms or with men, within the territory of such neutral nation. Such unauthorized acts violate her sovereignty and her rights as a neutral."

That is just the principle on which the Foreign Enlistment Act is based. It was passed for the defence of our neutrality against any invasion of it by other Powers, and not in consequence of any obligation imposed upon us to prohibit such transactions as the building or equipment of ships of war for a belligerent by our subjects. If, then, *à priori*, a ship or arms may be sold, unless the neutral State interferes to prevent it, what is the extent of the right which a foreign Government derives from the existence of the Foreign Enlistment Act? Only this, that the foreign Government may appeal to the friendly spirit of the neutral State to enforce its own statute according to its own principles of judicial administration. The United States Government have no right to complain if the Act in question is enforced in the way in which English laws are usually enforced against English subjects—on evidence, and not on suspicion; on facts, and not on presumption; on satisfactory testimony, and not on the mere accusations of a foreign Minister or his agents. The Act must be not only interpreted but executed according to law. It can be put in operation only on such evidence as our own Government would deem sufficient to justify proceedings in any other case. There is no comparison between the sale of a vessel of war by a neutral to a belligerent and such a case as that which happened lately in Brazil, where the property of British subjects was plundered on the shores of that country. That was a case in which, apart from local laws, British rights were infringed. But in the present instance the sale of a vessel of war, if brought within the Act, is an offence purely because our own law has declared it to be so; and if any foreign Government have an interest in getting that law enforced, they must be content to have it done according to the ordinary modes of procedure in this country. It would be a great mistake to suppose that the Foreign Enlistment Act was meant to prohibit all commercial dealings in ships of war with belligerent countries. It was not intended to do so. Two things must be proved in every case to render the transaction illegal—that there has been what the law regards as the fitting-out, arming, or equipment of a ship of war; and that this was done with the intent that the ship should be employed in the service of a foreign belligerent. I am not going into an inquiry as to the construction of the Act, but I may remind those who wish to get at the real truth of the matter of one or two points which have been decided, upon the corresponding American statute, by the Supreme Court of the United States, the highest tribunal in that country. The House will then see what may lawfully be done on the showing of the Americans themselves. There was a rather remarkable case, which occurred in 1822, and was decided by Judge Story. The ship was called the *Independencia*. She was originally an American privateer, built and equipped for and engaged in the war between the United States and Great Britain. After the peace she was converted into a brig, and sold. In January, 1816, she was loaded with a cargo of munitions of war by her new owners, inhabitants of Baltimore; and being armed with twelve guns, constituting part of her original armament, she was sent from that port, under the command of a native citizen of the United States, to Buenos Ayres, then at war with Spain. By the written instructions given to the supercargo on this voyage, he was authorized by the owners to sell the vessel to the Government of Buenos Ayres if he could obtain a suitable price. She arrived at Buenos Ayres, having committed no act of hostility, but sailing under the protection of the United States flag during the outward voyage. At Buenos Ayres she was sold, and soon afterwards, in May 1816, assumed the flag and character of a public ship, and was understood by the crew to have been sold to the Government of Buenos Ayres; indeed, the captain himself made known these facts to the crew, asserting that he had become a citizen of Buenos Ayres, and had received a commission to command the vessel as a national ship, and invited the crew to enlist in the same service, which the greater part of them did. From that time she was publicly and notoriously employed as a public ship of war of the Government of Buenos Ayres. What was the judgment of Justice Story upon that part of the case? It was this—

> "The question as to the original illegal armament and outfit of the *Independencia* may be dis-

missed in a few words. It is apparent, that though equipped as a vessel of war, she was sent to Buenos Ayres on a commercial adventure, contraband, indeed, but in no shape violating our laws or our national neutrality. If captured by a Spanish ship of war during the voyage, she would have been justly condemned as good prize, and for being engaged in a traffic prohibited by the law of nations. But there is nothing in our laws, or in the law of nations, that forbids our citizens from sending armed vessels, as well as munitions of war, to foreign ports for sale. It is a commercial adventure which no nation is bound to prohibit, and which only exposes the persons engaged in it to the penalty of confiscation. Supposing, therefore, the voyage to have been for commercial purposes, and the sale at Buenos Ayres to have been a *bonâ fide* sale (and there is nothing in the evidence before us to contradict it), there is no pretence to say that the original outfit on the voyage was illegal, or that a capture made after the sale was, for that cause alone, invalid."

I must trouble the House with one more American decision. The case occurred in 1832, and the doctrine laid down in it was, that if a ship was fitted up with part of her armament in the United States, and then taken abroad by her owners with intent to complete her armament, and employ her in the service of a belligerent power, provided they could obtain funds in a foreign port for that purpose, this was not so definite an intention as to bring the case within the American Foreign Enlistment Act. The question was, whether the transaction, while the ship was still within the territory of the United States, had the character of a warlike armament, or that of a commercial speculation; and it was held that this must depend upon an absolute, and not a contingent intention. It was said—

> "The collectors are not authorized to detain vessels, although manifestly built for warlike purposes and about to depart from the United States, unless circumstances shall render it probable that such vessels are intended to be employed by the owners to commit hostilities against some foreign Power at peace with the United States."

The words are, "render it probable;" which, if the principles of the law of this country are to be regarded, must mean, capable of reasonable proof. Sir, I do not deny that the United States are entitled to approach our Government, and to say, "You have laws, the violation of which will be injurious to us, and which you profess to desire in good faith to enforce. Here is a case as to which we can offer you evidence." Our Government always have been, and I have no doubt always will be, ready to attend to evidence furnished to them under such circumstances. But let not the House be misled, and let not the American people be misled, as far as to suppose that there is an international ground of complaint merely because a ship of war with which the Confederate States may carry on their belligerent operations was built in and comes from this country. A clear ground of complaint would exist if our Government themselves directly or indirectly were concerned in fitting out such a belligerent ship; and a ground of complaint would exist, if a belligerent Power were permitted by our Government to use our shores or our waters for the actual operations of war; but if it is merely a case of individuals doing that which would be lawful by international law in this country if it were ont for our Foreign Enlistment Act—doing that which is only unlawful because there is a Foreign Enlistment Act—then the whole extent of the right possessed by the United States is to ask us to administer our laws upon the same principles and in the same manner as we should administer them against our own subjects in a matter in which we were ourselves alone concerned. So much I undertake to say our Government will always be ready to do; and if the minds of the people of the United States could be relieved from the prejudice, the bias, the false impression produced by the continued representations of their Government that things are unlawful and against international law which they know well not to be so, I feel perfectly sure that no candid man in the United States could think that there has been a want of good faith and upright intention on the part of our Government in anything which has occurred with respect to the *Alabama*. My hon. Friend has said that the *Alabama* was not the first ship which escaped from this country. That is true; there was the *Oreto*. What were the circumstances of that case? The *Oreto* was made the subject of due representation only once before she left this country, because she sailed from Liverpool on the 22nd of March clandestinely, as did the *Alabama*, and it was only on that same day that a conversation took place between Mr. Adams and Lord Russell which might have led to her detention if she had not gone. On the 18th of February the first and only previous information communicated to our Government was given by Mr. Adams. He stated a case which clearly called for inquiry. Accordingly, the Commissioners of Customs were directed to make an inquiry; they did so, and on the 22nd of February they reported that circumstances worthy of credit tended to show that the *Oreto* was going, or at all events was credibly represented to be going to Italy, and not to America; and not a particle of evidence had been offered to the contrary. She was not then fitted for the reception of guns, and had nothing on board but coals and ballast. There was consequently nothing to justify her detention—nothing but vague rumours and suspicions. No further representation was made, and the *Oreto* sailed on the 22nd of March. What then happened? The circumstances of her departure, and the contemporaneous representation made by Mr. Adams to our Government, made it probable that she was really intended for the Confederate States, and that our officers had been imposed upon. Still, the case was not clear; there was nothing proved to have been done in England which a court of law would certainly have construed as a violation of the Foreign Enlistment Act. Nevertheless, our Government immediately sent orders to Nassau, whither she was understood to have gone; and when she arrived there, she was watched. Upon the appearance of a delivery of stores, which appeared to be munitions of war, into the *Oreto*, while in our waters, although the case was doubtful, and it was questionable whether the evidence would prove sufficient, still, to show our good faith, we strained a point, and, acting upon some evidence, the *Oreto* was seized. What was the result? She was tried and acquitted, the evidence not being sufficient. Did we show any want of good faith in that case? With respect to the *Alabama*, the material facts may be shortly stated. On the 23rd of June Mr. Adams first called the attention of our Government to the information he had received about the building of the *Alabama*. It had often been said before that there were many ships in preparation for the Confederate States, but no evidence had been produced in any case, except that of the *Oreto*; and, what is more, we now know that, in fact, there were no other ships. The *Oreto* and the *Alabama* appear to be the only ships of the class which have yet been built in this country, whatever may be going on now, which is another question. When they received the representation from Mr. Adams on the 23rd of June, our Government took the proper and usual course; they directed the Commissioners of Customs to have the case inquired into. On the 1st of July the Commissioners made their report to Lord Russell: they said it was evident the ship was a ship of war; it was believed, and not denied, she was built for a foreign Government; but the builders would give no information about her destination, and the Commissioners had no other reliable source of information on that point. Were our Government wrong in not seizing the vessel then? The circumstances disclosed in the case tried before Justice Story were so far exactly the same as those which occurred in the case of the *Alabama*, and, in the absence of any further evidence, the seizure of that ship would have been altogether unwarrantable by law. She might have been legitimately built for a foreign Government; and though a ship of war, she might have formed a legitimate article of merchandise, even if meant for the Confederate States. Lord Russell, of course, communicated to Mr. Adams the result of the inquiry by the Commissioners of Customs, intimating, that if Mr. Adams could furnish any evidence, it would receive attention. The Government have been accused of unreasonable delay. Was there ever a more unfounded accusation? What time did Mr. Adams take to get his evidence? It was not the fault of our Government that he was not ready with it from the beginning. Lord Russell communicated with him on the 4th of July; eighteen days passed away before he furnished any evidence whatever; on the 22nd he transmitted his first series of depositions; he did not complete his evidence till the 24th, and the letter in which he sent the two last depositions was not received at the Foreign Office till the 26th. So that he did not place the whole evidence on which he relied in the hands of the Government till the 26th of July. In the mean time he obtained the opinion of the hon. and learned Member for Plymouth, who on the 16th stated his belief that there was a case of suspicion which might prove enough to justify the detention of the vessel. That first opinion was not communicated to Her Majesty's Government, and the Collector of the Customs at Liverpool did not think himself warranted in acting upon the evidence when produced to him, without higher authority. When the evidence was completed, it was laid before the hon. and learned Gentlemen, who, on the 23rd, thought there was a case sufficient to warrant her detention. Upon that evidence the legal advisers of the Government came to the same conclusion as the hon. and learned Member. But I wish the House to understand that in those depositions there was a great mass of hearsay evidence, which, taken by itself, could not form the basis of any action. Of the six depositions transmitted on the 22nd of July only one was good for anything at all—namely, the evidence of a person named Passmore, which was sufficient to prove the material facts. Two more were sent, corroborating Passmore, on the 24th, and were received by Earl Russell on the 26th. Now, what is the delay of which we are accused? The 26th was Saturday, and the 27th Sunday. The complete evidence was not in the hands of Earl Russell till the 26th, and he told Mr. Adams on the 28th—that is, on the Monday, that the Law Officers of the Crown had been consulted. He got their opinion on the 29th, the next day, and that very same day a telegraphic message was sent down to stop the ship. Really, Sir, one is shocked at the perversion of mind which arises under, I admit, the most excusable circumstances; for the House will give me credit for sincerity when I say that no one makes more allowance than I do for the natural feeling of irritation on the part of the American nation. No one can be more anxious than I am that we should stand straight with them and they with us. But I must say that but for the perversion of mind consequent on an irritable state of feeling, traceable to causes with which we can sympathize, I cannot conceive how any human being could say that the Government have culpably omitted to act with the promptitude which they ought to have shown. I might, perhaps, understand such a complaint if grounded on some such theory as this:—That because the safeguards of liberty have been suspended under circumstances of civil war in the United States, therefore they should be suspended in this country too, and the officers of our Government should do illegal acts and violate the law on mere accusation and suspicion. My hon. Friend referred to an example of the way in which the United States Government carried out their Foreign Enlistment Act during our war with Russia. Now, far be it from me to say that the United States Government did not act in as perfect good faith towards us in that war as we have acted towards them in this; but if the facts are examined, it will appear that they did nothing whatever in regard to the *Maury* which is not exactly parallel to what we did in the case of the *Alabama.* What were the dates in reference to my hon. Friend's example? Information was given by the British Consul of the circumstances upon which he based his belief that that was a ship of war intended for the Russian service on, I think, the 11th of October, 1855. That information was accompanied by evidence raising a sufficient *primâ facie* case as to the ship being fitted out as a ship of war; but the affidavits spoke only on belief as to the purpose and destination. That may be the mode of proceeding there; but I cannot see, because in the United States you may be warranted in acting upon belief as to destination, that it necessarily follows the same should be the case in this country also. I might, perhaps, be able to explain the reason why there should be a difference in the practice there. But let us now look at the dates. That evidence which was held to be sufficient for action was given to the United States Government at Washington on the 11th of October. They telegraphed immediately to the proper officer at New York, where the ship was, and what was ordered to be done was, not to give a clearance to the vessel. That order was made on the 13th. Did we give a clearance to the *Alabama?* She sailed without a clearance. We did not in any way facilitate or authorize her departure; it was only by an evasion and a stratagem, violating the laws of the port, that she slipped out. The vessel cited by my hon. Friend was not arrested, was not seized, was not placed in a situation practically different from that of the *Alabama* before her escape, until the 17th of October; on which day a libel was filed in the proper court against the ship by the Attorney General of the United States, and an order for her arrest was made by the Court. Until then, as far as appears, she might have slipped out of port without a clearance, as the *Alabama* did, if she had been really intended for the Russian service. So that the interval between the transmission of the first part of the evidence on the 22nd of July and the 29th, when the order to stop the *Alabama* was given by Her Majesty's Government, is not longer than the interval between the 11th of October and the 17th in the American case adduced by my hon. Friend. [Mr. W. E. Forster: Take the date of the first letter.] That came to Her Majesty's Government without any evidence whatever, and I am sure my hon. Friend is not one of those who think that without any evidence whatever we ought to have stopped the vessel. Even Mr. Adams himself did not think that. When invited to send in his evidence, he took eighteen days to furnish any part of it; the depositions were not any of them sworn till the 21st; they were not all sent in to the Foreign Office till the 26th; and the order of the Government was given on the 29th. But, of course, we are not going to spell out this matter by hours and by days. It is enough to show that each of the two Governments acted with reasonable promptitude and despatch; and there is not the least ground for believing that either Government supposed that in consequence of taking the moderate time they did the vessel would have escaped them. The United States Government appear to have a more convenient method than ours. Their Customs authorities have a Court always sitting ready to deal with such matters; but in this country the Customs authorities would have had to seize the ship, without any order of Court, on the responsibility of the Government; and it would be a direct violation of the law to do that unless there was a justifying cause for doing so. I cannot think there is any Member of this House who seriously believes in his conscience that Her Majesty's Government did not act with good faith in this matter. Hon. Gentlemen will scarcely say it was an unreasonable thing for them to take from Saturday till Tuesday to get the opinion of their responsible advisers on the completed state of the evidence, which the Customs authorities considered to be insufficient at an earlier stage. My hon. Friend asked what we propose to do as to other ships supposed to be building, and whether we hold that the Foreign Enlistment Act is to be enforced only at the instance of a foreign Government. I have no hesitation in answering him. The Government by no means look upon that Act as an Act to be enforced only at the instance of a foreign Government. They are anxious to enforce it to the best of their power; but, of course, they must have legal grounds to proceed upon; and it will not do to tell us that six iron-clad ships are about to be built in this kingdom unless the Government have the means of knowing where they are to be built, by whom they are to be built, and also that they are to be built under such circumstances as will involve the parties in a violation of the law. We should be glad to receive from any quarter information upon that subject; and I quite agree with my hon. Friend that it would be well if the merchants of this country who may be invited to be parties to such acts, which are acts in violation of the law of their own country, and at the same time calculated, if not to involve the British Government in dangerous relations, at least to disturb the amicable intercourse between the two Powers—it would be well, I think, if gentlemen who may be invited to enter into undertakings of that description, whether for commercial or other objects, would reflect that it is the duty of merchants, as well as of all other persons, to obey the law and to have some regard to the interests of their country and the interests of peace, and to have also some regard to the feelings of a foreign belligerent nation when the law of their own country is in accordance with its interests. Her Majesty's Government, I am sure, would without partiality follow out any clue they might possess in order to discover and prevent illegal practices; for they are undoubtedly anxious to put the law in force against any person really violating the law, and against whom they may be able to obtain legal evidence. And if our law is defective, it is for this House to consider whether it ought to be amended. If Her Majesty's Government thought it was so, they would be willing, in concert with the American Government, to consider how it might be amended. But they could not think it would be acting prudently or safely to come down to Parliament and propose an alteration in our law unless they had reason to believe that the American Government were prepared to take some steps to place their law also on the same basis. Moreover, whatever may be the good faith and good intentions of any Government, without the cordial cooperation of its people it is impossible but that circumstances will from time to time arise when any law, however well devised, will be infringed or evaded. The case of our war with Russia has been quoted; but that is not the only war in which we have been liable to injury from the subjects of a neutral State. The House recollects the insurrection in Canada, and what was then done by citizens of the United States. What was the efficiency of the steps then taken by the United States Government? I do not say they were unwilling—I am not entitled to assume that—but if they were willing, they were not able to prevent even such acts as the attempted invasion of Canada by the ship *Caroline*. I do not remember to have heard that the persons on board of her received any punishment from the United States Government; and yet, undoubtedly, acts in violation of international law were then committed, and the Government were not able to prevent them. I need not refer to other cases—to the expedition of a person named Walker to Honduras—and similar instances. I do not cast blame upon the United States for these acts, but I only draw from them this inference, that in times of excitement, in times when the spirit of adventure and political or commercial enterprise is abroad, violations of law will occur, which, with all the good intentions in the world, a Government may not be able to prevent. What is alleged against us; what is the extent of the acts committed, even by individual subjects of this country, which can be considered contrary to any law of our own? Why, the building of these two particular ships. If our law failed to reach them, while they were within our jurisdiction, and if nothing was done by them in our ports or in our waters which was against international law, how can we be held responsible for their subsequent proceedings, when on the high seas? It was not till the *Alabama* reached the Azores that she received her stores, her captain, or her papers, and that she hoisted the Confederate flag. It is not true that she departed from the shores of this country as a ship armed for war. But, whatever may have been the guilt of particular persons, this, at all events, I will say, that we have reason to congratulate ourselves, as far as Government is concerned, that our neutrality has been strict, impartial, and honest from beginning to end; and, as far as our people are concerned, it is a matter of some congratulation that hitherto no instances of this kind but those two are proved to have occurred. On the other hand, I believe there have been a great many enlistments of British subjects into the service of the Federation. The House will recollect a remarkable letter at the end of these papers, in which Mr. Seward maintains that the act of a certain officer of the American Government, who had held out inducements to the seamen of a British steamer to enter the belligerent service of the United States, could not be very strongly complained of. Mr. Seward says—

> "They were needy, and it seems to me that they could well have complained of severity and harshness, if, being disposed, they had been refused permission to enter into the service of the United States."

Is that no violation of neutrality? But we can make allowance for those things; and although fairly entitled to remind the Government of the United States that they did not respect our neutrality in all cases, yet we do not pretend to say that the amicable relations of the two countries need to be disturbed on that account. My hon. Friend asked what explanation could we give of this—that though orders were sent to stop the ship at Queenstown and at Nassau, when she went to Port Royal, in Jamaica, she was not stopped. I do not know the exact time when she was at Port Royal—I believe it was in January last. But I can appeal to a high authority of the United States themselves for this rule, that although it may be true you may attach and confiscate a ship in a different port, yet it must be in the same course or voyage; and the offence is at an end, and is for all purposes of action blotted out, when she has ended that voyage and changed her ownership. I do not know who there was at Port Royal to give instructions or to deal with the case; but this I do know, that coming there in December or January last, at a time when she was the property of the Confederate States, it would have raised a very difficult question if she had been touched. I have no reason at all to believe, that if an opportunity had been offered, proper means would not have been taken to consider and deal with the question; but it probably was thought impossible to deal with the vessel under the new circumstances, seeing that she had ceased to belong to British subjects, and had become the property of the Confederate States. I hope, then, the House will be satisfied that Her Majesty's Government are free from blame; and if what has been said to-night would only tend to remove the false impressions that may prevail on this question in the United States, so far from regretting the introduction of the subject by my hon.

Friend, I should look upon it as a matter for our congratulation.

Mr. T. BARING said, he had listened with great regret and with great surprise to the hon. and learned Gentleman, because he believed the tone of his speech was not likely to allay the feelings of irritation which existed on the other side of the Atlantic on this subject. He was quite sure the hon. and learned Gentleman did not wish to increase that irritation, and that the Government were anxious to conciliate rather than to provoke. But when the hon. and learned Gentleman founded his speech, not upon the application of legal principles to the particular circumstances which the hon. Member for Bradford (Mr. W. E. Forster) had brought before the House, but upon a series of charges against the American Government, charges about the *Caroline* and about Honduras, circumstances which really did not enter into the case, and referred to the diplomatic correspondence with that Government in support of them, he thought the effect could not be conciliatory, but rather damaging to our position in that country. The hon. and learned Gentleman hoped that America would be brought to reason by his speech. He (Mr. T. Baring) was afraid that the United States would read the speech as an indictment against them for misconduct in times past. If ever there was a moment, if ever there was a question, upon which every angry feeling ought to be eschewed, when that House and the Government ought to show the wisdom of forbearance, it was now, when the feeling against this country had risen to such a height on the other side the Atlantic that nobody could predict what the consequences might be. He would ask the Government to consider whether the course they had pursued with respect to the *Alabama* was calculated to give confidence to the United States as to the friendly nature of our disposition. The hon. and learned Gentleman had referred to many cases and decisions, and among them to one of Mr. Justice Story. He (Mr. T. Baring) was no lawyer, but he confessed he did not think the decision of Judge Story applied to this case. He said, "Here is a vessel that was sent to Buenos Ayres, and directed to be sold there;" but had the *Alabama* ever gone into a Confederate port, or ever been placed in the position to which the decision of Judge Story applied? This was a most unfortunate case, because it led public opinion on the other side of the Atlantic to question very much the sincerity of our declarations of neutrality, and to believe, that while we issued Proclamations and had Foreign Enlistment Acts in force, we did not really wish to maintain the neutrality which we professed. It was most unfortunate that such a feeling should exist. There had been a vast destruction of property, and great injury had been entailed upon British commerce—for the high insurance which was rendered necessary was a great loss and heavy damage to British trade. And no one could tell where the feeling of animosity which had been engendered would rest. The House was aware that the President was already empowered to issue letters of marque; and if those letters were issued, was there any one who could say that the most frequent collisions might not occur, and endanger the peace of the two nations? We saw already the seizures of British vessels by the blockading squadron without just cause, a proceeding originating, perhaps, in the feeling that we were not sincere in our professions. His hon. and learned Friend had referred to what he represented to be parallel cases; but the fact of the Crown lawyers having advised the Government to put the Enlistment Act in force against the *Alabama*, was an admission that the Government ought to have arrested that vessel; and the hon. and learned Gentleman admits that it would have been arrested if proper precautions had been taken. The question was, did the Government take proper precautions? In his (Mr. Baring's) opinion, the conduct of the Government and the Law Officers had been dilatory. He believed that on the 23rd of June this matter was brought under the notice of the Government. The matter was then referred to the Customs authorities at Liverpool, whose duty it was, it appeared, to carry the Act into effect. Nearly a fortnight elapsed beforet he report of the Customs authorities was received. He thought that upon the whole facts it was impossible to acquit the Government of undue delay in obtaining information, and as impossible to acquit those who represented the Government at Liverpool of having shut their eyes to facts that were notorious. It was discreditable that there should be a law on the statute book as to the operation of which an eminent counsel could declare that it was nothing better than waste paper. He repeated, it was unfortunate that the Government had been so tardy in their operations, and that with the fullest desire, as he believed, to maintain the law, they should yet be so badly represented by those whose duty it was to carry their orders into effect that the Customs authorities at Liverpool were not aware of what was going on. He confessed that it was by no means his wish to accuse the Government, or to provoke a feeling of opposition to them, on this question. His wish rather was that Her Majesty's Government should say something that would show the United States that they were anxious to guard against a recurrence of these events, and to prevent the construction, in this country, of vessels meant for destruction and not for fair fighting. The course pursued by the *Alabama* was not one of fair fighting against an enemy, but was a wanton destruction of valuable property that must rebound to the injury of British commerce. Events such as had recently occurred might possibly involve the two countries in hostilities, which all must deplore and which Government ought to exert themselves, if possible, to avoid.

MR. BRIGHT: Sir, I have been very sorry to hear the speech of the hon. and learned Gentleman the Solicitor General. I agree with the hon. Member for Huntingdon (Mr. T. Baring), that however unfortunate the position of affairs is, this question will be rendered only more so by the speech which has just been delivered by one of the chief Law Officers of the Crown. The hon. and learned Gentleman began by pointing out the inconsistencies of Mr. Seward with regard to what neutral nations may do in cases of this kind. These inconsistencies are clear to all of us; because there can be no doubt whatever that the complaint which has been made by Mr. Seward and by Mr. Adams with regard to the furnishing of munitions of war is one which, under ordinary circumstances at least, cannot with justice be made, because we know that Governments have, as a rule, agreed not to interfere with the supply of munitions of war to those engaged in war. But Mr. Seward made a much greater mistake than that of inconsistency. He was evidently of opinion, when this matter began, that he might calculate, to some extent at least, on the friendly feeling of this country towards the country of which he is Minister; because, although this Government has allowed the belligerent rights of the Southern Confederacy, still it pretends to have done that without any feeling of hostility towards the North; and as we receive an American Minister here, and as we have a Minister in Washington, and as, moreover, the United States Government in that city is the only Government we acknowledge, and as this is not a case of war between two independent States, Mr. Seward, perhaps, might have some foundation for the hope that in a case like this he might have calculated upon more forbearance and friendship from Her Majesty's Government than his country has hitherto received. But I do not wish to follow the hon. and learned Gentleman through the points of his speech, though I am quite sure that the effect of it to any one who reads it carefully will be to bring to his mind the sort of speech which the hon. and learned Gentleman would have made if he had been in another court and held a brief. I propose to read to the House two letters which have been forwarded to me—not because they will make any difference in the views of the Government or the course which the Government will take; but I should wish at any rate that the people of this country—who, I am persuaded, have no wish that any calamitous contention between England and the United States should arise—that they at least should know what is the effect produced by the conduct of some of their countrymen, and what are the results that may possibly follow. I have a letter here, signed, "William Thomas Nicholson," a native of Scotland, but for eleven years resident in the United States, and now engaged in the United States Coast Survey. It is dated "Washington, United States of America, March 5, 1863." He says—

"To-day appeared at the office of the United States Coast Survey, in which service I have the honour to be engaged, Captain F. A. Small, late of the American brig *Corris Ann*, of Machias, State of Maine, who made application (endorsed by members of Congress) for a set of charts to supply his wants occurring in this way.

"On the 22nd of January last he was in command of his vessel, on a private trading voyage from Philadelphia to the port of Cardenas, north coast of Cuba:—Toward dusk of that day, when off the mouth of the harbour, and between the Rock Key, on which the lighthouse stands, and Mona Key, within a mile of the land, he was met by a steam vessel having the British union-jack flying at the mizen, which vessel, with that flag so flying, fired a shot across his bows, thereafter hauled down the British flag and ran up a flag of the so-called 'Confederate States,' and then fired another shot passing between his masts, and caused him to heave to. His vessel was boarded by an officer, his papers called for, and he was told his vessel was taken by the Confederate steamer *Florida*. His charts and chronometer were plundered from him, and he was given only a few minutes to get aboard, with his crew, his small boat—to make, as best they could, the shore, when the vessel was set on fire by the captors, and drifted a burning wreck on shore. This occurred in full sight of the vessels at the outer anchorage and of the town of Cardenas, and not a protest or attempt at succour was made by the Spanish authorities.

"I leave the question of international law, of this so-reported flagrant breach of the sanctity of a neutral's territory (or waters), to the United States Secretary of State to deal with the authorities of Spain; but I appeal with the indignation of a native-born Briton against this renewed instance (not the first if I am rightly informed) of the desecration of the flag of Old England—of that 'meteor flag' so long the pride and the boast of her people.

"The Confederate steamer *Florida* is understood to be the same vessel that cleared from a port of Great Britain under the name of the *Oreto*, and is said to have been built, purchased, and fitted out therein for the service of the rebel leaders of the South, and is commanded by Captain Moffit, formerly of the United States navy.

"The captain of the destroyed vessel tells me, that had he not been deceived by the show of the British flag, and had he known what vessel was approaching him, he would have attempted to run her down, as he was going some ten knots an hour.

"Please note this also:—This same Captain Small (when master of the schooner *Sahwa*), in the year 1858, for his gallantry in rescuing the crew of a British vessel (the *Halifax*) in a sinking condition, was presented by the British Government, through the hands of Lord Napier, with a silver-mounted telescope—and now, confiding in the sign of that same flag, his own vessel is destroyed.

"And this at a time when the people of New York and other Northern ports are generously despatching vessels freighted with supplies for the starving operatives of England—for those noble men and women so patiently bearing the sufferings brought upon them by no fault of theirs, but resulting from the mad ambition, the foul conspiracy of a few disappointed slavery propagandists of this country."

Well, he goes on to tell us what is the effect on that country of acts of that nature. The other letter is one I have received on the point to which the hon. and learned Gentleman has referred—namely, as to what is now being done. It appears that two ships have gone out; that the Government did not know anything about the one, and that the other was too sharp for them. This letter is from a gentleman in Liverpool who publishes a shipping list, which he sends me. He says—

"Liverpool, March 26.

"I send by this mail two of our shipping lists—*The Telegraph*. It publishes all the vessels in our port, and gives the docks where they lie. By looking over those, in the Toxteth dock, you will see a steamer entered, '*Alexandra*, gunboat, 120.' This vessel was launched from the yard of W. C. Miller & Son, on Saturday, the 7th March. This is the same firm that built the *Oreto*, now called the *Florida*, the same that recently burned the *Jacob Bell*. The gunboat *Alexandra* has been built by this firm for the Confederate Government, to cruise and make war against the United States—Fawcett, Prescott, & Co. make the engines and armament. They are now getting her ready for sea. There is no doubt about the character of this vessel, or the parties for whom she is intended.

"This same firm launched, on Saturday last, another steamer, called the *Phantom*, owned by Fraser, Trenholme, & Co. She has three portholes in each side. They pretend she is to run the blockade, but I understand they will put arms on board after she gets out to Nassau. She will be fast, and make not less than seventeen miles per hour.

"The two rams, iron clad, building by Lairds, at Birkenhead, for the Confederates, are most formidable. They will each have two turrets or towers, similar to the American *Monitors*. They are not yet launched, but will be finished about June next.

"George and James Thomson, at Glasgow, are building a monster ram, iron-clad, for the Confederate Government. She is over 3,000 tons burden. This vessel is not yet launched.

"A steamer, owned by Fraser, Trenholme, & Co., called *The Southerner*, has been launched from the yard of Pierce & Co., at Stockton. I have not much doubt but that this vessel is also intended as a privateer, though she will most probably carry out from here a cargo of merchandise, and fit out at Nassau."

I heard, only three weeks ago, when I was in the north of England, at Newcastle, from a gentleman who a few years ago was a Member of this House, that this vessel is building, and will soon be ready. He mentioned to me the name of one of the Confederate agents, whose name appears in the intercepted despatches, and who was concerned in the *Alabama*, as being down at Stockton superintending this matter, or engaged in making arrangements on behalf of the Confederate States. That is the state of things, as far as this gentleman knows; and I believe that the building of those ships is just as nefarious as the building of the *Alabama* was. There is only one other point to which I shall ask the attention of the House for a moment. The hon. and learned Gentleman thought he had a triumph over my hon. Friend the Member for Bradford (Mr. W. E. Forster) when he spoke of the United States Government and their Foreign Enlistment Act. Well, generally speaking, I should say it is not necessary for our Government to alter the Foreign Enlistment Act of this country;

but it is a very common thing for all Governments—and it has been as common for this as any other—to make laws and to alter laws to meet special cases. I recollect the Government of which the noble Lord (Viscount Palmerston) was a Member, the present Foreign Secretary being Prime Minister, bringing in a Bill for the purpose of making a felony what was called "advised speaking," which had been theretofore sedition; and the House of Commons very judiciously, in my opinion, limited that alteration of the law to a period of two years, thinking that although there might be some propriety in the change at a time of great excitement like that, yet it was not necessary to alter the law of England for all time. Now, in this case the United States Government passed the Foreign Enlistment Act in 1818. I think our Act was passed in 1819. It was founded upon their Act, and is, in point of fact, almost the same. But in 1837 the United States Government found that that Act did not give them power to interfere so summarily as they thought was desirable to prevent difficulty between the United States and England in reference to affairs in Canada, and therefore they passed another Act, a few words of which, if the House permit me, I will read. The statute, in section 2, says, that the several officers mentioned in the foregoing section shall be authorized and required to seize any vessel or vehicle [that was, any vessel upon the lakes or vehicle endeavouring to cross the frontiers of Canada with arms] and all arms or munitions of war about to pass the frontier of the United States to any place within any foreign State or colony conterminous with the United States, where the character of the vessel or vehicle, the quantity of arms and ammunition, or other circumstances, shall furnish probable cause to believe that the said vessel or vehicle is intended to operate against a friendly Power—(I am not quoting the words of the Act, but such is its effect)—and bring the country into difficulty. I will not read more of the Act. I have referred to it to show that the alteration was intended to give the Government greater power to interfere and put the *onus probandi* rather upon the delinquents, which is a very common thing in this country. I am not sure whether hon. Gentlemen opposite, when they came last year to deal with the matter of the possession of pheasants, did not require the delinquents to give proof that they came by the game honestly. Surely, then, I do not see why, in a case involving such a vast issue as war, the Government would not be justified in going at least as far as that. The other section of the United States Act provides that the party whose ship is seized shall have a fair hearing, and that his property shall, under certain circumstances, be returned to him. The hon. and learned Gentleman said that the Foreign Enlistment Act had nothing to do with the law of nations, and that if we chose to repeal that Act, anybody might build ships of war and sell them to any Power in the world. Well, I do not know whether that is so with regard to England, but it is not so with regard to the United States; for the Act of the United States says expressly that it is intended to carry out that which is understood to be, and which they acknowledge to be, the law of nations, for the purpose of preserving peace amongst the nations. I shall not go into any further details with regard to this matter. I am satisfied that the speech of the hon. and learned Gentleman will give no greater satisfaction to very many persons in this country than it will give to very many in the United States. I am satisfied, further, that if anybody in this country was building a ship of war, and there was a fair suspicion that it was intended to help a revolutionary party in the little kingdom of Portugal—which is always a pet kingdom of this Government—I have not the slightest doubt but the Government would interfere and stop the sailing of that ship. I say, Sir, that our neutrality is a cold and an unfriendly neutrality; and I say, that considering the natural alliance between this country and the United States, and the enormous interests which you jeopardize, it does become the Government fairly to look this question in the face, and to exert the influence they have—and which, I believe, the people of this country universally would support them in exerting—to prevent the sailing of these vessels, which can by no means whatever have any effect so far as we are concerned, but to embroil us with that nation with which, of all others in the world, we have the greatest interest in remaining at peace. Do not for a moment believe that because the United States are in this great calamity—out of which they still will come a great nation—do not believe for a moment that acts like these can be forgotten now, or forgotten hereafter. There are people in America interested apparently in creating ill-feeling towards England. There are two millions of Irishmen in America, and wherever an Irishman plants his foot on any foreign country there stands an enemy of England. I could read to you a speech of old date, delivered by Lord North in this House, in which he lamented that amongst those that were most hostile to England during the Revolutionary War were those emigrants who had gone from Ireland. Well, if there be in that country elements of hostility to England, there may be, and possibly are elements of hostility to America in this country. Why, Sir, a man who is worthy to be a Minister, instead of speaking in this cold and unfriendly tone, ought to know that all the living world and all posterity would judge him and condemn him, if he permitted anything to be undone which he could do, that would preserve the peace between the United States and England. I am not afraid to stand here in defence—not of Mr. Seward's despatches—but in defence of that great claim which the people of the United States have upon the generous forbearance and sympathy of Englishmen. If you had last night looked in the faces of three thousand of the most intelligent of the artisan classes in London, as I did, and heard their cheers, and seen their sympathy for that country for which you appear to care so little, you would imagine that the more forbearing, the more generous, and the more just the conduct of the Government to the United States, the more it would recommend itself to the magnanimous feelings of the people of this country. If the noble Lord at the head of the Government, who is a man of unequalled experience in politics, and who, though he may sometimes drive the coach very near the edge of the precipice, cannot, I should think, intend to drive it over; if the noble Lord, who has now for so long a time administered the affairs of this country, with a greater degree of concurrence in this House than perhaps any Minister ever enjoyed during his recollection—if the noble Lord would now come forward with kindly words and generous acts, in a manly and genial spirit, towards a great and kindred people—he has it in his power to perform services to both nations and to the world at large, not exceeded by any that his warmest admirers say he has rendered during his long political career. This night, by that table, on this floor, the noble Lord in five minutes of those genial and friendly words which none know so well how to utter, might send a message to the United States that would allay much irritation, and would give great confidence to the friends of peace, not only on that side of the Atlantic, but to a vast number who hang upon his utterance in this country.

Mr. LAIRD: Sir, after the discussion that has taken place about the *Alabama*, I shall not trouble the House with many remarks. I can only say, from all I know and all I have heard, that from the day the vessel was laid down to her completion everything was perfectly straightforward and aboveboard in this country. I also further say that the officers of the Government had every facility afforded them for inspecting the ship during the progress of building. When the officers came to the builders, they were shown the ship; and day after day the Customs officers were on board, as they were when she finally left, and they declared there was nothing wrong. They only left her when the tug left, and they were obliged to declare that she left Liverpool a perfectly legitimate transaction. There is one point which has been lost sight of in this discussion. If a ship without guns and without arms is a dangerous article, surely rifled guns and ammunition of all sorts are equally and even more dangerous. I have referred to the bills of entry in the Custom Houses of London and Liverpool, and I find that there have been vast shipments of implements of war to the Northern States. I find, among those who have been engaged in these transactions, the celebrated house of Baring & Co.; I find also Brown, Shipley, & Co., of Liverpool, and a variety of other names, which I need not more particularly mention, but whose Northern tendencies are well known to this House. If the hon. Member for Birmingham (Mr. Bright), or the hon. Member for Bradford (Mr. W. E. Forster), wishes to ascertain the extent to which the Northern States of America have had supplies of arms from this country, they have only to go to a gentleman who, I am sure, will be ready to afford them every information, and much more readily than he would to me or to any one else calling upon him—the American Consul in Liverpool. Before that gentleman the manifest of every ship is laid, he has to give an American pass to each vessel, and he is consequently able to tell the exact number of rifles which have been shipped from this country for the

United States—information, I doubt not, which would be very generally desired by this House. I have obtained, from the official Custom House Returns, some details of the "sundries" exported from the United Kingdom to the Northern States of America from the 1st of May, 1861, to the 31st of December, 1862. There were:—Muskets, 41,500; rifles, 341,000; gun-flints, 26,500; percussion-caps, 49,982,000; and swords, 2,250. The best information I could obtain leads me to believe that from one-third to a half may be added to these numbers for items which have been shipped to the Northern States as "hardware." I have very good reason for saying that a vessel of 2,000 tons was chartered six weeks ago for the express purpose of taking out a cargo of "hardware" to the United States. The exportation has not ceased yet. From the 1st of January to the 17th of March, 1863, the Customs bills of entry show that 23,870 gun-barrels, 30,802 rifles, and 3,105,800 percussion-caps were shipped to the United States—this in addition to the immense quantities of warlike stores I have already read to the House. So that if the Southern States have got two ships unarmed, unfit for any purpose of warfare—for they procured their armaments somewhere else—the Northern States have been well supplied with the most efficient means of warfare from this country, through the agency of some most influential persons. Now, it has been stated—and by way of comparison treated as matter of complaint—that during the Crimean war the Americans behaved so well. The hon Member for Bradford and the hon. Member for Birmingham both lauded their action as compared with that of our own Government. Now, I have heard that a vessel of war was built for Russia in the United States and actually sailed to Petropaulovski. ["Name!"] If hon. Members will allow me, I will go on. And first I propose to read an extract from *The Times*, written by their correspondent at San Francisco, dated the 29th of January, 1863—

> "Now, this case of the *Alabama* illustrates the saying that a certain class should have a good memory. During the Crimean war a man-of-war (called the *America*, if I remember) was built in America for the Russian Government, and brought out to the Pacific, filled with arms and munitions, by an officer in the United States navy. This gentleman took her to Petropaulovski, where she did service against the allied squadron; and she is still in the Russian navy. We made no such childish fuss about this act of 'hostility' by a friendly Power, which we could not prevent, as our friends are now making about the *Alabama*, whose departure from England our Government could not stop."

The *America* was commanded by a Lieutenant Hudson, who—if my information be correct, and I have no doubt that it is—was then, or had been just previously, a lieutenant in the American navy; he is the son of a most distinguished officer in the same service, Captain Hudson. I am further informed that some doubts having arisen about the character of this ship, the American men-of-war in the different ports she called at protected her; and on her arrival in Russia, the captain who took her out was, I know, very handsomely rewarded for his services. Now, I will go a step further about the Northern States. In 1861, just after the war broke out, a friend of mine, whom I have known for many years, was over here, and came to me with a view of getting iron-plated vessels of war built in this country for the American Government—the Northern Government. Its agents in this country made inquiries, plans and estimates were given to my friend, and transmitted to the Secretary of the American navy. I will read an extract from this gentleman's letter, dated the 30th of July, 1861. It is written from Washington, and states—

> "Since my arrival here I have had frequent interviews with our 'Department of Naval Affairs,' and am happy to say that the Minister of the navy is inclined to have an iron-plated ship built out of the country. This ship is designed for a specific purpose to accomplish a definite object. I send you herewith a memorandum, handed me last evening from the Department, with the request that I would send it to you by steamer's mail of to-morrow, and to ask your immediate reply, stating, if you will agree to build such a ship as desired, how soon, and for how much, with such plans and specifications as you may deem it best to send me."

The extract from the memorandum states that "the ship is to be finished complete, with guns and everything appertaining." On the 14th of August, I received another letter from the same gentleman, from which the following is an extract:—

> "I have this morning a note from the Assistant Secretary of the navy, in which he says, 'I hope your friends will tender for the two iron-plated steamers.'"

After this, the firm with which I was lately connected, having made contracts to a large extent with other persons, stated that they were not in a position to undertake any orders to be done in so short a time. This was the reply—

> "I sent your last letter, received yesterday, to the Secretary of the navy, who was very desirous to have you build the iron-plated or bomb-proof batteries, and I trust that he may yet decide to have you build one or more of the gunboats."

I think, perhaps, in the present state of the law in America, I shall not be asked to give the name of my correspondent; but he is a gentleman of the highest respectability. If any hon. Member wishes, I should have no hesitation in handing the whole correspondence, with the original letters, into the hands of you, Sir, or the First Minister of the Crown, in strict confidence, because there are communications in these letters, respecting the views of the American Government, which I certainly should not divulge, which I have not mentioned or alluded to before. But seeing that the American Government are making so much work about other parties, whom they charge with violating or evading the law, though in reality they have not done so, I think it only fair to state these facts. As I said before, they are facts. I do not feel at liberty to state those points to which I have referred as being of a confidential character; but if any hon. Gentleman feels a doubt regarding the accuracy of what I have stated, I shall feel happy to place the documents in the hands of the Speaker, or of the First Minister of the Crown, when he will see that they substantiate much more than I have stated. I do not wish to occupy the House longer; but I must say this, that to talk of freedom in a land like the Northern States of America is an absurdity. Almost every detective that can be got hold of in this country is employed, and they have spies everywhere. I believe there are spies in my son's works in Birkenhead, and in all the great establishments in the country. A friend of mine had detectives regularly on his track in consequence of some circumstances connected with his vessels. If that be freedom, I think we had better remain in the position in which we now are. In conclusion, I will allude to a remark which was made elsewhere last night —a remark, I presume, applying to me, or to somebody else—which was utterly uncalled for. I have only to say, that I would rather be handed down to posterity as the builder of a dozen *Alabamas* than as the man who applies himself deliberately to set class against class, and to cry up the institutions of another country which, when they come to be tested, are of no value whatever, and which reduce the very name of liberty to an utter absurdity.

SEIZURE OF THE "PETERHOFF."

OBSERVATIONS.

MR. SEYMOUR FITZGERALD desired to call the attention of Her Majesty's Government to a matter in some degree germane to the subject they had been for some hours discussing—the recent capture of the British steam ship *Peterhoff*. It was seldom that he differed from his hon. Friend the Member for Huntingdon (Mr. T. Baring), but he must certainly confess that there was scarcely a sentence in his speech that night from which he did not differ, and which he had not heard with some regret. So far from viewing the speech of the hon. and learned Gentleman the Solicitor General, in the light in which his hon. Friend the Member for Huntingdon had regarded it, he must confess that a speech in argument more unanswerable, in talent more unequalled, and in tone and temper more becoming to the Government he represented and the country to which he belonged, he had never listened to in that House. Apart from the unanswerable speech of his hon. and learned Friend, he could not but think that those who had introduced the question, and who had appeared that night as the advocates of the Government of the United States, must feel that they had taken very little by their Motion. With regard to the speech of the hon. Member for Birmingham (Mr. Bright), he could not help expressing the regret—he might almost say the indignation—with which he had heard the sentiments which fell from his lips. The hon. Member, taking advantage of his posititon in that House and before the public, had uttered words which would go forth with all his authority to the people of the United States. Had the hon. Gentleman forgotten the sufferings of our struggling population in the North when he ventured to say that we had exhibited towards the Northern Sates of America "a cold and unfriendly spirit"? He thought, too, that the hon. Member for Bradford (Mr. W. E. Forster) would regret that he had brought forward the subject; for he thought the hon. Gentleman had succeeded in eliciting from the House a general concurrence of opinion, that Her Majesty's Government had acted strictly within the limits of the law. Anxious as we might be to show a spirit of entire neutrality between the contending parties, earnest and sincere as we had shown ourselves in all our efforts to manifest this spirit, the hon. Gentleman's remarks had only elicited the strongest expression of opinion that in this country, at least, the law should be enforced on strict legal evidence, and not upon that suspicion which appeared to be sufficient in the eyes of the United States Government. The hon. Member, too, had been singularly infelicitous in the instances he had brought forward; for he had only shown that an innocent vessel had been detained, at a loss which had fallen on innocent persons. Having made these observations upon the subject which had occupied the House some hours, he would now come to the case of capture to which he had given notice that he intended to call the attention of the House. In speaking of this matter he desired to avoid the use of strong language, although he felt strongly the conduct of the Federal cruisers in this case, for he was sensible of the gravity of the matter; and though he stood there to vindicate the rights of British merchants, and to call upon Her Majesty's Government to take the course which the circumstances rendered necessary, he did not wish, by any language of his, to increase the irritation which would be felt by every class of Her Majesty's subjects when the circumstances of the case became known. This was not the case of a vessel attempting to break the blockade. In such instances, parties knew the risk that they ran for the sake of the great profits which they made if successful; and neither they, nor the commercial classes to which they belonged, had any right to complain if their vessels were seized. The case must be considered upon its own merits. It was now some months since the firm of Pile, Spence, & Co., of the City of London, advertised a line of steamers to run regularly between this country and Matamoras in Mexico, with which port a very valuable trade had long been established. One of the gentlemen, whose property was embarked in the vessel now in question, told him it was just such a venture as he had engaged in every three or four months for the last twenty years. He must here observe that the Mr. Spence, of this firm of Pile, Spence, & Co., was no relation to a very distinguished Mr. Spence of Liverpool, whose tendencies towards the Confederate cause were well known. The first vessel despatched on this line was a screw steamer called the *Gipsy Queen*, which performed her voyage to Matamoras and returned in safety. The second vessel was the *Peterhoff*, the one which had now been captured. He had looked through all the documents connected with the case, and he was confident in saying that there was no single circumstance connected with the voyage which pointed to anything like a desire to engage in an improper trade. He believed that the hon. Member for the City of London (Mr. Crawford) had carefully examined the manifest of the ship, and would bear him out in saying that there was on board not one package which could by possibility be understood to be of a contraband nature, or other than would form a natural article of commerce between Matamoras and this country. [MR. CRAWFORD: Hear, hear!] The *Peterhoff* left London with the proper clearances, and, for greater precaution, remained in this country for fifteen days, that she might also get the clearance of the Mexican Consul. She was commanded by a gentleman of considerable reputation—a lieutenant in the Naval Reserve, and who therefore, from his position, was not likely to engage in any contraband enterprise. In due course she arrived in the neighbourhood of St. Thomas's, and was there stopped by the Federal cruiser *Alabama*—that appeared to be a favourite name, for both the Federals and Confederates had an *Alabama*—her papers were examined, and endorsed by the Federals with a statement that they were in proper order, and she was then allowed to proceed on her voyage. She went, according to the original intention of her commander, to St. Thomas's and obtained a supply of coal, and was then about to leave the port. Unfortunately for the owners of the *Peterhoff*, unfortunately he was afraid for the good understanding which ought to subsist between this country and the United States, the principal officer in command at St. Thomas's was a certain Commodore Wilkes, whose name was well known in this country some months ago as being borne by a man who had committed a greater outrage upon the English flag, and done more to embroil the two countries, than any other man living. Just as the *Peterhoff* left the harbour of St. Thomas, a cruiser called the *Vanderbilt* was coming in. The commander of the *Vanderbilt* was immediately instructed by Commodore Wilkes to pursue the *Peterhoff*. He did so; he captured her, and brought her into St. Thomas's, whence she was afterwards taken to Key West to be adjudicated upon by a prize court. Upon this statement of facts he did not think that it was possible to conceive that a greater outrage could be committed on the British flag than this. Here was a vessel engaged in a lawful trade between two neutral ports; the Federal officers themselves had declared that no suspicion attached to her; there was no doubt that she was *bonâ fide* pursuing a lawful trade between this country and Mexico—and yet, by the orders of Commodore Wilkes, she was captured and taken to Key West, to be subject to the judgment of a prize court. This was not the first case of the kind of which we had heard, and he was of opinion, that if the Government had adopted a different line of conduct in previous instances from that they had taken, we should not have heard of this outrage. On several occasions, British vessels had been captured upon mere suspicion, and it had been declared by the Federal officers that they had received instructions from Washington to capture these vessels where and whenever they might be found, and that irrespective of all consequences they must obey the orders which they had received. He did not doubt that such an order was given with respect to the *Peterhoff*, and that Commodore Wilkes, in seizing her wherever she was found, was only acting under the direction of his Government. The hon. Member for Birmingham (Mr. Bright) a short time ago referred with considerable asperity to certain captures that had been made in neutral waters. There was this additional fact in this case against the United States Government, that the capture took place in neutral waters. When she was seized in the first instance and let go, she was in neutral waters; and when she was seized by the orders of Commodore Wilkes and sent to Key West, she was in neutral waters. It was often stated, by Members of the Government, that the remedy in such a case was that it must be left to the prize courts of the United States to deal with the matter. Now, he must say that even when prize courts were above suspicion, and there was every certainty that the law would be impartially and fearlessly administered, it could not be any satisfaction to an owner to be told that he must go before a prize court, and that if his vessel were found not to be good prize, she would be released, and some compensation would be made to him. He held in his hand an instructive Return, giving some insight as to the result of going before an American prize court at the present moment. The *Bermuda* was seized in April, 1862. She was captured, it was believed, in British waters, and was taken to Philadelphia. The pleadings ended on the 16th of August, and the vessel was only condemned on the 10th of the present month; an appeal had been entered against the decision, but it could not be heard until December, 1863; so that when a shipowner was told that his remedy was to go before a prize court, it was equivalent to telling him that he must wait for two years before he got any decision, and then, probably, he would get a decision absolutely contrary to all law and justice. In a country where the Judges of the land had been arrested upon the judgment seat for granting a writ of *Habeas Corpus* to American citizens, he should feel no great confidence that the law would be justly, impartially, and fearlessly administered. He had here the judgment given in the case of the *Adela*, which was a British vessel going from a British port to a British port. She had nothing contraband on board, but she was seized, the mails she was carrying for her Majesty's Government were broken open, she was carried into Philadelphia, and there, after a length of time, a decision was given by the Judge of the prize court. This decision was to the effect, that as he was credibly informed that both parties intended to appeal, whatever his judgment was, although he admitted the absence of any proof of intention on the part of the vesssel or her owners to run the blockade, yet he decreed her to be lawful prize, and left the owners to appeal. Now, in the case of vessels to which suspicion attached, was it any answer to say, in the words of Earl Russell, that he had every confidence in the equity and impartiality of the prize courts of the United States, and therefore he must leave the owners to go there, and would not give them the protection which in this case the Government were bound to give? But there were other circumstances which would require particular notice from his hon. Friend the Under Secretary, or from the noble Lord. There were circumstances attaching to this capture which very gravely concerned the conduct of the Government. The papers presented showed that communications must have passed between Her Majesty's Government and the Government of Washington, the nature and character of which must have a very serious bearing upon the case now immediately before the House. On the 4th of last September Mr. Adams wrote a letter to Mr. Seward, in which he said that Earl Russell made some observations to him—

> "in connection with the case of the steamer *Adela*, the capture of which had given rise to some questions at Washington. These related to three points, the appeal to any list of suspected vessels that might be in the hands of the officers as ground of capture, the propriety of making a prior examination, and the securing the contents of mail-bags. On all of them he admitted that you had already agreed to a plan to remedy the difficulties for the future, which was perfectly satisfactory.

Here was information of an arrangement made with Mr. Seward as to the future conduct of the Federal cruisers in the capture of British property, and yet, from the beginning to the end of the published papers, there was no trace of any correspondence or communication on the subject, and Parliament was left entirely in the dark respecting a "plan" which Earl Russell said was perfectly satisfactory to him. That was not the position in which the House of Commons ought to be left. Upon a question so important as the security of British commerce upon the seas, the Government ought not to enter into arrangements, leaving this House and the commercial public in entire ignorance of the nature of those arrangements. Indeed, the position of the Government towards this House, as regarded the information communicated to it about American affairs, was in the highest degree unsatisfactory—he had almost said discreditable. The Session was half over, and except the papers about the *Alabama*, and the correspondence and despatches between Mr. Mason and Earl Russell, the only information before the House regarding our relations with America was a reprint of despatches supplied by the President of the United States to Congress late last year. And yet there were some most important points on which information should have been furnished. At the end of last year, the subject of the restrictions placed upon the trade carried on in British vessels between New York and Nassau was brought before the Government. These restrictions were described by Earl Russell as a breach of agreement on the part of the United States; but Parliament was in entire ignorance of all that had passed between the two Governments upon that subject. He, himself, had asked a question as to the Convention between this country and the United States, with a view to the adjustment and examination of claims for the violation of neutral rights. But not a single letter was communicated to Parliament, or a tittle of information supplied on the subject, although the noble Lord said the Government had been engaged in correspondence, and difficulties of detail had prevented the plan from being carried into execution. Again, there appeared to have been a correspondence respecting the raising of recruits in this country. But no information was given—no correspondence was produced. Now, he maintained that upon questions which interested every man in this country, Parliament ought to have had the fullest information which it was in the power of the Government to give. Upon the face of the published papers, correspondence had been kept back which bore materially upon the very case of the *Peterhoff*. From Mr. Adams' despatch of September 4, it appeared that one part of the "plan" agreed upon between Earl Russell and the American Government had reference to a "list of suspected vessels which might be in the hands of the officers as ground of capture." Now, in reference to this there was a curious thing. In the papers about the *Alabama*, Mr. Adams communicated to Earl Russell a list of suspected vessels; and, curiously enough, the last two on the list were the *Peterhoff* and the *Springbok*, which had been lately captured under exactly similar circumstances. So it was apparent, upon the face of these papers, that the Foreign Secretary had entered into some arrangement as to the capture of British vessels, of which arrangement the House knew nothing, except that there was to be a list of suspected vessels; the principal representative of the American Government himself communicated the list to Earl Russell, and upon the very face of the list appeared the name of the *Peterhoff*, with the note attached "now loading for Matamoras;" the result being that in consequence of this arrangement, to which Earl Russell was a party, a vessel engaged in an innocent and legal voyage was captured; although, upon the face of the papers, the American Government were aware that she had no intention either of breaking the blockade or of conveying any portion of her cargo for the use of the Confederate States. He thought that the Government were, to a great degree, responsible for this. In the course of last year a representation was made to Earl Russell, he did not know whether by the Chamber of Commerce of Liverpool, or by a meeting of merchants of Liverpool, called for the specific purpose, that the Federal Government had established a blockade of their legal and legitimate trade between this country and Nassau. It was represented to the noble Earl that their trade was stopped because the Federal Government had assumed to itself the right of capturing vessels on their voyage from one neutral port to another neutral port. What was the reply of Earl Russell? He said, Nassau had been made a depôt for cargoes intended to be conveyed to the Confederate States; and he recommended the merchants who applied to him, as the best means of avoiding the capture of their vessels, to abstain from engagin in that trade. The noble Earl's letter seemed written rather in a spirit of insult than as an answer to a proper and well-grounded complaint. It had nothing to do with the matter of which the Liverpool merchants complained, and had reference only to the illegal contraband trade between Nassau and the Confederate States. It entirely omitted to answer the complaint of the merchants that their legitimate trade had been interfered with. He would ask, was the noble Earl aware of the law when he wrote that letter? Was he aware that in setting up that pretension the American Government was putting up a most illegal pretension, and that it had no more right to stop a vessel between Liverpool and Nassau than it had to stop a vessel between Liverpool and Bordeaux? He must have been aware of it, because in a document written by him on the 22nd of September he adopted a very different tone from that which characterized his letter to the Liverpool merchants. I refer now to a case which was brought under the notice of the noble Earl with respect to a power assumed by the authorities at New York of refusing clearances to British vessels engaged in transporting goods from New York to Nassau. What does the noble Earl say with reference to that assumption of a right?—

> "The inference that the articles, though having really and *bonâ fide* a British destination, are likely to be afterwards used for the purposes of the trade between Nassau and the so-styled Confederate States, is drawn, as explained by Collector Barney, from the magnitude of the consignments, from a comparison between the amount of the trade in similar articles carried on between New York and Nassau in former times and the amount during the present war, from the notorious existence of an extensive trade during the war between the so-styled Confederate States and Nassau, and from the known or reputed connection of certain merchants or mercantile houses in England and at Nassau with that trade. The possibility or probability being thus arrived at that such a use may be made of some of these articles after their arrival at Nassau, it is concluded that the United States' Government are entitled to stop them at New York. From this conclusion her Majesty's Government dissent."

The hon. and learned Gentleman the Solicitor General now expressed his approval of that statement; but he would ask the hon. and learned Gentleman what was the difference between the case of refusing a clearance to vessels engaged in a trade between New York and Nassau and stopping by force vessels engaged in a legitimate trade between Liverpool and Nassau? It is evident the noble Earl had before him the letter of the Liverpool merchants, and disregarded the complaint which it contained, though he knew it to be well founded; knowing, at the same time, that the pretension set up by the United States was absolutely contrary to international law. Had the Foreign Secretary, knowing that his countrymen were complaining that their legitimate trade was being interfered with by unjust detentions on the part of the United States Government, instead of lecturing the Liverpool merchants, replied that the pretensions of the American Government was an illegal one, and would be resisted by the Government of this country, did any one suppose that those repeated cases in which British vessels had been captured in the lawful pursuit of their trade would have occurred, and that we should now have to call upon Her Majesty's Government to afford efficient protection to our countrymen, and not allow outrages of this kind to be perpetrated on British vessels passing between one neutral port and another neutral port, and the trade to which no suspicion was attached to be interfered with by the violent and illegal conduct of such men as Commander Wilkes? The House would no doubt be told by Her Majesty's Government that in this serious case of the *Peterhoff* they had called for redress—that they had acted with the greatest energy. He did not doubt this, because he believed no Government could hold their seats if in so grave a case they refused to give protection to British commerce. But it would have been far better to prevent such occurrences by the adoption of a different course than that taken by the noble Lord in his reply to the Liverpool merchants. He had no doubt, that when this particular case was brought under their notice, the Ministry replied in the stereotyped form of all Governments, "The matter should have the immediate attention of Her Majesty's Government;" but it would have been better to give such an assurance before cases of such gravity had arisen. He hoped that Her Majesty's Government would give an assurance to the House that they would make the views of the British Government so well known that cases of this kind should not occur again. In conclusion he would say, in reference to those papers to which he had before alluded—with reference to the despatch which the noble Lord at the head of the Government had alluded to the other night, and to papers which were referred to in the published correspondence, but which had been kept back — he trusted Her Majesty's Government would lose no time in producing them.

MR. CRAWFORD said, that having been alluded to by the hon. Member for Horsham (Mr. S. FitzGerald) he wished to offer a few remarks. They would not, however, be an attack on Her Majesty's Government; for, seeing that the case of the *Peterhoff* was only two days old, he should be well contented to leave it in the hands of the Government, and especially so after hearing to-night the opinion of the hon. and learned Gentleman (the Solicitor General), by whom the Government would be influenced in their proceedings in the case, and in whom every Member of the House had the utmost confidence in questions of international law. The principal facts of the case had been placed before the House; but there were still a few others which he wished to state in illustration of the *bonâ fide* character of the trade of the *Peterhoff.* The vessel was advertised in the newspapers in the usual way for a general cargo to Matamoras. She carried a mail; that is to say, she carried a usual ship letter-bag, made up at the General Post Office; and she had made her arrangements for coaling in the West Indies; the nature of her preparations throughout being of such a character as to satisfy any one that her intention was to perform as speedy a passage as possible to the port of her destination. The hon. Member for Horsham had stated that he (Mr. Crawford) had taken the pains of making himself acquainted with the character of the goods on board. He had done so. The owners of the ship, and the gentleman engaged in loading the ship, placed in his hands the ship's manifest, and other documents showing the nature of her cargo. It was a cargo of a most miscellaneous description. The Mexican law required, in the case of cargoes sent to her ports, that full particulars of every package, with its contents, measurement, and weight should be distinctly stated; and he therefore had the opportunity of satisfying himself by perusing the manifest as to the goods she was carrying; and he put this question pointedly to the gentleman who waited on him:—"Is there anything in the description of the goods of a colourable character? Is there anything in the nature of 'hardware' intended as a cover to rifles or muskets?" The answer was that there was nothing contraband in the ship —that there was nothing but what was fairly set down on the manifest. It therefore was clear that the vessel was engaged in carrying legal goods, under legal circumstances, to a legal port. The circumstances of the seizure would, no doubt, engage the attention of the Law Officers of the Crown. There were in the City gentlemen with Northern proclivities as well as Southern, and there were gentlemen who said that the ultimate destination of the goods was probably for the Southern States, and that that was a sort of reason for the stoppage of the vessel by Northern cruisers on its way to Matamoras. That was a legal question. But there was one point connected with this matter worthy of observation at the present time. A very large trade was carried on in American vessels between New York and Matamoras, of precisely the same kind as that of the *Peterhoff.* Therefore, evidently there must be some other reason for the seizure of the vessel than the particular trade she was engaged in. Apparently the North had no objection to the trade being carried on for their own benefit; but they had an objection when anything was to be got out of it by the merchants of this country. The material point for the consideration of mercantile men was this. Here was a vessel captured on a legal voyage. There were other vessels bound to the same destination from England, loading with similar cargoes, and the owners were in a state of complete doubt as to what they should do. He had no doubt that the question would receive the earliest attention of Her Majesty's Government, in order that the minds of the owners of these vessels might be set at rest; and he, as representing the owners and shippers, was perfectly content to abide by their decision.

RUSSIA AND POLAND.

QUESTION.

MR. DARBY GRIFFITH said, he would beg to ask the First Lord of the Treasury, a question respecting the alleged passage of the Russian troops through Prussian territory, in order to attack the Polish Insurgents; and also respecting the alleged wounding and robbery of a British subject, Ludwig Finkenstein, bearing a British passport, by the Russian soldiery. Certain statements in connection with the subject had been denied by the French Government. It appeared, by a recent communication, that at four o'clock one afternoon a Russian courier, with an escort of four Cossacks, arrived at a small town in Prussian territory, that they came fully armed, and that the Prussian troops not only did not disarm them, but gave them cigars and received money in payment. It was also stated that a British subject, Ludwig Finkenstein, had been seriously injured by some Russian soldiers while pursuing his lawful occupation in Poland and possessing a passport, signed by Earl Russell. He received twenty-five or twenty-six bayonet wounds, and was robbed of about £1,000 in English money. He was then taken to Cracow; and whether he was now alive or dead was unknown. He apprehended that the interference of the British Government under the Treaty of Vienna must be limited to some such cases as these. The ardent friends of the Polish cause were anxious to obtain support, and were prone to regard Her Majesty's Government as omnipotent. But the action of Her Majesty's Government differed from that of individuals. Their power to interfere was restricted by treaty obligations, while the people could freely express their sympathies, and even give indirect assistance to the cause of an oppressed nation. Hence the difficulty of framing Resolutions upon which the Government could act. At the Mansion House meeting one of the resolutions was that Russia, by her cruelties, had forfeited all right to Poland, and that the British Government should be called upon to make a solemn declaration to the Powers of Europe to that effect. What would be the use of making that solemn declaration, unless it was followed up by the alternative of declaring war? At the Manchester meeting one of the resolutions was, that it was the duty of every Englishman to aid the cessation of all diplomatic relations with Russia until the state of things indicated in the resolution was changed. But that, probably, would be the most unfortunate step which could be taken in the interest of the Poles, because the English Government would then be deprived of all chance of mediating in a friendly way in the event of the opportunity occurring. The fulfilment of the obligations imposed upon Russia by the Treaty of 1815 would not meet the wishes and aspirations of the Poles. The Marquis Wielopolski endeavoured to induce the Russian Government to carry out the Treaty of Vienna in a manner more favourable to Poland than the letter of those treaties required, and, instead of being admired, his name was execrated by the national party. The domination of Russia over Poland was entirely incompatible with the feelings of the people. Unless by the interposition of Providence they were successful in their present struggle, he was afraid that the next hundred years must be passed, as the last, in a perpetual collision with the Russian authorities. There was not a man in Poland who, if he were offered the most complete material comfort under the Russian sway, would consent to abandon his aspirations for the restoration of the ancient kingdom. He was afraid that it was impossible to expect the Government to proceed in any different course from that which they had adopted before. They could not go beyond remonstrances, and the appeal *ad misericordiam*, except they were ready to undertake a war with Russia. What Lord Castlereagh had failed to do in 1815, the noble Lord at the head of the Government would hardly be able to do in 1863. He had heard it stated that the Foreign Secretary was endeavouring to induce the Powers who signed the Treaty of Vienna to join in a remonstrance to Russia, to endeavour to persuade her to consent to the realization on behalf of Poland of the stipulations in the Treaty of Vienna. He was afraid that the Poles must depend for the restoration of their country on their own strong hands and gallant hearts; all that could be asked of the British Government was that they should urge an immediate amnesty — the performance of the promises made in 1815, and the convocation of the Polish Diet. For himself, he was quite content to leave the matter in the hands of the noble Lord at the head of the Government.

MR. LAYARD rose to make a brief reply to the Questions addressed to the Government by the hon. Member for Horsham (Mr. Seymour FitzGerald) and the hon. Gentleman who had just sat down. The hon. Member for Horsham had made two or three observations in the course of his speech which required a distinct contradiction from the Government. The facts which he had stated, with regard to the *Peterhoff*, had been already submitted to the Government, but they were the *ex parte* statements of the owners of the vessel; and though, of course, it was not for him to call in question the accuracy of those statements, it was clear that as they were *ex parte* the Government could not take immediate action on them. What they had done was what had been done in all similar cases; the statements of the owners had been referred without a moment's delay to the Law Officers of the Crown; and when their opinion had been given, such representations would be made to the Government of the United States as Her Majesty's Government might think desirable. The hon. Member complained of the delay which had taken place; but it was difficult to see what more could have been done. The facts had only been brought to the notice of the Foreign Office two days before, and they had at once been referred to the Law Officers. But the hon. Member had travelled beyond the case of the *Peterhoff*, and had referred to some arrangement which he seemed to think had been made between Her Majesty's Government and the Government of the United States with regard to the proceedings of American cruisers, and he read a list of vessels which he assumed that Lord Russell had admitted to be suspected and liable to be seized and searched. The hon. Member was labouring under an entire delusion. The Government had never heard of any such arrangement, nor, as far as he knew, had any such an arrangement ever been proposed. The hon. Gentleman had alluded to certain papers published by the United States Legislature. Papers had certainly been laid before the American Legislature —which had been reprinted for the House of Commons at the hon. Gentleman's request—in which allusion was made to certain orders issued by the American Government to their cruisers; but those allusions are to certain arrangements which the United States Government had themselves issued to their own cruisers. It was true that Her Majesty's Government had objected to those arrangements. The Government of Washington then issued amended orders to their cruisers, which, as far as he remembered, were published in the American papers, and Lord Russell considered that the new arrangements thus made were more satisfactory than those which had existed before. But these arrangements were not made in conjunction with Her Majesty's Government. The list of suspected vessels was merely an inclosure from Mr. Adams, with which the British Government had nothing whatever to do. He distinctly denied the fact of any arrangement such as that described by the hon. Gentleman having been made between the British and the American Governments. His hon. Friend, as was sometimes his wont, dealt rather largely in strong epithets, and said that the Government had been guilty of a very discreditable proceeding in regard to the papers which had been laid before the House. [MR. SEYMOUR FITZGERALD: I did not say that]. I am glad my hon. Friend withdraws the words. [MR. SEYMOUR FITZGERALD: I never used them.] Three or four sets of papers had been presented to Parliament; and when his hon. Friend placed his Motion on the paper, he communicated with him on the matter, and told him that he should lay on the table all the papers which he thought might be interesting; and he begged him then, if there were any papers which he considered of importance not included in the correspondence, to ask for them, and he should be most happy to furnish them. It was treating the Government, therefore, rather unfairly to say that they had acted discreditably in the manner in which they had laid the papers before the House. The hon. Member had asked, why were not the papers relative to vessels running the blockade laid before the House? The printing of all those documents would be of no use to any one, and would only unnecessarily add to the printing expenses of the House; he would be ready, however, to present papers connected with any particular case which the hon. Member might designate.

With regard to the hon. Member for Devizes (Mr. Darby Griffith), that hon. Member's sources of information in the public press of all countries were so inexhaustible that it was impossible to keep pace with him. He had already distinctly stated that the Government had no official information that Russian troops had crossed the Prussian frontier. [Mr. DARBY GRIFFITH: The *Moniteur.*] He could not be answerable for articles that appeared in the *Moniteur,* but he had seen a disclaimer in that paper on this very point. As to the case of Mr. Finkenstein the Government had received information, which led to the conclusion that a more disgraceful and discreditable outrage was never perpetrated. It appeared that Mr. Finkenstein, having entered into a contract for the purchase of some corn, crossed for the purpose of obtaining it from Cracow into Poland with a Polish lady, who asked him to allow her to travel in his car. On crossing the frontier they were stopped by the Russian guard, but on the gentleman showing his passport which was a British one duly *viséd,* they were allowed to pass on. At some distance from the frontier they fell in with a second party of Russian troops, and were detained by the officer in command during the night. On the following morning, in company with some Poles who had been captured, they were told that they must be sent to the General in charge of the district. They were furnished with a guard under a lieutenant. On their way to head-quarters a party of insurgents were seen in the distance, and firing commenced; whereupon the guard murdered the captives at the cart-wheel, and then dragged the lady from the cart and inflicted on her several bayonet wounds; they then seized Mr. Finkenstein, took him out of the cart, plundered him of all his property, and bayoneted him, inflicting thirty-eight wounds, and leaving him for dead. The officer commanding the troops, Mr. Finkenstein stated, did his best to prevent this outrage, but he was unable to restrain the troops. While lying on the ground, Mr. Finkenstein was found by the Polish General, Langiewicz, who, perceiving signs of life in him, treated him with great kindness, and had him removed under the care of his own surgeon to Cracow. Lord Bloomfield, as soon as he heard of the case, sent a person to Mr. Finkenstein to learn the full particulars, and the statement now made to the House was taken down from Mr. Finkenstein's own words. Mr. Finkenstein was not dead The Government had sent out orders for a full inquiry into the whole case. There was some doubt whether Mr. Finkenstein was a British subject; if he should prove to be one, full reparation, it was to be hoped, would be obtained for this gross outrage upon him.

GOVERNMENT OF THE NORTH WESTERN PROVINCES OF INDIA.

OBSERVATIONS.

MR. VANSITTART rose to call attention to the removal of the seat of Government of the North Western Provinces from Agra to Allahabad. It would be in the recollection of the House that three evenings since, on asking the Secretary of State for India whether it was true that he had issued instructions to move the seat of Government of the North Western Provinces from Agra to Allahabad, and to produce the correspondence, the only answer the right hon. Baronet condescended to give was a flat denial. He thought that this mode of answering was not satisfactory, and that the House would think him justified in again bringing the matter before it. He would therefore, with the permission of the House, read a copy of a despatch addressed by the right hon. Baronet to the Governor General so recently as November last, in inserting which the Indian journalist remarked—

"It is now settled that Allahabad is to be the seat of Government of the North Western Provinces. We give a prominent place to the despatch on this subject from Sir Charles Wood.

"No. 45, of 1862.

"To his Excellency the Right Hon. the Governor General of India in Council.

"India Office, London, Nov. 29, 1862.

"My Lord,—I have had before me in Council your letter No. 58, of the 5th of September last, and its enclosures, regarding the proposed construction of public buildings at Allahabad, in consequence of the removal thither of the seat of Government of the North Western Provinces. Captain Peile, Executive Engineer at Allahabad, has been instructed to prepare revised designs without loss of time, taking care to keep the estimated outlay within sixteen lacs of rupees. For this sum it is expected that the office establishments of all the civil departments of Government may be located in substantial, commodious, and handsome buildings, arranged so as to allow of any communication with each other and with the Government House, which last edifice is to be provided for by separate estimate, I approve of the orders you have given.—I have, &c.,

"C. WOOD.

"By order of his Honour the Lieutenant Governor, North Western Provinces,

"W. E. MORTON,

"Lieutenant Colonel, Secretary to Government."

He now trusted that the House would think him perfectly justified in asking the right hon. Gentleman to reconcile the answer he gave on Tuesday with this despatch. Without entering into the question, on the present occasion, of the necessity of abandoning Agra, or whether in that case Bareilly, the capital of Rohilkund, the finest climate in the North West, and which also adjoins Oude, would not be more centrical and more salubrious than Allahabad, situated at the extremity of the Presidency of the North West, and notoriously one of the hottest cities in India, he would merely add, that up to the present time he had had no cause to complain of any want of courtesy on the part of the right hon. Baronet, and was therefore unprepared for the altered tone which he assumed towards him on Tuesday. Under these circumstances, he hoped the right hon. Baronet would be good enough to explain the precise part he had taken in the question of the removal of the seat of Government of the North Western Provinces from Agra to Allahabad.

Sir CHARLES WOOD begged to express his regret to find that the hon. Member fancied there was something discourteous in the reply given the other evening. The question which the hon. Gentleman asked him on Tuesday evening was, whether it was true that he (Sir Charles Wood) had issued instructions to remove the seat of Government from Agra to Allahabad? He (Sir Charles Wood) answered that he had not issued any such instructions. The House would see that there was no difficulty in reconciling the answer he gave on Tuesday with the answer he should now give. The Government of India took on itself, without any communication with the Secretary of State for India, to remove the seat of Government from Agra to Allahabad; and the Secretary of State gave no sanction or instructions with respect to that transfer. Whether the Indian Government were right in their mode of proceeding he did not pretend to say; but thinking the change from Agra to Allahabad on the whole advantageous, he was not disposed to interfere with the Indian Government in what it had done, or to quarrel with the mode of making it. A year and a half afterwards a question arose as to certain expenditure on public buildings in consequence of the change, and the despatch quoted was the reply sent to communications respecting that expenditure.

RUSSIA AND POLAND—REPLY.

Viscount PALMERSTON: Sir, with regard to the Question put to me by the hon. Member for the King's County (Mr. Hennessy) as to Poland, I am afraid I can add very little to what I stated to him on a former occasion. As I then told him, Her Majesty's Government have made a communication to the Government of Russia on the subject of Poland, very much to the same effect as the opinions which I expressed to the House when the question came under our consideration, and that we are also in communication with the Government of France with a view to joint action in the matter—that action of course being, as the hon. Gentleman said, of a diplomatic character; for I do not understand that the House has recommended any other sort of action. We are also in correspondence with other Governments who are parties to the Treaty of Vienna, for the purpose of ascertaining whether they will be disposed to support the representation which we have offered. It would be inexpedient for me to go into detailed explanations of the particular communications which have been made; but I hope that after Easter matters will be in such a state that we shall be able to lay on the table papers showing what has passed and is passing. I trust that whatever may have taken place up to that time will be deemed satisfactory to the House.

UNITED STATES—THE FOREIGN ENLISTMENT ACT.—REPLY.

Viscount PALMERSTON: Now, Sir, turning to the much more important and practical question raised by my hon. Friend the Member for Bradford (Mr. W. E. Forster), I cannot but express my regret at the tone of his remarks, and still more at the tone taken by the hon. Member for Birmingham (Mr. Bright). There is no concealing the fact, and there is no use in disguising it, that whenever any political party, whether in or out of office, in the United States, finds itself in difficulties, it raises a cry against England, as a means of creating what in American language is called political "capital." That is a practice, of course, which we must deplore. As long as it is confined to their internal affairs, we can only hope, that being rather a dangerous game, it will not be carried further than is intended. When a Government or a large party excite the passions of one nation against another, especially if there is no just cause, it is manifest that such a course has a great tendency to endanger friendly relations between the two countries. We understand, however, the object of these proceedings in the present instance, and therefore we do not feel that irritation which might otherwise be excited. But if this cry is raised for the purpose of driving Her Majesty's Government to do something which may be contrary to the laws of the country, or which may be derogatory to the dignity of the country, in the way of altering our laws for the purpose of pleasing another Government, then all I can say is that such a course is not likely to accomplish its purpose. I very much regret, therefore, that the speech of my hon. Friend the Member for Bradford, and more particularly that of the hon. Member for Birmingham, are calculated to encourage those complaints which I think are totally unfounded on the part of the American Government. I should have hoped that Gentlemen bringing this question before the House would rather have tried to allay the irritation, instead of making out, as they endeavoured to do, that the Americans have just cause to complain against England and the English Government. My hon. and learned Friend the Solicitor General, in that admirable speech which we all listened to with the greatest delight, has demonstrated indisputably that the Americans have no cause of complaint against us. He has shown that the British Government have done, on the representations made by the American Minister here, everything which the laws of the country enabled them to do. And although I can easily understand that in the United States, owing to the great irritation and animosity produced by the civil war now raging, men's minds have been led to a great degree to forget the obligations of law, and where the practice has been to set it aside—I can easily understand that they are not disposed to give that weight which is due to our argument, that we cannot go beyond what the law prescribes and authorizes—yet I think that the House at least will see that the statement of my hon. and learned Friend proves that we have, in regard to enforcing the Foreign Enlistment Act, done all that the law enabled or permitted us to do. Hon. Members have argued as if the seizure of a vessel were equivalent to its condemnation. They ask—"Why did you not seize the *Alabama*, when you were told that it was known and believed that she was intended for warlike purposes on the part of the Confederates?" Now, in the first place, you cannot seize a vessel under the Foreign Enlistment Act unless you have evidence on oath confirming a just suspicion. That evidence was wanting in this case. The American Minister came to my noble Friend the Foreign Secretary and said, "I tell you this, and I tell you that; I'm sure of this, and I'm sure of that;" but when he was asked to produce evidence on oath, which was the only thing on which we could ground any proceedings, he said that the information was furnished to him confidentially, that he could not give testimony on oath, but that we ought nevertheless to act on his assertions and suspicions, which he was confident were well founded. What would happen if we were to act in that way? When a vessel is seized unjustly and without good grounds, there is a process of law to come afterwards, and the Government may be condemned in heavy costs and damages. Why are we to undertake an illegal measure which may lead to those consequences, simply to please the agent of a foreign Government? I say, if there was any fault, it was on the part of those who called on us to do a certain act, and yet withheld the groundwork on which that act could alone be based. I have myself great doubts whether, if we had seized the *Alabama*, we should not have been liable to considerable damages. It is generally known that she sailed from this country unarmed and not properly fitted out for war; and that she received her armament, equipment, and crew in a foreign port. Therefore, whatever suspicions we may have had—and they were well founded, as it afterwards turned out—as to the intended destination of the vessel, her condition at that time would not have justified a seizure. I can assure the House that Her Majesty's Government have no indisposition to enforce the provisions of the Foreign Enlistment Act. The hon. Member for Birmingham reproaches us with exhibiting "a cold and unfriendly neutrality." I do not know what the meaning of those terms may be; but they appear to me to be a contradiction in themselves. If neutrality is more than friendly towards one party, it is something very different towards the other, and ceases to be what, in common parlance, is meant by neutrality between contending parties. But whether our neutrality is warm or cold, friendly or unfriendly, it is sincere and honest. I can assure my hon.

Friends and the House, that whenever it is in our power to enforce the Enlistment Act legally and in accordance with justice, we shall not be found wanting in the performance of our duty. It is a great mistake to suppose that we can view with pleasure any transactions in this country which have a tendency to violate not only the letter, but even the spirit of the Foreign Enlistment Act. It would have been much more agreeable to us if all the supplies that have been so well enumerated by the hon. Member for Birkenhead (Mr. Laird), as having been furnished in abundance to one party and very scantily to the other, had been withheld, and if the whole of the United Kingdom had remained in a state of perfect neutrality between the parties, and if no supplies had been furnished either to the one party or the other. But when we are blamed so heavily for not having acted on suspicions, is it fair for us to say, that as far as suspicions go, we have been informed—perhaps erroneously—that not only have arms been despatched to the Northern part of the United States, but that efforts have been made, in Ireland especially, to enlist persons to serve in the Federal army and navy? Unquestionably, a great many cases have occurred in North America, in which British subjects have been seized and attempts made to compel them to serve against their will in the civil war. Feeling, as we must do, the greatest desire that the most friendly relations should continue to be maintained between this country and the United States, regretting exceedingly any circumstances of any kind which should have caused irritation in the minds of the people of the Northern Union, we can only say, that it is impossible for us to go beyond the law. The law is in this case of very difficult execution. This is not the first time when that has been discovered. When the contest was raging in Spain, between Don Carlos and Queen Isabella, it was my duty — the British Government having taken part with the Queen—to prevent supplies from being sent to Don Carlos from this country. There were several cases of ships fitted out in the Thames; but though I knew they were intended to go in aid of Don Carlos, it was impossible to obtain that information which would have enabled the Government to interfere with success. I hope, therefore, that those Gentlemen who have made themselves in this House the mouthpieces of the North, will use the influence which they are entitled by the course they have taken to exert, to prove to their friends on the other side of the Atlantic that the charges made against the British Government are not founded in reason or in law. I trust they will assure them that Her Majesty's Government will continue, as I maintain they have done hitherto, to enforce the law, whenever a case shall be brought before them in which they can safely act upon good and sufficient grounds; there must, however, be a deposition upon oath, and that deposition must be made upon facts that will stand examination before a court of law; for to call upon us arbitrarily and capriciously to seize vessels with respect to which no convincing evidence can afterwards be adduced, is to ask the Government to adopt a course which would cast discredit upon them, and lead to much subsequent difficulty and embarrassment. I do hope and trust that the people and Government of the United States will believe that we are doing our best in every case to execute the law; but they must not imagine that any cry which may be raised will induce us to come down to this House with a proposal to alter the law. We have had—I have had—some experience of what any attempt of that sort may be expected to lead to; and I think there are several Gentlemen sitting on this bench who would not be disposed, if I were so inclined myself, to concur in any such proposition.

LORD FERMOY said, the noble Lord had shown to-night, as he had done on most other occasions, that he was thoroughly in accord with the great majority of his countrymen. While everybody in England deplored the unfortunate war going on in America, opinion was divided as to the merits of the quarrel. Some advocated the cause of the North, and some that of the South; but nearly all approved the policy of neutrality which the Government had adopted in regard to the two belligerent Powers. With respect to Poland, also, the noble Lord had not retired from his former advanced position, and in doing so had only expressed the sentiments of the people of this country. Twice he had charged Russia with a gross breach of the Treaty of Vienna. So far back as 1831 he stated most truly, in a despatch addressed to Lord Heytesbury, that the kingdom of Poland was created and attached to Russia by that treaty, and that that treaty defined the relation in which Poland stood to Russia. If that were so, and if Russia had systematically violated the stipulations of the treaty, the logical inference was that the treaty had been abrogated by Russia herself, and that the independence of Poland ought to be secured by a new Council of the nations of Europe.

Sir FRANCIS GOLDSMID remarked that it had been stated by an individual of the highest authority, that although England had a right, she was under no diplomatic obligation to interfere on behalf of Poland. Now, he (Sir Francis Goldsmid) contended, that when such engagements as those of the Treaty of Vienna were entered into with a great Power, when the violation of them was systematic and accompanied by acts of cruelty and injustice, when the Government committing those acts avowed and defended them, and when there was intervention by another Power on behalf of the oppressor and against the oppressed—then, although there might be no diplomatic obligation, there was a moral obligation to interfere, from which no first-rate Power could retire without dishonour. The mode in which that obligation was to be discharged depended in part upon the inclination of foreign Governments; and as that inclination was better known to the Executive than it could be to either House of Parliament, they were practically compelled to leave the matter in the hands of Her Majesty's Ministers. As to the result of that inevitable confidence, though there could be nothing like certainty, there was some ground for hope. It was true that in 1831 the noble Lord declined to co-operate with France, for reasons which we were told were excellent, but which, as it appeared, could not even yet be revealed, although thirty years had since elapsed. Unless they proceeded on the assumption that everything that was unknown was magnificent, these reasons were not likely to be considered satisfactory. But circumstances were more auspicious now. The superstitious reverence which then existed for the supposed enormous might of Russia had in great measure disappeared. The people of France were as much interested as they were then in the fate of Poland; Austria was believed to be much more favourable; and the present struggle in Poland itself appeared to embrace more completely the whole nation—nobles and peasants, Christians and Jews. As one instance of this union it might be mentioned that last year the Chief Rabbi had shared with the Roman Catholic Archbishop the honour of imprisonment for the offence of taking part in a patriotic demonstration. He (Sir Francis Goldsmid) should rejoice if the considerations to which he had referred encouraged a bolder course than had been taken in 1831, and if at that future period when the steps now being adopted by Her Majesty's Government, for the present necessarily concealed from us, should become known, they should be found to leave no room for the unpleasant doubt (from which, with reference to some former occasions of a similar kind, it was impossible for us wholly to free ourselves) whether a great opportunity had not been lost for at once strengthening the cause of a gallant people and acquiring additional securities for the future peace of Europe.

Mr. NEWDEGATE said, that those who were the most earnest advocates for the re-establishment of Poland seemed to him to tender to the Polish cause little beyond their good wishes, which to his mind was a practical cruelty. There was not the same difficulty in founding a new dynasty for Greece as there would be in reviving the nationality of Poland, and establishing a permanent form of government within it; and yet look at the difficulty of replacing the government of Greece. When those who advocated the cause of Poland urged the Government to pursue a course which he believed the prudence and statesmanlike knowledge of the noble Lord at the head of the Government would prevent their adopting, and to approach Russia practically in the attitude of menace—for to accuse her of violation of her engagements was a practical menace—they recommended a course that could not be successful, for Russia was not likely to yield to such representations. But let the House consider the history of Poland. Poland was once free and independent—why did she fall? She fell from internal dissensions. And what security was there, that in her present condition, social and civil, if re-established, she would not fall again? Was there, in that unhappy country, a middle class—the essential element of constitutional government? Were the people educated? Were they peaceable? Could there be made out of these elements anything but a despotic form of government? It made him impatient when he heard noble and gallant men urged on to shed their blood with so vain a prospect. He knew that it might be unpopular to urge these opinions, but he felt it due to humanity that it should be done. Russia was talked of as if Russia had never attempted to reconcile the Poles; but the history of the Poles from 1815 to 1820 contradicted that assumption. It so happened that he had a connection who had been employed by Russia; that connection had always treated him with the utmost friendship and confidence. He (Mr. Newdegate) had himself entertained many of the feelings in favour of Polish independence that had been avowed in that House; and he asked the gentleman to whom he referred to furnish him with evidence that proposals for reconciliation had not only been made, but that there had been an attempt to carry them out by Russia. The gentleman furnished him with that evidence, and he showed that the very same system which prevented England from producing content in Ireland was the source of the perpetual disturbance and misery of Poland. He (Mr. Newdegate) asked the House to consider this:—Was there anything in the conduct of the present Emperor of Russia which could make them believe that he did not personally share those benevolent feelings towards Poland which actuated Alexander the First? And yet it was assumed that the Emperor had no such disposition. So far was this from being the case, that even Prince Napoleon, speaking in the Senate of France, declared that the intentions of the Emperor of Russia towards Poland were most benevolent; and such an admission from such a quarter must carry conviction to the most sceptical, for the Prince made this admission on the very eve of dividing the Senate on a motion which, if carried, would have involved France in a war with Russia for the independence of Poland. The Grand Duke had granted the most liberal indulgencies to the Poles. And how had these been thwarted? Why, by the same elements of disturbance which had prevented England from reconciling Ireland. No one could read the recent letter of the Archbishop of Orleans to M. Quinet without seeing that the object of the Ultramontane party was to establish their own power in and over Poland. What did the Archbishop say to M. Quinet, in effect, but this?—"We, the Ultramontane Party, will not accept your aid for Poland, nor your co-operation; for if by such means we were to succeed, we should not establish in Poland the state of things which we desire. There had appeared in *The Times* a passage most pregnant with reference to this difficulty. The Archbishop of Warsaw tendered to the Archduke Constantine his resignation as a member of the Legislative Assembly; and what did the Grand Duke say? He said—"This is open rebellion at such a time as this. You want to make this a religious war; but you will find Russia too powerful for you." The same Ultramontane influence which counteracted England's efforts to conciliate Ireland was at work in Poland, and had been her curse for two hundred years. Poland was formerly one great source from which Rome recruited her crusades; the Ultramontane party now was stimulating Poland for another crusade—for a religious war against Russia; and if Russia were guilty of severities and atrocities which he deplored, and which severities and atrocities he had no doubt the noble Lord at the head of the Government would do his best to mitigate; and still, if Russia were driven to these acts in order to avoid the occurrence of such a calamity as a religious war, she would ultimately receive, barbarous as she might be in many respects, that justice from public opinion which the too sanguine advocates of Poland denied her. He hoped that the House would excuse him for thus speaking that which he believed to be the honest truth. There were elements in this contest which rendered the Poles insensible to reason, and not content with justice—justice as far as could be granted by a Power which those who had excited the Polish insurrection were seeking to injure in her deepest interests. [*A laugh.*] The hon. Member for the King's County (Mr. Hennessy) might laugh—he was the representative of that class of the Roman Catholic opinion which thought all means justifiable to accomplish its ends. Those only would laugh who thought any amount of bloodshed and civil war justifiable if it afforded them some prospect of seeing the favourite order of Rome dominant throughout the world. But the Protestant people of England were not forgetful of their own history; they knew that their forefathers were driven to the use of severities, which they regretted, by this same element of danger and disturbances; and they would yet do justice to Russia, if Russia, at the instance of Europe, was prepared to do justice to Poland.

SIR HARRY VERNEY said, the hon. Member for North Warwickshire (Mr. Newdegate) endeavoured to represent this as a religious war, but he thought he would not convert the people of England to that view. The present insurrection was not caused by any internal dissension among the Poles, but by the external pressure put upon them by their oppressors. Never had greater tyranny been exercised by one civilized country towards another, than that which Russia had inflicted on Poland. The constant and systematic attempts of Russia to govern Poland by the instrumentality of Russians lay at the root of all the disturbances in that country. The friends of Poland would never cease calling the attention of Europe and of this country to the grievous oppressions to which she had been subjected for so many years, but it was not bare words of encouragement they were prepared to give her. What had fallen from the noble Viscount to night had led him to hope that he would take measures, in concert with the other Powers who had signed the Treaty of Vienna, to obtain those concessions to Poland to which she had a right. He hoped this country would combine with Austria and France in order to give to Poland one frontier upon which she might depend, and that we should yet see Galicia independent. If that were effected—if it were possible to establish an independent kingdom between Germany and Russia, it would form a most important element of the peace and safety of Europe.

Sir HENRY STRACEY said, that the speech of his hon. Friend the Member for North Warwickshire (Mr. Newdegate) contained many generous sentiments; still, on the question of the established religion of this country, he could not but think, if we adhered to the Treaty of Vienna, we must support the religion and clergy of the Poles. He could not understand why Prussia should have been treated with so much delicacy in this debate. Prussia was as culpable as Russia. He remembered that the noble Viscount, on a former occassion, asserted that in Prussia the nationality of Poland was preserved. But, with the utmost deference to the noble Viscount, and as far as his information went, he could not agree with him in that opinion. In the four provinces of East and West Prussia, Silesia, and the Grand Duchy of Posen, there were in all 7,500,000 inhabitants, of whom 2,830,000 were Poles. In Posen there were 850,000 Poles, and only 550,000 Prussians. According to the Treaty of Vienna, these Poles ought to have their nationality preserved; and yet in that important element of nationality, their native language, the Poles did not obtain justice, for there were no colleges nor schools for the cultivation of the Polish language in the four provinces. He asserted that there were none in East or West Prussia, or in the Grand Duchy of Posen — there were not even village schools—and when the Poles complained of any act of severity on the part of their rulers, they were told they were Prussians, and not Poles. It was clear therefore, notwithstanding the assertion of the noble Lord, that the nationality of Poland was not preserved in Prussia.

Mr. H. R. GRENFELL said, he regretted that on that, the first time on which he addressed the House, he should differ in some respects from the opinions of the Liberal party, to which he belonged. The Liberal party always professed to advocate peace, retrenchment, and reform. Reform had been put aside, and he did not see much sign of retrenchment; he hoped, then, he might be permitted to say a few words upon the subject of peace. Now, if there was any meaning in the argument of the hon. Member for the King's County (Mr. Hennessy), they meant this, that he did not believe in the ability of the noble Viscount and the Government to steer clear on the one side of pusillanimous advice, and on the other of war. But the sympathies of England and those of the noble Viscount and of the Governments which had preceded his had never been wanting to the cause of Poland. At the time of the first partition of Poland the greatest political and philosophical writer of that day had endeavoured to awaken public opinion in Europe to the general wrong sustained by all nations through that event; and in 1815 the noble Lord who represented England at the Congress of Vienna (Lord Castlereagh) had endeavoured, by acting in concert with Austria, to obtain justice for Poland. In 1831 Poland was not the only country which the noble Viscount had to watch over. It should not be forgotten that besides arranging the great and dangerous question of Belgium the noble Lord was occupied then in watching over the nascent liberties of Spain and Portugal; and Belgium, Spain, and Portugal were countries far nearer and more interesting to us than Poland. Again, at the close of the Crimean war, the noble Viscount and Lord Clarendon showed that they were not unmindful of Poland; and he maintained that the noble Viscount had on all occasions displayed his willingness to enter into the cause of Poland, when he could do so consistently with the interests of this and other countries. He therefore thought they might safely leave the cause of Poland in the hands of the noble Lord. A great many Members, who had spoken on this occasion, seemed to forget that there were interests of England as well as interests of Poland to be considered. No one who looked at our relations with America, would doubt that retrenchment ought to be a leading object with the Government of this country. He entreated those who were so enthusiastic about Poland to pause before they forced Her Majesty's Government into action on this subject. Ministers should rather be urged to tender sound and confidential advice at the present juncture to those upon whom the fate of Poland now depended.

Motion *agreed to.*

House at rising to adjourn till *Monday*, 13th April.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

BURTON, THE CHATHAM MURDERER.

QUESTION.

MR. BLAKE said, he would beg to ask the Secretary of State for the Home Department, Whether, in the case of the convict Burton, now under sentence of death at Maidstone Gaol for the murder of a child at Chatham Lines, an application was not made at the trial for the examination of the prisoner by Dr. Forbes Winslow, or some other physician of experience in insanity, and refused by the Judge; and whether, taking into consideration the fact then stated of Burton's mother being confined in a Lunatic Asylum, and his brother not being of sound mind, it is his intention to order such an examination to be now made? He was informed that the prisoner's counsel applied to the Judge to order that the evidence of eminent medical men should be procured to show whether, when the prisoner committed the act, he was labouring under insanity or not. Mr. Justice Wightman, however, stated that he had no funds at his disposal for such a purpose. The execution of the convict would, under usual circumstances, take place within a very short time, and his object in putting the Question was to induce the right hon. Gentleman to satisfy himself, either by adopting the course asked for at the trial or otherwise, whether this unfortunate man was insane or not.

SIR GEORGE GREY said, he was not aware that any application had been made to the Judge of the nature described by the hon. Member. The defence of the prisoner was his alleged insanity. A great deal of evidence was adduced on both sides on the subject, and the Judge laid down the law in accordance with the highest legal authorities. The jury, after full and patient consideration, were of opinion that the prisoner was morally responsible for his actions, and therefore that he was not insane. In answer to the second Question he had to state, that no facts had been laid before him which would justify him in ordering such an examination as that referred to.

Motion *agreed to.*

Supply *considered* in Committee.

House *resumed.*

Committee report Progress; to sit again on *Monday* 13th April.

SAVINGS BANKS ACTS.—COMMITTEE.

Savings Banks Acts *considered* in Committee.

(In the Committee.)

THE CHANCELLOR OF THE EXCHEQUER rose to move a Resolution with a view to founding a Bill thereupon. The object of the Bill which he proposed to introduce was to some extent identical with a Bill which had been only partly adopted in a former Session; he had now endeavoured to avoid giving rise to differences of opinion that were formerly mooted. One object of the measure was to extend the principle of the conversion of perpetual into terminable annuities to a further extent than it had yet been carried. At present the amount paid annually for terminable annuities was £1,900,000, part of which was interest and part repayment of capital. It might be said that about £1,000,000 was paid every year towards the reduction of the National Debt. In the year 1867 a portion of the terminable annuities, to the amount of £585,000, would cease. The operation of the Post Office Savings Banks Act was to convert a proportion, not exceeding one-sixth, of the stock purchased for those savings banks into the form of terminable annuities. He proposed to apply the same principle to the old savings banks. He asked Parliament to give power to convert four millions of 3 per cent stock into terminable annuities of 1885. The effect of the measure would be to add £120,000 a year to the present charge for the National Debt, with a view to the relief to be obtained by the extinction of so much of the capital within a limited period. The next enactment in the proposed Bill would be to convert £24,000,000 of the savings banks money into a passive charge, resembling the debt now due to the Bank. He also proposed to remedy an existing defect in the law relating to savings banks. Although at present there was no doubt of the moral, and to some extent the legal, liability of the State to repay to the trustees of savings banks all the money received from them with the interest accrued, yet the machinery for giving effect to that obligation did not exist. The value of stock in the hands of the Commissioners might not be sufficient to liquidate all their engagements. He proposed, that in case of a demand on account of the savings banks arising that could not be met out of the proceeds of the securities and the cash at the credit of the Commissioners, such deficiency should be a charge upon the whole Consolidated Fund—giving full security to the savings banks. Another provision in the Bill would authorize the Commissioners, whenever they might think it desirable, to meet any demands out of the cash in the Exchequer, instead of going into the market to sell stock, which, at a time when the price was low, was a disadvantageous operation with a forced sale.

Resolution *moved,*

That it is expedient to amend the Laws relating to the investment of the monies of Savings Banks, established under the Act 9 Geo. 4, c. 92, to create a charge for such Savings Banks upon the Consolidated Fund in place of certain perpetual Annuities now standing in the names of the Commissioners for the Reduction of the National Debt for such Savings Banks, to give powers for converting certain other amounts of such perpetual Annuities into certain other Annuities, and to provide for the due payment out of the Consolidated Fund of any deficiency which may arise from insufficiency of the securities to meet the legal claims of the Trustees of such Savings Banks.

SIR HENRY WILLOUGHBY said, as far as he understood the scheme of the right hon. Gentleman, one portion seemed very good, and another somewhat doubtful. The Committee was dealing with a very large sum, and he wished to know what the amount of interest would be. He apprehended that the very first principle in dealing with terminable annuities was that the capital should be reinvested in some form or other, otherwise the danger of spending capital as income was incurred. There could not be a question of the prudence of recognising by statute the claims of the savings banks to repayments in full at the hands of the Commissioners of the National Debt.

MR. AYRTON said, persons throughout the country were extremely sensitive about the right to receive back the money deposited with the Commissioners of the National Debt. In such an extraordinary emergency as the funds at the disposal of the Commissioners proving insufficient to meet all the claims upon them, there could be no doubt that Parliament would make good the deficiency; but he was anxious to know how the fund could be rendered available if there should happen to be a run upon them.

MR. LYGON understood the Bill to apply to all past operations, but wished to know whether it would apply to any deficiency to be created hereafter. If so, that would open a very wide question.

THE CHANCELLOR OF THE EXCHEQUER held, that there could be no doubt of the right of trustees of savings banks to receive back from the State every farthing they had paid; but there was all the difference in the world between a right to receive payment and provision of the machinery for making that payment. As to the apprehension of future deficits, he reminded the Committee that by the Act of 1861 security had been taken that any operation in which a Finance Minister might engage for any public purpose must come under the review of Parliament before it could take effect. Until 1861 the Chancellor of the Exchequer had the power of refunding Exchequer Bills. Now, all that power was taken away from him, and the Chancellor of the Exchequer must submit himself to the judgment of Parliament with regard to any of these financial operations.

SIR HENRY WILLOUGHBY thought it would be better to place this power in the hands of the Commissioners of the Treasury, who were well known and responsible to the House, than in the hands of an *ex-officio* body like that of the Commissioners for the Reduction of the National Debt.

THE CHANCELLOR OF THE EXCHEQUER admitted that that question might very fairly be debated hereafter, separately from the Bill.

Motion *agreed to.*

House *resumed.*

Resolution to be reported on *Monday* 13th April.

SUPPLY.—REPORT.

Resolutions (March 26) *reported.*

First Thirteen Resolutions *agreed to.*

Fourteenth Resolution read,

"That a sum, not exceeding £6,741, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1864, for conducting the business of the Civil Service Commission."

Lord HENRY LENNOX asked for an explanation respecting the first appearance in these Estimates of the First Commissioner of the Civil Service Commission. The duty had been hitherto performed by unpaid Commissioners. It appeared now, that though the duty had been well done by the unpaid Commissioners, the country was now called upon to vote £1,500 for this First Commissioner of the Civil Service Commission. He, like many other hon. Members, had been taken entirely by surprise by the rapid progress made last night by the Government in taking these Votes; and he thought they ought to feel indebted to the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) for having exposed this juggling system of passing the Votes.

The CHANCELLOR of the EXCHEQUER said, that he could not understand the debt of gratitude which oppressed his noble Friend in connection with what he had described in the not very complimentary term "juggling." He could not understand the disappointment of hon. Gentlemen who had failed to be in their places when the Votes were brought forward after due notice. The words used by the noble Lord were hard ones, and hard words ought not to be lightly used; when they were applied, they ought to be supported by proof that they were deserved. If they were used, and that such proof could not be brought forward, they ought to be apologized for. With respect to the Vote on which his noble Friend asked for some explanation, it was explained last year. The fact was, that when the Civil Service Commission was appointed in 1855, the country had been fortunate enough to obtain the services as Commissioners of two most able men—Sir John Lefevre and Sir Edward Ryan—both of whom received salaries from other appointments. This was a state of things that could not be expected to last. Sir John Lefevre for eight years discharged most arduous duties on the Commission, but in 1861 he informed the Government that his physical strength was not equal to the discharge of the duties of the Civil Service Commission and of the Ecclesiastical Commission, in conjunction with those of Clerk to the House of Lords. Therefore, it became absolutely necessary to appoint some person in his place on the Civil Service Commission, but it could not be expected that they should meet with another person who would discharge the duties of a Commissioner gratuitously. Sir Edward Ryan received a salary as a retired Indian Judge, and likewise as Assistant Controller of the Exchequer during the eight years he had been on the Civil Service Commission in conjunction with Sir John Lefevre. The Deputy Controllership of the Exchequer had been virtually abolished, and by the re-arrangements made by the Government he thought they saved more money than they spent in giving Sir Edward Ryan a salary as Civil Service Commissioner.

Mr. HENNESSY said, that the charge against the Government was not that they had proceeded with the Estimates, but that after the Secretary of the Treasury had placed on the paper this notice—"Civil Service Estimates: Votes on account," they had proceeded with the Votes themselves. A Cabinet Minister, while defending the Government, was forced to admit that this course was unprecedented and inconvenient, and surely, therefore, a Member of the Opposition might describe it as "juggling." He was anxious to know how it was that since the public funds had been expended upon this Civil Service Commission the number of open competitions had declined.

Sir HERVEY BRUCE thought that the Secretary of the Treasury had been wanting in consideration, he would say courtesy, to Irish Members in proceeding with the Irish Votes without sufficient notice.

Mr. PEEL said, that the fact that Irish Votes were passed last night in the absence of Irish Members might easily be accounted for without supposing that Irish Members were inattentive to their duties, and without there being any justification for the charge that he had been wanting in consideration or courtesy. The Votes last night passed with unusual rapidity; partly, perhaps, owing to the circumstance that they had been prepared with great care, and that hon. Members who had studied them found little in the Estimates to object to. Class 5 also occupied less time than could have been anticipated, owing to the postponement of the Colonial and Consular and Diplomatic Votes; and, consequently. Class 6 might have come on before hon. Members had expected. There was no ground for saying that he had stolen a march on the House or taken an unusual course. On Monday evening he gave notice that he should last evening move the Revenue and Civil Service Estimates, Classes 2, 5, and 6, and that notice was printed on the paper which was distributed on Tuesday morning. At the same time, he gave a separate notice that he should on Wednesday move Votes on account. On Wednesday he endeavoured to do so; but an hon. Member behind him objecting he was compelled to postpone the Motion till last evening. Last evening he was obliged to move those Votes on account in order that they might be reported to-night. It was in that sense that his right hon. Friend the Secretary of State for War spoke when he said that the course taken was unusual. It was unusual, because the necessity for Votes on account of these Estimates arose for the first time this Session in consequence of the change in the mode of Voting the Civil Service Estimates which was made last year.

Mr. AUGUSTUS SMITH said, that he objected to the taking of the Votes on account on Wednesday, because the notice had only appeared in the paper that morning. The course adopted last night, if not a juggling, was certainly a bungling, irregular, and inconvenient one. It had, he believed, never before occurred, that after the House had agreed to Votes on account it had been called upon to consider the Estimates *in extenso* on the same evening. He begged to move the reduction of this Vote by £1,500, the salary proposed for the First Commissioner.

Amendment proposed, to leave out "£6,741," and insert "£5,241,"—instead thereof.

Question proposed, "That £6,741" stand part of the Resolution."

Mr. SEYMOUR FITZGERALD said, he thought the Government, having the Votes on account, might have postponed the definitive Votes until after Easter. By the course adopted hon. Members had been put in the position not to be able to make observations which, under other circumstances, they would have wished to offer. The same remark applied to the Irish Votes. In his opinion it would have been much more desirable that the Government, having obtained the Votes on account, should not have ventured on a course which the Government themselves said was unusual and inconvenient, and which a much respected Member characterized as objectionable and unconstitutional.

The CHANCELLOR of the EXCHEQUER said, that a meaning was attached to the word "unusual" which it did not bear. The practice to vote on account was entirely novel, because it was incident to a system which had been adopted for the purpose of giving effect to an important administrative improvement. It was necessary to prepare a list of Votes on which probable advances would be required before there was an opportunity of bringing them definitively before the House. That was unusual, but it was a practice to which recurrence would have to be had in future years. As to the objection to the combination of Votes on account with definitive Votes, he did not deny that there was a certain degree of inconvenience attached to it, but it was entirely bound up with the new system, and he thought it very immaterial. His right hon. Friend the Secretary to the Treasury (Mr. Peel) was liable to no censure whatever; and if there was an ambiguity in the notice, it was an ambiguity arising from the impossibility to foresee the speed with which the Votes would be passed. If he had known it would have been so, he would have withdrawn these Votes from the list of Votes to be taken on account. With regard to the Amendment, he was sure the House of Commons would not agree to the Amendment, or refuse to reward Sir Edward Ryan for the discharge of duties which he had hitherto performed without receiving any reward.

Mr. LYGON said, the Notices were certainly such as the House could not understand, and therefore it was unjust to charge Members with not attending to their duties when they could not anticipate that such business would be brought on. The right hon. Gentleman had not answered the question as to the number of competitive examinations.

The CHANCELLOR of the EXCHEQUER said, the hon. Gentleman had better move for a Return.

Lord HENRY LENNOX disclaimed any intention, in the use of the word "juggling," to say anything adverse to the claims of the eminent gentleman whose name had been mentioned. Having been a Lord of the Treasury, at a time of unexampled difficulty, when the Government were in a considerable minority, he had felt that it would be very convenient at times to use a little "hocus-pocus;" so that he had used the words in no offensive sense.

Mr. HENNESSY said, it was distinctly understood by many hon. Members that the balances would not come under discussion last night. The mode of proceeding which had been adopted was not only inconvenient to Members, but was most embarrassing in the conduct of public business.

Mr. CLAY hoped, that after the explanation which had been given, the Motion would be withdrawn.

Mr. AUGUSTUS SMITH said, that as he understood another salary was saved in another quarter, he had no objection to withdraw the Amendment.

Mr. SEYMOUR FITZGERALD asked the Speaker whether it was within the rules of the House, that when a Vote had been moved on account, and no Report had been made on that Vote, that there should afterwards, on the same night, be taken a Vote on the balance. If the Vote on account were negatived on the Report, it was difficult to see how the Votes that were subsequently passed could be said to be Votes of balances.

Mr. SPEAKER: The question ought not to be put to me; it should be put to the Chairman of Ways and Means. The Chairman is responsible for the conduct of the business in Committee, and no appeal lies from him to me; and I feel it would be extremely wrong to express an opinion on a point that arose in Committee.

Mr. TORRENS asked what the aggregate salary of Sir Edward Ryan would now be.

The CHANCELLOR of the EXCHEQUER said, he would answer the question at a future time.

Amendment, by leave, *withdrawn.*

Resolution *agreed to.*

Fifteenth and Sixteenth Resolutions *agreed to.*

Seventeenth Resolution read 2°.

Notice taken that 40 Members were not present; House counted; and 40 Members not being present,

House adjourned at a quarter before One o'clock, till Monday 13th April.

HOUSE OF COMMONS,

Monday April 13, 1863.

MINUTES.]—Supply—Civil Service Estimates—*considered* in Committee.

Public Bills—*First Reading*—Savings Banks [Bill 79]; Savings Banks Act Amendment [Bill 80].

Committee—Local Government Act (1858) Amendment [Bill 69].

Considered as amended—Telegraphs [Bill 75, 78].

SUPPLY—CIVIL SERVICE ESTIMATES.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. AUGUSTUS SMITH said, he wished to ask the right hon. Gentleman the Secretary to the Treasury, what Estimates would be taken that night. Class 1 fo Civil Service Estimates had only been delivered to hon. Members on the previous Thursday, and there had been no time to examine it.

Mr. PEEL stated that notice was given before Easter that the Civil Service Estimates would be taken immediately after the vacation, commencing with Class 1, and he intended to adhere to that arrangement.

Lord JOHN MANNERS remarked, that although the Estimates in Class 1 were distributed on Thursday, yet, inasmuch as most hon. Members had been out of town during the holidays, they had not had an opportunity of seeing them.

Mr. PEEL regretted that it had not been possible to distribute the Estimates sooner, but he could assure the House that no time had been lost.

Mr. AUGUSTUS SMITH said, he could not but complain of the mode in which the Estimates were proceeded with. The House was only just re-assembling after the Easter vacation; and so far as Class 1 of the Civil Service Estimates was concerned, hon. Members had certainly not had time to examine them. There was a considerable increase in the class. Last year it was £893,000, thus showing an increase of about £200,000. It seemed to year it was about £692,000, while this him that everything was done to prevent a fair, full, and impartial examination of the Estimates, and that attempts were frequently made to take the House by surprise. Many weeks ago several classes were put into the hands of hon. Members, and he submitted they ought to be taken first. The House, at all events, could not be expected to be able to discuss that night a class which was only distributed on Thursday last. He had long entertained the opinion that the Estimates were not examined as they ought to be by the Treasury, which, although a very expensive and formidable establishment, including a First Lord and a Chancellor of the Exchequer, did not seem to exercise a proper control over the other Departments of the Government. It was usual, late in the Session, to appoint a Committee to examine the public accounts; but he could not help thinking that was something like shutting the stable door after the steed was stolen. The Committee ought to be appointed before the Estimates were presented to the House. There would then be some hope of obtaining a thorough examination of the Estimates. He should move as an Amendment that the Civil Service Estimates in Part I. should be referred to a Select Committee.

Sir JOHN TRELAWNY said, he would second the Amendment. It sometimes happened that grave mistakes were made by the Estimates being hurried through before there was time to examine them. He believed there was a late instance of that. The Government made some arrangement, which he thought was not in the interest of the public, in regard to Sandhurst College. The result of that arrangement was, he had been informed, a mutiny at Sandhurst, under pressure of which the arrangement was withdrawn. He particularly deprecated that a change in such a matter should be made hastily, as he believed the one to which he alluded had been; but, being made, the Government ought not to have withdrawn it under pressure of a mutiny. They ought to have adhered to it if it was right. He wished to hear from the Government if there was any foundation for the story as to the mutiny and the withdrawal of the arrangement.

Mr. PEEL said, he could assure the hon. Member for Truro (Mr. Augustus Smith) that there was no desire on the part of the Government to take any one by surprise. If there had been any delay in the distribution of the Estimates, it was owing to the Treasury having done that which the hon. Member thought they never did—namely, carefully considered the Estimates before presenting them to Parliament. He believed the convenience of the House would be consulted by their proceeding with Class 1. Notice had been given that that class would be taken tonight; and if they were to proceed with the other classes first, those hon. Members who happened to be absent would have some reason to complain. The items in Class 1 were really very much the same as in previous years. The Votes were the same, and the amounts very nearly the same. He trusted, therefore, that the Amendment would not be pressed.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "Part I. of the Civil Service Estimates be referred to a Select Committee,"—instead thereof.

Mr. W. WILLIAMS said, it was a complete farce to go on with Estimates which had been in the hands of hon. Members only since the previous Thursday. Owing to the mode in which the Estimates were laid before the House, millions were voted away in a single night without hon. Gentlemen having it in their power to check the figures.

Lord JOHN MANNERS said, he was ready to acquit the Government of any intention to take the House by surprise; but still if the particular Estimates were then proceeded with, many Members would be quite unprepared to discuss them, and that for the very obvious reason that they had been printed and delivered only at the close of last week, when hon. Gentlemen were away from town, and had no opportunity of examining their details. There were several other classes of Estimates not voted, most of which were in the hands of hon. Members before the recess. He would therefore suggest that these should be taken in the first instance, and that Class 1 should be postponed until the House had had a reasonable time for looking over them. If Class 1 were pressed forward, they would most probably be passed *sub silentio* for the reason he had assigned; but when they came before the House again on the Report, considerable discussion would in all likelihood then take place. No time would, therefore, be really saved by going on with those Estimates at present. He would recommend the hon. Gentleman opposite, instead of moving that these Estimates be referred to a Select Committee, to move that they be postponed.

Sir JOHN SHELLEY said, he fully concurred in all that had fallen from the noble Lord opposite. Of all the Estimates laid before the House, there were probably none, except, perhaps, those for the army, calling for a more careful scrutiny than those comprised in Class 1, relating to the Office of Works, &c. If the discussion could not take place then, it certainly would be had when the Report was brought up.

Sir GEORGE GREY said, that the Motion suggested by the noble Lord the Member for North Leicestershire was informal and could not be put, as the House had no power, while Mr. Speaker was in the chair, to determine what Votes should be considered in Committee. But the only desire of the Government was, that the Estimates should be fairly considered, with a due regard to the convenience of the House; and if it was the general feeling that they should proceed with the Estimates in Class 3, and postpone those of Class 1 till another sitting, his right hon. Friend would not object to that arrangement.

Colonel FRENCH said, he thought the objections raised ought to have been stated when the Government announced the mode in which they proposed to take the Estimates.

Mr. Alderman SALOMONS said, he hoped they would go on at once with Class No. 3.

Mr AUGUSTUS SMITH said, he had made his Motion in order to raise a discussion, and he was quite willing to withdraw it. He would have moved the postponement of the Estimates in Class 1, but he had felt that such a Motion would be irregular.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

Supply *considered* in Committee.

(In the Committee.)

The following Votes were *agreed to*:—

(1.) £14,610, to complete the sum for Law Charges, &c.

(2.) £120,808, to complete the sum for Prosecutions at Assizes and Quarter Sessions.

(3.) £208,050, to complete the sum for the Police in England, Wales, and Scotland.

(4.) £2,178, to complete the sum for the Crown Office, Queen's Bench.

(5.) £8,510, to complete the sum for the High Court of Admiralty, and Expenses of Admiralty Court, Dublin.

(6.) £2,458, to complete the sum for the Commissioner of the late Insolvent Debtors Court, &c.

(7.) £53,530, to complete the sum for the Courts of Probate and Divorce and Matrimonial Causes.

(8.) £116,010, to complete the sum for the County Courts.

(9.) £8,331, Office of Land Registry.

(10.) £19,725, to complete the sum for the Police Courts of the Metropolis.

(11.) £103,519, to complete the sum for the Metropolitan Police.

(12.) £17,850, Revising Barristers (England and Wales).

(13.) £500, to complete the sum for Annuities under the Divorce and Matrimonial Causes Act.

(14.) £13,959, to complete the sum for Compensations, &c., under the Bankruptcy Act, 1861.

(15.) £2,577, to complete the sum for the Lord Advocate and Solicitor General, Scotland.

(16.) £13,090, to complete the sum for the Court of Session in Scotland.

(17.) £7,081, to complete the sum for the Court of Justiciary in Scotland.

(18.) £2,500, to complete the sum for Criminal Prosecutions under authority of the Lord Advocate.

(19.) £1,580, Legal Branch of the Exchequer in Scotland.

(20.) £35,231, Criminal Prosecutions, &c. (Scotland).

(21.) £15,605, to complete the sum for Procurators Fiscal in Scotland.

(22.) £11,380, to complete the sum for Sheriff Clerks, Scotland.

(23.) £3,695, Solicitor for Titles, &c., in Scotland.

Mr. AUGUSTUS SMITH said, he thought that was a charge which ought to appear as part of the Expenditure of the Woods and Forests.

Mr. PEEL observed, that the revenue derived from Titles was part of the land revenue, but the expenses were voted in the same way as those of the Legal Department.

Vote *agreed to.*

The following Votes were also *agreed to.*

(24.) £11,192, to complete the sum for the General Register House, Edinburgh.

(25.) £1,320, Commissary Clerk, Edinburgh.

(26.) £1,487, Accountant in Bankruptcy (Scotland).

(27.) £41,134, to complete the sum for Criminal Prosecutions, &c., in Ireland.

(28.) £2,635, to complete the sum for Court of Chancery in Ireland.

(29.) £302, to complete the sum for the Courts of Queen's Bench, Common Pleas, &c.

(30.) £8,300, Process Servers in Ireland.

(31.) £932, to complete the sum for the Registrars to Judges, &c., in Ireland.

(32.) £1,630, to complete the sum for Compensations to Seneschals, &c., of Manor Courts in Ireland.

(33.) £1,782, to complete the sum for the Office for Registration of Judgments in Ireland.

(34.) £150, Fees to Commissioners of High Court of Delegates in Ireland.

(35.) £4,403, to complete the sum for the Court of Bankruptcy and Insolvency in Ireland.

(36.) £5,330, to complete the sum for the Court of Probate in Ireland.

(37.) £5,632, to complete the sum for the Landed Estates Court, Ireland.

(38.) £1,150, Consolidated Office of Writs, Dublin.

(39.) £420, Revising Barristers (Dublin).

(40.) £28,100, to complete the sum for Police Justices, &c., Dublin.

MR. AUGUSTUS SMITH said, he observed from the details given under that Estimate relating to pensions, that in one instance, where the salary was £450, a pension of £300 had been awarded to an officer after only two or three years' service. Other officers were pensioned after thirteen, eleven, ten, nine, and six years' service. He wished to know why men were allowed to retire on so large a portion of their salary after two or three years' service?

MR. PEEL said, the original idea was that the superannuation fund, to which the men contributed, would be found to pay the charges upon it, but that expectation

had been entirely disappointed, and the whole subject was now under the consideration of the Treasury, with the view of rendering the fund more equal to the burden.

SIR STAFFORD NORTHCOTE said, he found, by reference to the Estimate, that the officer in question had retired at the age of fifty, on a salary or compensation of £300, his office having been abolished. It would be well if some suitable employment could be found for those parties whose offices were abolished, instead of allowing them to remain a burden on the pension list.

MR. PEEL said, that the officer was fifty-two years of age when he retired, and at the age of sixty officers might retire without a medical certificate.

Vote *agreed to;* as were also the following:—

(41.) £527,517, to complete the sum for the Constabulary Force in Ireland.

(42.) £1,714, to complete the sum for the Four Courts, Marshalsea Prison, Dublin.

(43.) £10,641, to complete the sum for Prisons, &c.

(44.) £299,454, to complete the sum for Government Prisons and Convict Establishments at Home.

(45.) £222,043, to complete the sum for Maintenance of Prisoners in County Gaols, &c.

MR. W. WILLIAMS said, he must again complain of the manner in which the Votes were submitted. He would defy any one to make out whether the balances asked for were correct.

SIR GEORGE GREY said, that the Votes were accompanied by minute details, which were laid before the House in compliance with a wish which had been expressed to that effect.

MR. LIDDELL said, that the Committee was not then in a position to consider the management of the convict prisons, nor was he prepared to go into the question at that moment; but he would remind the Committee, that when once the money was voted for that object, the power of the House ceased in respect of the expenditure.

Vote *agreed to.*

(46.) £32,133, to complete the sum for the Transportation of Convicts, &c.

SIR STAFFORD NORTHCOTE asked when it was likely that the Report of the

Royal Commission on this subject would be ready?

Mr. HENLEY said, that as a Member of the Commission, he might state that they had finished the taking of evidence, and the Members would meet to-morrow to consider the draught Report, which had been prepared.

Vote *agreed to.*

(47.) £96,163, to complete the sum for the Convict Establishments in the Colonies.

Mr. AUGUSTUS SMITH asked whether it was the intention of the Government to increase the convict establishment in Western Australia.

Sir GEORGE GREY said, that was a question which was to some extent before the Commission.

Vote *agreed to.*

Sir GEORGE GREY said, that the next Class of Estimates related to Education, and he thought it would be best to postpone these till another evening.

House *resumed.*

Resolutions to be reported *To-morrow.*

Committee to sit again on *Wednesday.*

TELEGRAPHS BILL—[Bill 75.]

CONSIDERATION.

Bill, as amended, *considered.*

Clauses *added.*

Amendments made.

Clause 19.

Mr. HENLEY said, that under the nineteenth clause of the Bill a man would be obliged to apply to a justice if he wanted to have a telegraph wire passing over his house raised for the purpose of enabling him to increase the height of the building. That was a hardship. It ought to be sufficient for the proprietor of a house, who wished to exercise his common law right of improving his property, to serve notice on the company to which the wire belonged.

Mr. MILNER GIBSON said, that he had no intention to debar persons over whose houses a telegraph wire had been placed from raising their houses if they so pleased; but as the Bill was a sort of *ex post facto* legislation, by which they were lessening the powers already granted to telegraph companies, they were bound to protect them against harassing notices from persons who had no real intention to raise their houses. He thought that all objection would be removed by inserting the words "and in case of difference with the companies," before the words "shall satisfy the justices that he intends so to raise his house."

Mr. HENLEY said, the alteration would improve the clause.

Sir GEORGE BOWYER asked how the householder was to convince the magistrate of the sincerity of his intention to alter his house?

Mr. ROEBUCK said, that he thought the Amendment sufficiently explicit, and he saw no difficulty in the matter. If there was no difference of opinion as to the *bonâ fide* intention of the proprietor to raise his house, the parties would not go before the magistrate; and if there was a doubt on the part of the company, what could be easier than for the householder to say, "I do intend to raise my house, and here are the builders whom I have employed to do it"?

The SOLICITOR GENERAL said, the right hon. Gentleman the Member for Oxfordshire was in error if he supposed that there would be no obligation on the companies to raise their wire until the building was commenced. They would have to do it within fourteen days of the notice, unless they believed that there was no real intention on the part of the householder, and in that case they would have to go before a magistrate. An affidavit would satisfy the justice in an ordinary case, though, if there were reason, the justice might require further proof.

Sir GEORGE BOWYER said, he wished to ask whether the householder would be subject to indictment if, after swearing to an affidavit of a *bonâ fide* intention, he happened to change his mind.

Mr. HUMBERSTON suggested that power should be given to enable the companies to recover the costs of raising and lowering the wires to their former position if the house was not raised.

Clause amended, and *agreed to.*

Lord ALFRED CHURCHILL said, he objected to an Amendment which had been made in the 23rd clause on a previous stage, on the Motion of the right hon. Gentleman (Mr. Henley). As the Bill originally stood, the owners or occupiers of houses of the annual value of £20 and upwards had power to object to posts being placed within a certain distance of their houses, and in Committee that limitation was struck out, leaving to every householder the same power of objection. If unnecessary restrictions were imposed on the companies they would defeat the object intended — namely, that of giving cheap telegrams to the public. If the words were not re-inserted, no company would be able to work except such as obtained the sanction of railway and canal companies to lay down wires on their property. He should move to re-insert the words struck out.

Another Amendment proposed, in page 9, line 22, after the words "dwelling-house," to insert the words "of the annual value of twenty pounds or upwards."

Question proposed, "That those words be there inserted."

Mr. HENLEY said, that having originally objected to the words in the Bill, he should oppose their re-insertion. The House ought to take more care of those poorer classes who had no power to help themselves; and, if once they adopted such a principle, the House would find itself committed to a system of legislating in one manner for the poor and a different manner for the rich.

Mr. MILNER GIBSON said, that the words had been originally inserted in the clause in consequence of their having been adopted in the Act of last year, but he found it difficult to withstand the arguments of the right hon. Gentleman opposite when the matter was discussed in Committee, and he had therefore consented to their being struck out. He would advise the noble Lord not to persist in his Motion.

Amendment, by leave, *withdrawn.*

Other Amendments made.

Bill to be read 3° on *Thursday*, and to be *printed.* [Bill 78.]

SAVINGS BANKS ACTS.—REPORT.

Resolution *reported,*

"That it is expedient to amend the Laws relating to the investment of the monies of Savings Banks, established under the Act 9 Geo. 4, c. 92, to create a charge for such Savings Banks upon the Consolidated Fund in place of certain perpetual Annuities now standing in the names of the Commissioners for the Reduction of the National Debt for such Savings Banks, to give powers for converting certain other amounts of such perpetual Annuities into certain other Annuities, and to provide for the due payment out of the Consolidated Fund of any deficiency which may arise from insufficiency of the securities to meet the legal claims of the Trustees of such Savings Banks."

Lord Alfred Churchill

Sir HENRY WILLOUGHBY said, that the question of converting the large sums in savings banks into Government stock was fraught with many difficulties, and was likely to give rise to a system of finance of a very objectionable character. He therefore hoped that the Bill about to be brought in would receive the most serious consideration of the House.

Resolution *agreed to.*

Bill *ordered* to be brought in by Mr. Massey, Mr. Chancellor of the Exchequer, and Mr. Peel.

SAVINGS BANKS BILL.

Bill to make further provision for the investment of the Monies received by the Commissioners for the Reduction of the National Debt from the Trustees of Savings Banks, established under the enactments of the Act ninth George the Fourth, chapter ninety-two, *presented,* and read 1°. [Bill 79.]

SAVINGS BANKS ACTS AMENDMENT BILL.

LEAVE. FIRST READING.

Sir HENRY WILLOUGHBY said, he wished to ask leave to bring in a Bill to consolidate and amend the Laws relating to Savings Banks. The provisions of the measure, which was in the nature of a Consolidation Bill and had been prepared with great care, in no way related to the large and difficult question of the conversion of the funds of savings banks, but only to the internal management of those institutions, and he believed it had the support of all parties interested in their management.

Mr. ROEBUCK said, he would express a hope that in a subject of such importance care would be taken to print the Bill early, in order that hon. Members might fully understand its provisions before it came on for second reading.

Motion *agreed to.*

Bill to consolidate and amend the Laws relating to Savings Banks, *ordered* to be brought in by Sir Henry Willoughby and Mr. Ayrton.

Bill *presented,* and read 1°. [Bill 80.]

House adjourned at a quarter after Six o'clock.

HOUSE OF LORDS,

Tuesday, April 14, 1863.

MINUTES.]—Public Bills—*First Reading*—Courts of the Church of Scotland (No. 65).
Select Committee — Augmentation of Benefices Bill (No. 59). *nominated* (*List of the Committee*).
Committee—Mutiny ; Marine Mutiny.
Report—Mutiny ; Marine Mutiny.
Third Reading—Post Office Savings Banks (No. 47), and *passed*.

COURTS OF THE CHURCH OF SCOTLAND BILL [H.L.]

A Bill for removing Doubts as to the Powers of the Courts of the Church of Scotland, and extending the Powers of the said Courts—Was *presented* by The Lord Hamilton, and read 1ª. (No. 65.)

AUGMENTATION OF BENEFICES BILL [H.L.]—(No. 59.)

SELECT COMMITTEE NOMINATED.

On Order of the Day for the Nomination of the Select Committee on Augmentation of Benefices Bill,

Lord ST. LEONARDS said, he wished to take that opportunity of making a few observations on the Bill of the noble and learned Lord on the Woolsack. It was of great consequence, in every case in which an important Bill was to be referred to a Select Committee, that the principle of the measure should first be thoroughly discussed ; because, when they got into Committee, they were always told that the principle of the Bill had already been approved of, and that all they had to do was to consider the Bill clause by clause. Now, there had been no discussion which would enable their Lordships to determine what principle should govern them in dealing with a measure of this sort, and yet this Bill was one which it was of the utmost importance should be considered most carefully. The Bill proposed to sell 320 livings with small incomes, which were in the patronage of the Lord Chancellor, in order that the price of those livings might augment their value. His noble and learned Friend the Lord Chancellor seemed to have been anxious to show their Lordships that those livings did not, properly speaking, belong to the Crown—or rather, as he said, speaking reverentially, that the Crown was, in some sense, to be considered as a trustee of those livings for the benefit of the Lord Chancellor, in whom the right of presentation was vested. But that very statement showed that the livings were properly Crown livings ; for, if the Crown were trustee, then the livings must belong to it, otherwise there could be no trusteeship. When their Lordships considered that formerly the Great Seal used to be held by an ecclesiastic, who was the keeper of the King's conscience, they would not be surprised at the course which was usually pursued with respect to those livings. It could be seen from the Rolls of Parliament five centuries ago that even at that time it went beyond the memory of man to say when the right of the Lord Chancellor to present to those livings accrued, and how. It appeared from the Rolls of the 4th of Edward III. that the Bishop of Lincoln, who had lately died, had misapplied his patronage, and had appointed to the livings persons who were not intended by the Crown, under the original directions, to have those livings. The Council accordingly met, and advised that the Lord Chancellor should appoint to the livings under the ancient rules—

> "Because it hath been ordained in times whereof there is no memory, and granted by the progenitors of our Lord the King, that the Chancellor for the time being should give the benefices which belong to the King to give."

It appeared, therefore, that at that time it was considered that those benefices were, in point of fact, in the gift of the Crown. Those livings, therefore, did belong to the Crown as much as any other livings which might be in the patronage of the Prime Minister. A singular case in point was reported by Chief Justice Hobart as having occurred in the early part of the reign of James II. The Lord Chancellor of that day presented a person to a living, and this person had been inducted ; but a mistake in the mode of presentation was afterwards discovered, and the Crown appointed another man. A question then arose, whether the nominee of the Crown or the nominee of the Lord Chancellor was the person properly appointed. The case went before the Lord Chief Justice, who reported it, and the Lord Chief Baron, and they were of opinion that the nominee of the Crown was not entitled, because the nominee of the Lord Chancellor had been inducted ; and the grant having been made under the Great Seal, it was, in point of fact, a grant by the King himself, although it had been made by the Lord Chancellor. This was also shown by the fact that there was no difference in the form of presentation, whether it was by the King or the Lord Chancellor, saving, for the most part, one was *mandantis* and the other *rogantis*—the confusion of which words was of no moment. That the Lord Chancellor should have formerly appointed to those livings without taking the pleasure of the Crown was not to be wondered at, when it was remembered that in early times the Lord Chancellor was also a bishop and the keeper of the King's conscience. With regard to the present Bill, he believed the course taken was incorrect; and if the Legislature passed the Bill, and the Crown consented, that would cure any irregularity; but he believed, strictly and correctly, it would be found that the consent of the Crown should have been obtained before any Bill had been brought in which proposed to take away any of the rights of the Crown. The principle of this Bill had been received with universal approbation, and nobody approved more than he did of increasing the value of those small livings. But the question was whether this was a proper measure for effecting that important object. While assenting to the principle of the Bill, he maintained that it was only by a due understanding of its details that their Lordships could hope to carry the spirit of the measure into effect. It was singular enough to observe, that great as had been the approbation given to the principle of the Bill, no two persons were agreed as to the grounds of their approval. Some said the livings were small, and were not worth having; others, that the Lord Chancellor was not well qualified to find out the characters of the persons who might apply for the benefices. Now, it had always appeared to him that it was a great advantage that a large part of the ecclesiastical patronage of the country was not in the hands of the Episcopal Bench—it was highly important that in a country like this ecclesiastical promotion should not all proceed from the same source; and if it had not been for the Church patronage vested in the Lord Chancellor, many valuable clergymen would have failed of the advancement they had obtained by that means. But could any one suppose that those who were demanding great changes of this character would be satisfied with the present Bill? Would they not say, why do you not give us in addition to the crumbs some of the large fat joints—the *pièces de résistance* upon your table? Was it to be supposed that the Prime Minister could, after this Bill became law, retain the patronage of his small livings? It was not, however, the question by whom the patronage was to be given—the question was, how to enlarge the means of living of the clergyman. Why should not the livings in the gift of the Prime Minister be subjected to the same process? Why should not the small livings in the gift of Deans and Chapters and other corporate bodies be dealt with in the same way? Nor was there any reason why the right rev. Bench should not give up their small livings. Was it right that the bishops should go on exercising their present patronage while they were applauding the sacrifice made by the Lord Chancellor in giving up his small livings? What would become, also, of private patrons? He was anxious to know what the Government really meant to do—were they prepared, like the Lord Chancellor, to sell the advowsons of the small livings in the gift of the Crown? He did not say that the augmentation of all the small livings would not be beneficial; but he wished their Lordships to consider whether the consequences of this Bill would not be more momentous than some might anticipate. There were 320 livings at this moment in the rightful patronage of the Lord Chancellor. If any one could be found to dispense that patronage in an honest and earnest manner, it was the dignitary who might hold the Great Seal. There was therefore no fear at present that the patronage was not properly dispensed. The capital value of these advowsons amounted to several hundred thousand pounds. The income of all these livings in round numbers was £50,000 a year, which had been left by previous Kings of England to be doled out as an absolute gift to the clergy. It was not a vast deal for each, but there were thousands of clergymen who desired to possess these livings. A clergyman often preferred to be Rector and Vicar, so that he could be master of his own parish, rather than accept a curacy of greater value. A Lord Chancellor was frequently asked to present to a living, and was told that his refusal would prevent the union of two fond hearts, and that the whole future happiness of two persons depended on the exercise of his patronage. At one fell swoop the Lord Chancellor was going to take the whole of this £50,000 from the class on which this patronage had hitherto been bestowed, and to carry these livings into the market and sell them to the highest bidder. Those who bought these livings would sell them; and thus this Bill, intended for the benefit of the Church, would bring into operation a most objectionable description of speculation—for many men would become buyers, in the hope of getting more for a living than they gave for it. The Lord Chancellor provided that these livings should not be re-sold within five years; but it would be impossible to prevent speculation and jobbery. The Bill provided that only half the money should be paid at the time of the purchase, and the other half when the actual vacancy occurred. The result would be that poor curates would be urging their friends to buy these livings, that subscriptions would be made in some parishes for this purpose, and that clergymen would in some cases incur debts from which they would never recover. Speculation there must be, and the Lord Chancellor would, during the next fifteen or twenty years, be constantly engaged in selling these small advowsons under circumstances of great anxiety. On a former occasion, in dealing with the advowsons which belonged to municipal corporations, they devolved the duty of selling them upon the Ecclesiastical Commissioners; but in this case the Lord Chancellor would have the biddings made to him, and make regulations which might damage the sale. It had not been explained what was to be done with those livings that became vacant, between the time of their becoming vacant and of finding a purchaser. The noble Lord dealt with existing laws in a manner which was quite unparalleled, for he not only imposed on the Ecclesiastical Commissioners the duty of endowing these livings with a sum equal to the moiety of the purchase money, but notwithstanding that the law made it simony to deal with the sale of advowsons, he actually authorized the sale of these 320 small livings. He should not offer any opposition to the appointment of a Committee, but he had made the remarks he had offered to the House because he conceived that the subject required the most serious attention of their Lordships' House.

The Earl of DERBY: My Lords, I wish to take this opportunity of suggesting some doubts which have occurred to my mind since the Bill was read a second time. I concurred so fully in the general approval of the Bill by your Lordships' House, and in the general principle of augmenting the value of small livings by the interposition of private patronage, that I felt myself precluded from offering any objection to the Bill when it was read a second time, although the Bill was not actually in the hands of any of your Lordships. But I am bound to say that the more I consider and examine the provisions of this Bill, the more apprehensive I am that the noble and learned Lord takes too sanguine a view of the probable extent to which this Bill will be operative. I doubt very much whether it will always operate in the sense which is intended; and, above all, I entertain very considerable doubt whether it is a legitimate course, in favour of these livings, of which it is proposed to divest the Lord Chancellor, to make any deductions from that limited fund known by the name of the Common Fund, which is applied to the augmentation of the poorest and most distressed livings. At the time the second reading was moved we had only the very clear statement of the noble and learned Lord on the Woolsack, as to the objects which he proposed to accomplish, and the intentions he meant to fulfil by this measure; and it is no disparagement to the clearness of that statement, or, I hope, to the quickness of your Lordships' apprehension, to say that it involved many intricacies and nice calculations which it was not easy at the moment to follow. Into the details of the scheme I do not pretend, at the present moment, to enter; but I wish to call attention to some of the principal features of the Bill, which, as I said, seem to me open to grave objections. And first, with regard to the application, for the purposes of this Bill, of a portion of the Common Fund at the disposal of the Ecclesiastical Commissioners. If I am not using too strong an expression, the vice of this measure is that it takes into consideration only the absolute payment to the clergyman, and does not take into account the relative value of the payment, and the responsibility and labour imposed on the incumbent. It does not draw the slightest distinction between a living of £100 a year, with a population of fifty, and another living of £100 a year, where the population numbers 5,000 or 6,000. Your Lordships may recollect that the Ecclesiastical Commissioners are bound, and are endeavouring to perform their duty by gradually raising the livings of smallest amount, and at the same time with the largest populations. I think I have heard it stated, that in the course of the present year, or, at all events, in a short time, they hope to raise to the amount of £300 all the livings in the country having a population of more than 10,000. If the whole of the funds at their disposal will but enable them to make this increase, I ask, whether we are justified in withdrawing from the limited means under their control the sum requisite for the purpose of augmenting other livings, which, though small in pecuniary value, in many cases (I will not say in all) owing to their scanty population, involve but a small amount of duty and responsibility. I have been at the trouble, with the assistance of *The Clergy List*, of going through the whole of the schedules appended to this Bill, and of investigating the value and population of every one of the livings proposed to be dealt with. I will not trouble your Lordships by going through the lists in which these livings, amounting in the aggregate to 320, are contained; I will shortly state the results at which I have arrived. In some cases, indeed, I have been unable to ascertain the population of particular livings; in one or two instances I have failed in discovering the particular benefice in *The Clergy List* at all; and the noble and learned Lord, I fear, has fallen into the error of including one living of the value of £350, in the list, which I understood from his statement, he wished to restrict to livings of £200 or £250. I find that in 314 of the 320 livings proposed to be augmented in value, the average population is only 376, and in as many as 130 cases the population falls below 300. Now, in endeavouring from any public fund to augment the poor livings, we must always take into consideration the duties the clergy have to perform, and the responsibilities that devolve upon them; and if the Ecclesiastical Commissioners only find themselves able, from their resources, to raise to the value of £300 livings where the population is above 10,000, you can hardly say that from these same funds you ought to deduct the means of raising the incomes of small livings when the population varies from 50 to 300. Seven of these parishes have a population of less than 50; there are 23 more having populations of between 50 and 100. It surely cannot be said that these are suitable livings to be increased at the expense of the Common Fund. The average population of 314 livings is, as I have said, 376; the average value of 319 of them is £159 and a fraction, or, in round numbers, £160. But the livings which have been selected by the noble and learned Lord with a view to the improvement of their condition are actually not the smallest and most heavily burdened of those in the Lord Chancellor's own gift. I should be glad to hear from the noble and learned Lord why these 320 livings, averaging £159 a year in value, and with an average population of 376, have been selected, and why he has omitted sixty-five other livings, the average produce of which is £137, and the average populations of which are not 376, but 2,112? The great bulk of these very poor livings lie in towns, and it may be said they consequently do not offer the same temptations to purchasers as rural benefices. But to draw away the funds applicable to their gradual increase, and to leave them not only without augmentation, but without the prospect of obtaining assistance either from the Commissioners, from private benevolence, or through the instrumentality of immediate purchase, is clearly the very height of injustice. In the case of thirty-four of the benefices selected for augmentation the number of the population is less than the number of pounds sterling that the clergymen receive. The average value of those benefices is £170 per annum; the average population only 111. Certainly, if you make a selection, you ought not to select those livings the endowments of which, though small in themselves, yet bear a much better proportion to the population than do those of a vast number of other livings in the Church. I am also afraid that the course which the noble and learned Lord has adopted in making the selection will, to a great extent, defeat the object which he has in view. Although I am afraid that, especially with regard to the smaller, poorer, and more laborious livings, he has over-estimated the amounts which he will receive, I will, for the sake of argument, assume that all his figures and calculations are correct. He calculates that, upon the average, he shall realize ten years' purchase; one third of this sum is to be invested with the Ecclesiastical Commissioners, who will have to pay upon that third an interest of 7 per cent, which, according to the noble and learned Lord, will be equivalent to the addition of another third to the living. But I believe that change can only be effected by transferring the money to a new fund from another fund in which it can be most usefully employed; and the provision as to the application of that purchase money is the part of the Bill to which I most object, because I am afraid

The Earl of Derby

that under it funds will be applied to livings which do not require them, which ought to be reserved for those which really stand in need of augmentation. I am afraid that of the 320 livings those which would most readily command purchasers are those which you would least desire to augment. Of course, the livings of which any one would desire to become the patron are neither the very small ones, however little duty the incumbent may have to perform, nor those which, although the income may amount to £250, involve the administration of a large district with a population of 5,000 or 6,000 persons. Those livings which have the largest amount of income under £250, in proportion to the amount of duty, will be those which will be most readily sold, and which will be augmented partly out of the purchase money and partly out of the public fund. A living of £60 a year will be raised to £88, while one of £200, which approaches to a fair, reasonable, and decent maintenance for a clergyman—that is, if the parish is not very populous, or the duties very onerous, will be augmented to £296. So that those livings which are, comparatively speaking, the most richly endowed, will derive the greatest benefit from the operation of the Act. My noble and learned Friend (Lord St. Leonards) expressed a reluctance, which I do not share, to divest the Lord Chancellor of this patronage. I entirely agree with him that it is a great advantage and signal benefit to the Church that there are various different sources of ecclesiastical patronage. I think that it would be very objectionable if all the patronage were in the hands of the Crown, or of the Lord Chancellor, or of bishops, or of private individuals, or of universities, or colleges, or corporations. It is a great advantage that there are a number of sources from which persons who would have but little chance of obtaining preferment from any one, may have a chance of gaining it. And, with regard to the purity or impurity, I do not think that there is much difference between public and private patronage. Patronage in the hands of public bodies may be, and I am afraid sometimes is, perverted to political purposes; while that which is in the hands of private individuals is often swayed by family interests and family connections. The worst kind of patronage is that possessed by colleges, according to which livings which are not accepted by the senior fellows are left to the juniors, without the slightest reference to their qualifications for the performance of the duties attached to the benefices. I do not think, that if these 320 livings, the patronage of which has by every Lord Chancellor been felt to be rather an incumbrance than an advantage, are transferred into private hands, there is any fear that the appointments to them will be made with less care and less judgment than if they remain in the hands of the Lord Chancellor; and in saying this I do not mean to cast any imputation either upon the present or any previous Chancellor—all I mean to say is, that patronage in private hands is not, in my opinion, less conscientiously administered than is that of public bodies; and therefore I think that if the patronage now in the hands of the Lord Chancellor is transferred into private hands, there is any likelihood of its being better or worse administered than heretofore. The real question is not in whose hands the patronage shall be, but how you will best attain your great object—the augmentation of the smaller benefices of the Church. I am afraid that there are great difficulties in the way of the operation of the scheme proposed by the noble and learned Lord on the Woolsack. He lays great stress on the augmentation of the particular benefice which is to be sold; and thinks that it will be an inducement to persons to purchase livings when they obtain not only the value of the living, but also that of the additional endowment. I do not think there will be many offers to purchase these livings, except where peculiar circumstances exist; and those peculiar circumstances would arise in the case where a small living is situated on the property of some landed proprietor, and he, because of his family and tenants, wishes to have it in his own hands. In such a case he would, perhaps, be willing to give a fair price for the advowson. But that advantage will be dearly purchased under the scheme of the noble and learned Lord. I cannot, I might add, help desiring that the noble and learned Lord had, in introducing his measure, adopted a different principle, and had sought to carry into effect some plan for the augmentation of the smaller livings in the gift of the Lord Chancellor. I will venture to state a plan which I think would be desirable in substitution for that of the noble and learned Lord. It is said that the livings that most readily command purchasers are those which vary in value from £150 to £400 or £500 per annum; but I do not think there will be a very great demand for the smaller livings in the gift of the Lord Chancellor. I do think, however, that if he were to dispose, at a certain price, and with the sanction of the Ecclesiastical Commissioners, of a certain number of those livings, and were to apply the sum derived from their sale to the augmentation of the smaller livings still remaining in his patronage, he would, in the first place, be likely to be taking a course which would be more effective than that which he proposes; while, upon the other hand, he would have a considerable fund at his disposal for the augmentation of those smaller livings which are not salable, and which would therefore, in all probability, remain on his hands. When I look at the schedule of the livings with which the noble and learned Lord proposes to deal, I find that there are at his disposal 240 or 250, the value of which exceeds £300 a year, while the value of about 100 of them is more than £400. Now, I would suggest to the noble and learned Lord whether he would not make his measure more practical if he were to consent to bring into the market a certain number of the comparatively more important livings—the value to be fixed by Parliament—than by proceeding as he proposes. If, for example, out of 350 livings of the value of £300 a year and upwards, the Lord Chancellor were prepared to divest himself of the patronage of 150, averaging say £400 a year each—which is, I think, not taking a very high amount—the purchase money would amount to no less than £400,000, which would place at the disposal of the Lord Chancellor a perpetual annuity of £16,000 a year, for the purpose of increasing the poorer livings which he must retain in his hands. That sum, distributed among the number of poor livings in the gift of the Lord Chancellor would, if it did not make them very valuable pieces of patronage, at all events place them in a position of comparative comfort. I have not followed my noble and learned Friend near me into the discussions which he originated in reference to the position of the Crown with regard to those livings. He has, however, shown that the patronage of the Lord Chancellor extends over 720 benefices, in all; whereas the patronage of the Crown extends over 120, one-sixth of that number. This question I will not enter into; but if the doctrine of my noble and learned Friend (Lord St. Leonards) be right, then I apprehend the proposal under discussion is, to a certain extent, an inroad on the prerogative of the Crown. I rose, however, principally for the purpose of stating my opinion that the case of those livings was not so urgent as to justify us in withdrawing any portion of the endowments from the Common Fund at the disposal of the Ecclesiastical Commissioners; that the schedule does not comprise all those livings at the disposal of the Lord Chancellor which require assistance most, and that of those likely to be augmented under the conditions of the rule proposed there would be many which required augmentation least, while those which stood most in need of it would be left to labour under great pressure. I also ventured, very humbly, to suggest to the consideration of the noble and learned Lord a plan which I think would be likely to prove more effectual in carrying out the object which he has in view, and which, I believe, would afford greater satisfaction than that which he proposes to the vast body of the clergy. I do not, however, presume to set up my plan against that which he has submitted to your Lordships; and if he should see good reason to adhere to his scheme, and I should happen to be a Member of the Select Committee to which it is referred, I should be prepared to do my utmost to carry it forward, with such modifications as would, in my opinion, be calculated to render it more effectual.

THE LORD CHANCELLOR: My Lords, I am exceedingly glad this discussion has taken place. My great anxiety has been to produce a beneficial measure, whilst dealing with this important subject, and I therefore hail all discussion which tends to throw a light upon it as a most welcome contribution towards the promotion of the end which I have in view. I wish to commence the observations which I have now to offer to the House, by briefly adverting to the topics which the noble Earl, who has just spoken, has introduced. The noble Earl says, and with great propriety, that it is a thing by no means desirable that this Bill should interfere with the course of action which has already been laid down by the Ecclesiastical Commissioners, when that course of action is directed to the end of augmenting those livings which must always be regarded as the poorest—namely, those which combine small incomes with large populations. In that view, I entirely concur. Therefore, there is a discretion allowed by the Bill to the Lord

Chancellor, to select those cases in which he may deem it right to apply to the Ecclesiastical Commissioners. The number, however, of livings in which I should require their aid is exceedingly limited. I cannot pretend to say that I speak with the sanction of that body, because it was impossible to consult them. But before bringing in the Bill I took steps to ascertain whether it would have their assent, and I was assured that it would not interfere with the action of the Commissioners. It is not part of the principle of the Bill to supersede the functions of the Ecclesiastical Commissioners. It is brought in by way of addition; and when making so large a contribution to the object which that Commission was founded to establish, and which, unfortunately, it has done little in effecting—namely, the augmentation of poor benefices—it would have been very wrong in me if I had not sought in some manner their co-operation. There is no desire to interfere with the action of the Commissioners, and it will always be in the discretion of the Lord Chancellor to limit the application of the Bill if it should be found to interfere, for there is no obligation upon the Lord Chancellor to bring any case whatever before the Ecclesiastical Commissioners. Another observation was made by the noble Earl as to bringing in a greater number of benefices, so as to give more certainty to the augmentation of the smaller benefices, and I hope some day to see that accomplished, even if I am not able to accomplish it. I shall be extremely happy, after some experience, to make additions to this Bill in respect of including a larger number of benefices. But I must dissent altogether from the plan which the noble Earl wishes to see adopted, because he would desire the plan adopted by the Ecclesiastical Commission, the working of which has been by no means favourable or encouraging. On the other hand, I prefer the plan laid down in this Bill, because we have the assurance that all the money which the advowson will command will be applied in the augmentation of the particular living. There is, therefore, a certainty that the object which we seek will be accomplished. But if the money were thrown into the Common Fund, applicable to the augmentation of an indefinite number of small livings, there would be great danger of that occurring which has already occurred in the Ecclesiastical Commission—namely, the augmentation of poorer benefices being delayed for a time painful to contemplate. Therefore it is that I adhere to the principle which has been adopted in this Bill of giving the living with the certainty that the value will be applied to its augmentation, and I believe the knowledge of that certainty will be an inducement operating with the landowner to make the purchase. All that part of the Bill which relates to the Ecclesiastical Commission may be dispensed with without affecting the principle. I look upon those provisions only as details to be considered in Committee, and I do not regard the House as pledged to the adoption of them in assenting to the broad principle of augmentation. If your Lordships take out the figures in the schedule, you may be surprised to find that the purchaser of an advowson, upon the terms which I have ventured to anticipate, will receive a living of value equal to 10 per cent. on the purchase money, and I think that with such a sufficient inducement even the smallest living will find a purchaser—because you must remember that the rank and status of a beneficed clergyman are things which command a value independent of the mere money return. I am therefore still sanguine, and I trust that my sanguine hope will be fulfilled, that in the end there will be hardly a living which will not find a purchaser; although I quite agree that some livings will be disposed of more quickly than others, and more especially when it is remembered, that whenever a living is augmented to £300 a year, the surplus of the purchase money is immediately applicable in the hands of the Lord Chancellor to the augmentation of the poorer livings. With respect to the observation of the noble and learned Lord (Lord St. Leonards) that the ownership of these advowsons is in the Crown, the Lord Chancellor is an officer who may be changed from year to year, and it is impossible, therefore, to vest the ownership in him. The actual legal estate of necessity remains vested in the Crown, but it is a mere barren inheritance; and although it would be neither fitting nor right to bring forward a measure like this without being able to assure Parliament of the assent of the Crown, it nevertheless deals with property which in reality is attached to the office of the Lord Chancellor. I accept everything which the noble and learned Lord has said as merely matter of caution and suggestion, with a view to the improvement of the measure, as I should greatly regret if he were to throw any impediment in the way of its passing into law. The augmenting the condition of the poorer benefices of the Church is a great question, and one upon which I am sure your Lordships feel deep interest, because the holders of those benefices have always been the great support of the Church in time of danger, and they cannot be replaced by an inferior order of men without lowering the position of the Church itself. This is a small contribution to that end, and, although only a beginning, I hope it will lead to other things which will never lead your Lordships to regret having assented to this Bill.

In answer to a Question from the Earl of Derby,

The LORD CHANCELLOR said, that he had included in the Bill the poorer livings only, and the proceeds of those livings were to be applied to their augmentation up to the value of £300 a year. No doubt, *primâ facie*, the town livings seemed to have the greater claims to charity. The point was one which might very properly be discussed in Committee, though, so far as his own examination of it went, he had found it surrounded with great difficulties.

Then the Lords following were named of the Committee :—

L. Abp. Canterbury.
Ld. Chancellor.
L. Abp. York.
Ld. President.
D. Somerset.
D. Marlborough.
E. Steward.
E. Derby.
E. Shaftesbury.
E. Stanhope.
E. Carnarvon.
E. Chichester.
E. Powis.
E. Ducie.
V. Eversley.
L. Bp. London.
L. Bp. Oxford.
L. Wodehouse.
L. Cranworth.
L. St. Leonards.
L. Ebury.
L. Chelmsford.
L. Kingsdown.

House adjourned at Seven o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, April 14, 1863.

MINUTES.]—New Writ Issued—for Dublin County, *v.* James Hans Hamilton, esquire, Chiltern Hundreds.

New Member Sworn—Colonel the Hon. Henry Boyle Bernard, for Bandon Bridge.

The Lord Chancellor

THE SEIZURE OF THE "ALEXANDRA."

QUESTION.

Lord ROBERT MONTAGU said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government will lay upon the table of the House Copies of the Papers or Documents which justified them in seizing the *Alexandra* at Liverpool?

Mr. LAYARD: Sir, as the case of the *Alexandra* is still under consideration and discussion I am unable to lay the Papers in question on the table of the House.

GREECE—ELECTION OF PRINCE WILLIAM OF DENMARK.

QUESTION.

Lord HENRY LENNOX said, he rose to ask the Under Secretary of State for Foreign Affairs a Question respecting the recent Election of Prince William of Denmark to the throne of Greece. He would put his Question in three portions—First, Whether it was by the recommendation of the English Government that the National Assembly of Greece had proceeded to the Election of Prince William of Denmark to the throne of Greece? Secondly, Whether it was with the consent of the King and Government of Denmark, and full knowledge and consent of Prince Christian, that so decided a step was taken? And thirdly, If not so, whether it was after consultation with the Danish Minister in London; or, if not, by whose authority the step had been taken?

Mr. LAYARD: Sir, I am unable to give the noble Lord any answer to his Questions.

Mr. BAILLIE COCHRANE: Will the hon. Gentleman inform the House what is the state of the negotiations with respect to the throne of Greece?

Lord HENRY LENNOX: I will repeat the Question to-morrow, when I hope to receive a more satisfactory answer.

Mr. LAYARD: If the noble Lord repeats that Question to-morrow, I shall not be able to give him a satisfactory answer. In the present state of the negotiations it would not be for the public benefit that the Question should be answered.

DEATH OF SIR GEORGE CORNEWALL LEWIS.

ADJOURNMENT OF THE HOUSE.

Mr. BUXTON having risen, at the call of the Speaker, to bring forward the Motion which stood in his name on the Votes, for leave to introduce a bill to amend the Acts of Uniformity, was met by loud cries for Mr. Walpole, who had risen simultaneously. Mr. Buxton several times essayed to speak, when the cry was renewed of "Walpole!" coupled with calls of "Adjourn!" and "Order!" Mr. Buxton at length said, he did not know that he was out of order; but if he was, he would place himself in order by moving that the Speaker do leave the chair. The calls for Mr. Walpole being, however, renewed, Mr. Buxton gave way.

Mr. WALPOLE: I should be very unwilling, Mr. Speaker, to interfere with my hon. Friend. It is a most important Motion, and everything ought to be done to give him a good and clear day for its discussion. But I cannot help feeling that the sudden gloom which has come over this House at an event announced only this morning to his Colleagues, and hardly known to many Members of the House even at this moment, does render it consistent with a proper feeling of sincere respect for the late Secretary of State for War that we should, if the House entertain that feeling of sympathy—and I am sure it does entertain sincere regret for his worth—that we should not proceed to business to-day. I would not have interposed at all had I not felt that it was the general expectation of the House that the House should not proceed with the business of the day; and I am sure I am only saying what everybody in this House will feel when I say that one more thoughtful, more considerate, more conciliatory, more beloved, was not to be found in this House—that in those qualities no Member could surpass my late Friend—for I may so call him, as I have known him since he was an Eton boy—Sir George Cornewall Lewis. I should ill do justice to my feelings if I did not respond to the suggestions which have been made to me by Gentlemen on both sides of the House, and ask you, Sir, to put from the chair the Motion with which I am about to conclude, that out of respect to the memory of the late Sir George Cornewall Lewis we should now adjourn.

Viscount PALMERSTON: Sir, I am sure the House will sympathize with the feelings which have induced the right hon. Gentlemen to make the Motion now in your hands. It would be impossible for any man to add to the well deserved tribute which the right hon. Gentleman has paid to the memory of the Colleague whom we have lost, and I think I shall best consult the feelings of the House by simply seconding the Motion.

Mr. DISRAELI (after some hesitation) rose and said: Before the Question is put, I wish to say a few words to the House. I was not aware, until a few moments ago, of the calamity which has fallen on the country. The Queen has lost one of the ablest of her servants, and this House has lost one of its Members who, I am sure, possessed the universal regard and respect of all who knew him. I do not know the man who combined in so eminent a degree as Sir George Lewis, both from acquirement and from native power of thought, the faculty upon all public matters of arriving at a sound and thorough opinion. Although he was a man most remarkably free from prejudice and passion, that exemption from sentiments which are supposed in general to be necessary to the possession of active power had not upon him that effect which they generally exercise; and he was a man who, in all the transactions of life, brought a great organizing faculty and a great power of sustained perseverance to the transaction of public affairs. Sir, I am sure that the rising statesmen of both sides may take him as an example that in many particulars may be remembered and followed with advantage; and I am quite sure that his name will never be mentioned in this House without feelings of deep respect and unfeigned regret for what may be deemed an untimely loss, which I think the country could ill bear.

Resolved, Nemine Contradicente, That, out of respect for the memory of the late Right Honourable Sir George Cornewall Lewis, this House do now adjourn.

House adjourned at a quarter
before Five o'clock.

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HOUSE OF COMMONS,

Wednesday, April 15, 1863.

MINUTES.]—New Writ Issued—for Thetford *v.* Earl of Euston, now Duke of Grafton.

Supply—Further Proceedings on Report (March 27) *resumed*—Resolutions *agreed to;* Resolutions (April 13) *reported.*

PUBLIC BILLS—*Ordered,* Stipendiary Magistrates.
Second Reading—Burials [Bill 52], *negatived.*
Committee—Gardens in Towns Protection (*Lords*) [Bill 50]; Oaths Relief in Criminal Proceedings (Scotland) [Bill 74].
Report—Gardens in Towns Protection [Bill 50], Oaths Relief in Criminal Proceedings (Scotland) [Bill 74].
Considered as amended—Local Government Act (1858) Amendment [Bill 77].

SUPPLY.

Further Proceeding on Report of Supply [27th March] *resumed :—*

Seventeenth Resolution *agreed to.*

Subsequent Resolutions *agreed to.*

BURIALS BILL—[BILL 52.]

SECOND READING.

Order for Second Reading read.

SIR MORTON PETO said, he rose to move the second reading of the Burials Bill. The subject had been already so amply discussed that he would not detain the House with many remarks. In 1861, he introduced a Bill, which was founded on an Act that had worked very successfully in Ireland, but which went somewhat further than its prototype. In deference to the wish of many hon. Members, he asked leave to withdraw that measure. He was not permitted to do so, but the division showed that a large section of the House approved the principle of the Bill. Last year he introduced another Bill, in exact accordance with Lord Plunkett's Irish Act. It was the general feeling of the House that that Bill should be referred to a Select Committee; and, wishing to give every possible consideration to the subject, he did not object. A Committee was appointed, composed of the Members for the Universities, and other Gentlemen in whom the House reposed confidence, and the Bill received at their hands a most careful revision. The Committee did not conclude its labours until the Session was far advanced, and the matter was therefore deferred until the next year. The Bill which he asked the House to read a second time was precisely the same as that which came from the hands of the Select Committee. The more the question was examined, the more apparent it would be that there was a real, substantial grievance, and that it could be easily remedied. It must not be supposed, that because there were scarcely any petitions in favour of the Bill, it did not meet with public approbation. He had expressly advised that no petitions should be got up, because he desired that the measure should be brought under the calm consideration of the House, without any appearance of agitation. He had introduced the Bill of last year on his own responsibility, and the Bill was not the Bill of any committee or society whatever. He had already stated a variety of authenticated cases, showing that grievances existed, and that there was a necessity for some measure of the kind. The Bill, as it came from the Committee, was so simple in its character, so guarded with provisions of various kinds, that he could not conceive that any real tangible objection could be taken to it. There was nothing in the provisions of the Bill which could possibly have an injurious effect on the Church of England. On the contrary, he believed that the more liberality that was evinced—the more consideration that was shown for the conscientious feelings of those outside the Establishment—who, on the grounds of Christian brotherhood, had a just claim on the consideration of those within—the more would that Church flourish, and the stronger hold would it have on the feelings of the community. A great many statements had been made that there were ulterior designs in the measure — it had been hinted that the present attempt to get access to the churchyards was only a prelude to an attempt to get possession of the churches; but he disclaimed all ulterior designs of that nature. All he wanted was to procure for Dissenters permission to have burial service performed in churchyards. It had been said that English Dissenters should be content to be as the Presbyterians of Scotland, who conducted all the religious exercises connected with burial before going to the churchyard. That was really an argument in favour of the Bill. Members of the Church of England were Dissenters in Scotland, but there was not a churchyard in Scotland where a clergyman of the Church of England might not go and perform the burial service, and the privilege was often availed of, as many hon. Members for Scotland could testify. Why should the Dissenters in England be placed in a different position from that which members of the Church of England occupied in Scotland? It was a matter which involved not so much a question of principle as a question of sentiment. If people had strong feelings in regard to the mode of burial, it certainly inflicted a most grievous wound at a time when it was exceedingly painful to excite the feelings, by refusing the mode of burial which was desired. With regard to the services which might be performed under the Bill, the Committee had guarded its provisions most carefully; indeed, far more so than any real necessity could justify. The clergyman must know who was to perform the service, what the ritual was to be; and if there was no ritual, the Bill limited the service to reading the Scriptures and prayer. The chief objection to his proposal on the part of Churchmen related, he believed, to the question of infant baptism; but surely it could not be argued that those who held, with Milton and Bunyan, the necessity of personal faith in Christ on the part of the person baptized, should be excluded from the privileges of a Christian community. The same spirit which led to the incarceration of John Bunyan in Bedford Gaol was practically the same as that which denied Dissenters admission to the graveyards of the Established Church. In introducing the Bill he had no desire to promote discord, but to advance Christian unity, and he believed sincerely that the Bill, so far from weakening, would tend to strengthen the Church of England. He would again remind the House that the measure before them was not the Bill which he had introduced last year, but the Bill which came from the Select Committee — a Committee which embraced many Members distinguished for their zealous attachment to the Church of England, and for the Bill the Committee, and not himself, must be considered entirely responsible. He therefore asked the House to give the measure their calm consideration, and to do justice to a large denomination of Christian brethren who were as good citizens as themselves, as loyal to their Queen, and as willing in every respect to serve their country.

Motion made, and Question proposed, "That the Bill be now read a second time."

Lord ROBERT CECIL said, the hon. Member who had introduced the measure had not given any very distinct view either of the grievance of which he complained or of the remedy which he proposed to apply. He quite concurred in the hon. Gentleman's sentiments on the subject of Christian unity and harmony; but, as to the assertion that the Bill came from the Select Committee, he had to remind the House that the most important provision in the Bill was passed only by a single vote. There was therefore nothing like unanimity in the Report of the Committee. The grievance complained of was simply this, that in the rubric prefixed to the Burial Service it was forbidden to read the service over any persons who were unbaptized, excommunicated, or had laid violent hands on themselves. That rubric did not exclude from the use of the Burial Service the great bulk of the Dissenters, who, with no objection on the part of the clergy or their own friends, were buried with the same service as members of the Church of England. But there was one Dissenting body which, for reasons that he did not intend to impugn, was in the habit of deferring Christian baptism till a later period of life than that at which it was administered by the Church of England and by the majority of the Dissenting sects. The result was, that when Baptist children died, they were thought to fall within the scope of the rubric. He was not disposed to deny that there was a certain amount of vexation caused to certain persons, but in the working of all laws there would be inconvenience to some persons. The real questions for consideration were, whether the grievance was sufficiently large to justify the interference of Parliament, and also whether the proposed remedy would not produce more evil than it was intended to remove. The grievance was confined to the sect of Baptists, distributed chiefly in the southern and western parts of England, and to be found mainly in populous places. They were a numerous but not the most numerous sect of Dissenters, and even among them it was restricted to such children as died before arriving at the years of discretion. There was another very important limitation to the area of the grievance. Under recent legislation a large number of cemeteries had been established throughout the kingdom in which there was unconsecrated ground, and where it was consequently open to a Baptist or any other Dissenting minister to read whatever service he pleased. These cemeteries numbered already more than 400; they were always to be found in the neighbourhood of the most populous places, and he did not believe there was any place of any consideration whatever within reach of which one of these cemeteries was not to be found. It was only, therefore, in remote and sequestered districts that the grievance really existed. But there was a still further limitation to the area of the grievance. The clergy of the Church did not generally apply to the rubric the rigorous meaning of which the Baptists complained. It was true that the rubric, on the face of it, seemed to apply to unbaptized children; but no legal decision had ever been taken on the point. There was something, however, to enable one to form a judgment—namely, the legal interpretation put upon the other portions of the rubric. Not only unbaptized children, but persons who died by their own hands, were excluded by the rubric from the performance of the Burial Service. Yet courts had decided that the words "laid violent hands on themselves" were not to bear the rigorous meaning which at first sight might be put upon them, and that the element of conscious and deliberate intention to commit suicide was necessary to make a person a proper subject-matter for the restrictive operation of the rubric. Applying the spirit of that interpretation to the words "unbaptized person," it became extremely doubtful whether it was right, as a matter of law, to extend the meaning of the term to children who had died unbaptized. For that reason those clergymen who declined to ask any questions when a child was brought to be buried appeared to act, not only in a humane and kindly spirit, but also in harmony with the policy and meaning of the law. The grievance, then, was really microscopic. It applied only to Baptists; among them, only to children dying before reaching the years of discretion; among them, only to those dying in remote and sequestered places; among them, only to such as happened to die in the parish of a clergyman who took a rigorous view of the rubric.

But, if the grievance was small, the proposed remedy was large and dangerous. He had been told that a similar measure had been working successfully in Ireland for forty years; but the House would remember that the circumstances of Ireland with respect to religious differences were very peculiar. The Irish Act had borne no evil fruits, because three bodies—the Presbyterians, the Established Church, and the Roman Catholics—practically exhausted the religious differences of the Irish people. It so happened with respect to the Roman Catholics and the Presbyterians that the question of a service in the churchyard did not really arise. Those bodies were in the habit of conducting whatever services their religion imposed upon them in their own chapels or houses, and therefore whatever danger might be dreaded from the principle of the Bill clearly could not arise in the case of two sects to whom it so imperfectly applied. In England, on the contrary, all Dissenters were in the habit of having services in the churchyard; and consequently, if the Bill became law, it would come into operation in almost every parish in the kingdom.

His first objection to the measure was that it was of an alternative description. The broader and more decisive Bill of two years ago was, to his mind, infinitely to be preferred. It was then simply proposed that Baptist ministers should be allowed to read their services in the churchyards of the Established Church. That was an open, manly, straightforward proposition. If alterations were to be made in the law, it was Parliament which ought to make them, and not the ministers of religion. The clergy were not the persons upon whom should be cast a responsibility bringing with it such a vast amount of odium as that of deciding whether the feelings of the relations of the dead should or should not be gratified. If the Members of both Houses of Parliament wished that the Baptist service should be performed in churchyards, let an Act be framed for the purpose; but he implored them, whatever they did, not to take a course which would embroil with their flocks those the whole efficiency of whose office depended upon their maintaining a spirit of peace and harmony with those among whom they lived. He proposed to consider the Bill in both of its alternatives.

The Bill provided that a Dissenting minister should require the incumbent of a parish either to allow him to read a service in the churchyard, or else to report his reasons for refusing to do so to the bishop of the diocese, and through him to the Secretary of State. Obviously, the object was to frighten the clergyman into submission. It was calculated that a certain number of incumbents would be found weak-minded enough to fear the publicity threatened by the Bill, and, rather than have their letters sent to the Secretary of State and inserted in a blue-book, ready to make a concession which otherwise they would not make, allowing the Dissenting minister to read his service in the churchyard. What would be the result, if that species of terrorism were successful in frightening the clergy into compliance? Some time ago he moved for a Return of the number of parishes in which new churchyards had been purchased by voluntary subscription or presented by free gift within the last thirty years. There were 10,749 parishes in England. The dioceses of Lincoln and Exeter, which had made no Return, contained 1,311, leaving 9,438 for the rest of the kingdom. It appeared that in 1,639, or more than one-sixth of the whole, new churchyards had been provided by private munificence within the last thirty years. Of course, if he had gone further back, he would have obtained a much larger Return; but the fact just mentioned should of itself, if there were no other argument, make the House pause before consenting to the Bill. Persons attached to the Church had, of their own free will, given plots of land in which the services of the Church were to be performed. They had not given them in order that the services of Dissenters, whether Baptists, or Quakers, or Ranters, or Jumpers, should be performed. He wished to speak with all respect of those who differed from the Established Church, but they were intensely antagonistic to the Church, and those who loved the Church and desired to extend her influence, could not be willing to increase the power or the opportunities of her enemies. What the House was asked by the Bill to do was to take the property which, within the last thirty years, had been given for the service of the Church of England and hand it over to antagonistic sects. Parliament had of late years played strange tricks with private property, but nothing of the kind had ever been proposed before. They had not hesitated to alienate property left by donors or testators, but in those cases whole centuries had elapsed, and he did not believe it had ever been proposed to take property given to one religious denomination and hand it over to its opponents within the life-time of the donors. That was as plain and simple an act of spoliation as if they were to take the churchyards and convert them into theatres or dancing rooms. [*Cries of* Oh!] He did not mean, of course, to compare Dissenting burial grounds to theatres or dancing rooms; all he desired to say was, that the proposed use of the churchyards was as little in accordance with the wishes of the original donors as if they were devoted to something wholly alien to the spirit of religion. A benevolent American gentleman had recently placed at the disposal of trustees a munificent gift for the benefit of the working classes. If the £100,000 intended by Mr. Peabody for the poor were to be given to the Lord Mayor and aldermen of the City of London, the trustees would not further depart from the wishes of the donor than the hon. Baronet the Member for Finsbury proposed to do in the case of churchyards provided by private benevolence.

His next objection to the Bill was good with respect to the whole of the parishes in England. The hon. Baronet had disclaimed any intention to force his way through the churchyard into the church. He had no doubt that the hon. Baronet meant what he said; but could he answer for the Liberation Society, which supported his Bill? The object of the Liberation Society had been frankly explained in its publications. Service was to be performed in a churchyard over the body of a Dissenter. The weather, as it was apt to be in England, was bad. Rain began to fall before the service was finished. The mourners desired to get into the church. What was the clergyman to do? He could not well keep them out in the rain; but, if not, there they were in the church. There was, in truth, no difference in principle between the church and the churchyard. The entire inclosure was set apart for the performance of religious worship in connection with the Established Church; and if an antagonistic body were admitted to any portion of it, they might as well be admitted to the whole. He did not believe, however, that the clergy would be frightened by the threat of publicity, nor did he think the Bill would have the slightest effect in opening the churchyards to Baptist ministers. He was persuaded, on the contrary, that the bold and audacious declaration contained in the Bill of the designs of the Dissenters on the Established Church would make the clergy more than ever jealous of the rights of the Church.

It was therefore necessary that the House should look at the other alternative implied in the Bill. A clergyman who refused to permit a Baptist minister to read his service in the churchyard must give his reasons to the bishop. As became a clergyman in communication with his spiritual superior, he would, no doubt, be frank and open, stating fully what his objections were. One could imagine what, in some cases, those objections would be.

Sometimes they would be objections to the character of the Dissenting minister who desired to perform the service; at other times they would be objections to the character of the deceased. Occasionally, they would be general objections to the sect to which the Dissenting minister belonged; but most frequently, perhaps, they would be grounded upon a knowledge of the ulterior objects which such demands were made to enforce. We should have the clergyman revealing to his bishop his experience of the agitation of the Liberation Society in his own parish. The bishop would forward them to the Secretary of State, who would put them into a blue-book, and thus we should have collected every Session, for the benefit of both Houses, the opinions of the clergy of the Church upon the Liberation Society and the Baptist ministers expressed in the plainest and frankest language. When they considered that these blue-books would be published to all the world, that their racy passages would be transferred to the columns of the *Liberator* and the *Nonconformist*, and that their contents in a still more garbled form would gradually find their way into the local newspapers, he asked then, whether the Bill, which was to introduce so much peace, harmony, and unity, would really have that effect in most of the parishes in England? He could not conceive any proposal more dangerous to the peace and harmony of parishes than that the clergy of the Church, and the various Dissenting ministers, should enter together into the Palace of Truth and make a frank declaration of their opinion of each other. There could be no doubt, that if the clergy had the option of refusing, refuse they would, and therefore it might be asked what advantage the supporters of the Bill expected to gain. That question might be answered in one word; they expected to gain agitation—agitation, their chief instrument for the furtherance of their schemes. They had only lately declared that agitation was that which most injured State-Churchism; and if the Bill were passed, it would give them an established "raw" in every parish, with the means of working it according to their own discretion. Was the House, then, going to assist them in their plans? If things were left alone, the probability was that the grievance, minute as it was, would diminish still further. If, on the other hand, they passed the Bill, they would not only not effect their object, but they would create much greater discord than could possibly arise under the existing state of the law and practice. In almost every case the demand for admission into the churchyard would be refused, and about the corpse of nearly every Dissenter would be raised a bitter and violent contest. There would, likewise, be a great increase in the number of those religious questions which already, unhappily, occupied so prominent a place in their debates. He, and those who agreed with him, desired to maintain peace and harmony; the Bill would throw a torch of discord into every parish. They desired to increase the reverence for the dead; the Bill would make the corpse of every Dissenter the cause of a fierce and angry controversy. Upon those grounds, for the sake not merely of the Established Church, but of the peace of parishes, of the successful ministration of religion, and of respect to the dead—he earnestly trusted the House would adopt the Amendment of which he had given notice, that the Bill be read a second time that day six months.

Mr. HUNT seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Lord HENLEY said, he was afraid the Bill would not be passed in its then form, and yet he thought it was a simple measure of justice to Dissenters. The evil was not so small as the noble Lord had represented, for it existed in almost every rural parish. He believed there were few country parishes in which Dissenters, though called upon to pay church rates, had any ground in which they could bury their dead. As shown by the provisions of the Bill, they were exceedingly moderate in their demands; not asking admission into the Church, but merely requesting that their ministers might be permitted to perform a few simple rites over their dead. Not only was the power of fixing the time given to the incumbent, but he might even demand to see every word of the proposed service. The real objection on the part of the Church to the Bill was, he apprehended, that the clergy did not want a burial service to be performed in the parish churchyards by any person who had not undergone episcopal ordination. He submitted that that objection, though perfectly good where the deceased belonged to the Established Church, did not apply where the corpse was that of a Dissenter. If the House would read the Bill a second time, he thought it would have the effect of promoting good feeling between Churchmen and Dissenters, enabling them with greater success than hitherto to resist attacks upon their common religion. He therefore trusted that the House would shrink from such an act of injustice as to assent to the noble Lord's Amendment.

Mr. NEWDEGATE said, he rose to thank the noble Lord near him (Lord Robert Cecil) for the able and temperate exposition he had given of the objections to the principle of the Bill. It was well known that he (Mr. Newdegate) was most anxious to meet the feelings of the Dissenters, and to establish a real union—a Catholicity of feeling amongst the Protestant Christians of this country. It was because he was anxious upon that point that he wished to say that he doubted whether the measure under discussion would promote that object. The noble Lord opposite (Lord Henley) said, it was a hardship that the Dissenters in country parishes should be required to pay church rates for the maintenance of churchyards, whilst they were virtually excluded from the use of them. He (Mr. Newdegate) denied that they were so excluded. It was because church rates were levied for church purposes that he had introduced a Bill into the House to give exemption from all personal liability in respect to the payment of church rates. If his (Mr. Newdegate's) measure should pass into a law, Dissenters would have no further ground of complaint on that head; but even now, in respect to burials, if they used, as it was well known they did use, the churchyards, they had no reason to complain. The hon. Member for Finsbury proposed, by the present measure, that the churchyards, which were part and parcel of the church itself, should be used henceforward for other than church purposes; he meant for ceremonies and services at burials other than those prescribed by the Rubric of the Church of England. Now, that was a proposition which, in his (Mr. Newdegate's) opinion, fully justified the assertion of his noble Friend—that the Bill would, in effect, amount to an alienation of the property of the Church. He further objected to the Bill because it would substitute a wide and discretionary—or, in other words, an arbitrary and despotic—power to be vested in the clergy, instead of functions prescribed by settled law. As far as it was possible for a Church with a definite creed and organization to be tolerant, the Church of England was most tolerant; but the present Bill sought to invade that toleration in a most mischievous manner. There was a confusion in some persons' minds between liberalism and toleration. The churchyard was vested in the rector, as trustee for the parishioners, for the purposes of Christian interment according to the rites of the Church of England, and by law the rector was compelled to act in a spirit of toleration. There must be unsound members in all religious denominations, and he, for one, objected to any measure which would give power to an unsound rector to play tricks with the property of the Church, by permitting no one knew what alien ceremonies to be performed in the churchyard. In cemetery Bills separation was made between the consecrated and unconsecrated portion of the burial ground; under the Bill the churchyards would become common graveyards, with no provision whatever for decency of interments, or police regulations such as exist for the cemeteries. The Bill proposed to impose upon the clergy of the Church of England the duty of deciding what services other than those of their own Church were suitable to be performed in a churchyard. No class of men were more unfitted for the discharge of that function by their training, their convictions, and even their oaths, than the clergy of the Establishment, because they would not only naturally prefer the burial service of the Church, but they were bound to reject all others. Yet they were to have thrust upon them the invidious and offensive power and necessity of acting as arbitrators amongst all the different inventions which might be brought forward by any number of sects, and would be held up to public execration if they did not discriminate between them exactly to some people's satisfaction. Considering the measure as subversive of the just rights of the Established Church, and intolerant towards the clergy, he could not assent to its second reading.

The CHANCELLOR of the EXCHEQUER: Sir, whatever differences of opinion may prevail on this subject, I think two admissions at least will generally be made. The one is that there is very great difficulty inherent in the question itself; and the other is that it is a matter with respect to which, whether we look to

Churchmen or Dissenters, or in fact to the whole body of the community, the feelings that gather around it are of the most tender, most susceptible, and, I will venture to say, most sacred character. That being so, I think the tone of this debate has already shown—and, I trust, will continue to show—that we all regard it as a subject on which we should speak with care and reserve, as also with great deference and respect for the opinions of those who may differ from us. Another admission made by previous speakers, and which I believe will be made generally, is that the spirit of the hon. Baronet who introduced it was eminently a spirit of conciliation, evincing on his part a desire to arrive, if possible, at a solution that would be generally satisfactory. That is a point of which, as the Bill of last year was not then fully discussed in the House, the Members of the Select Committee had the best opportunity for judging; but I think that nobody who sat on that Committee will be inclined to deny that the author of the Bill, as Chairman of the Committee, did everything compatible with his own views, in order to meet the views of others, or that in every syllable which fell from him he was most careful to avoid giving them offence. But all these are preliminary considerations which do not touch the knot of the matter before us. We are asked whether we will give a second reading to this Bill. I had the honour of serving on the Committee of last year, and I think it material to recall what took place in this House when the Bill was referred. The Bill was not only referred to a Select Committee, but it was so referred by a unanimous consent arrived at before the second reading. There was no opposition to, and no debate, upon the second reading, and the reason why the Bill was not discussed was because it had been ascertained that there was a general feeling on both sides that this difficult question should be sent upstairs, where, by friendly conversation among candid and impartial men, there might be some hope of its solution. I am far from saying that the course of proceeding adopted last year absolutely binds us this year, or even that it binds any individual of the Select Committee; but I must say, that, as a Member of the Committee, I should feel the greatest doubt and hesitation in refusing my hon. Friend, on this occasion, the second reading of his Bill. I admit that the measure as it stands is open to exception in some of its important provisions. In the Select Committee last year, I found myself precluded from giving my assent in the final vote for its second clause; and in regard to that clause there is a point which I have not yet heard noticed in this debate, but which I feel to be one of very great difficulty—namely, its bearing upon the preservation of the public peace, because the susceptibility of the public mind on a matter of this kind is such that the simple judgment of the clergyman is, I think, an inadequate guard for the public peace, over which he is not appointed to preside, and for which he is in no sense responsible; and I confess I should not be without serious apprehension for its preservation after the adoption of the provisions of that clause as it stands. But that is not the question now before us. The question I take to be this:—Whether there is matter in this Bill which would admit of useful legislation; whether there is a hope of arriving at a further understanding and agreement from the discussion of the measure in detail; and lastly, whether a Dissenter has *primâ facie* a case for objecting to the law as it exists, and asking that it be amended. The statement of my noble Friend behind me (Lord Henley) that Dissenters, under the present law, have not access to our churchyards has been objected to by some hon. Gentlemen. Well, in all its breadth, I am not prepared to support that statement, because, as I understand, Dissenters have access to our churchyards subject to two conditions—namely, subject, first of all, perhaps, to the condition of being baptized; and secondly, without doubt, subject to the condition of having the service of the Church of England read over their remains by the appointed minister of the Church of England, whatever their objection either to that service or to the communion of the Church as a whole may be. With regard to the matter of baptism, I do not understand it to be clear law whether the unbaptized have a right to sepulture in the parish churchyard or not. If they have not the right, I cannot deny that it seems to me to be a question worthy of the consideration of the House whether or not the law should be altered in that respect. I speak now simply of sepulture, and not of religious rites, nor do I presume to give a very confident opinion on that point. But the other point, which is subject to no doubt at all, is one on which

I venture to express a very confident and very strong opinion that it gives the Dissenter some title to come before this House and ask for an alteration of the law. If he has access to the churchyard, or has access to it subject exclusively and absolutely to the condition of having the service of the Church read over his remains, I confess I do not think that that is a state of the law which is consistent with those principles of civil and religious freedom on which, for a series of years, our legislation has been based. I do not see that there is sufficient reason, or, indeed, any reason at all, why, after having granted, and most properly granted, to the entire community the power of professing and practising what form of religion they please during life, you should say to themselves or their relations when they are dead, "We will at the last lay our hands upon you, and not permit you to enjoy the privilege of being buried in the churchyard, where, perhaps, the ashes of your ancestors repose, or, at any rate, in the place of which you are parishioners, unless you appear there as members of the Church of England; and, as member of that Church, have her service read over your remains." That appears to me an inconsistency and anomaly in the present state of the law, and is in the nature of a grievance. In saying that, I do not give an individual opinion alone. It is an opinion which my hon. Friend has embodied in his Bill. The first clause gives expression to it by providing that in all cases where a request is made to the clergyman, by the relative having the conduct of the funeral of any person entitled to burial, for permission for the burial to take place without the service, such permission shall be granted, and some convenient hour appointed for the interment. I have not had an opportunity to-day of referring to the Minutes of the Committee of last year, but I am sure I am quite right in asserting that this clause was adopted with the general—I think I might, perhaps, say with the unanimous—approval of that Committee. If so, I venture to put it to the House that the subject of sepulture without the service is of itself one of sufficient magnitude to justify legislation, even if you can touch no other part of the question; that the provision which stands in the Bill comes to us recommended by the authority of a very impartially constituted Select Committee; and that the having before you a provision of such a kind in such a Bill is a good reason why you should refer the measure to a Committee, even if you think that you must despair of making an arrangement with regard to anything beyond that. In parts of the country where there is a strong feeling, and where large portions of the people are Dissenters, the practice of sepulture without service, I believe, exists, and it is not satisfactory that any practice should exist which is not sanctioned by law. The question, I own, is one full of difficulty, and I am bound to say that I do not know up to what point the Dissenting communities of this country are earnestly and anxiously desirous that the law should be changed. I have not the same means of judging of it as my hon. Friend the Member for Finsbury (Sir Morton Peto) may possess. Having myself been unable to arrive at a satisfactory solution of the part of the question relating to burial with the service, in the Committee of last year, I think it is still a fair subject for consideration. But whether that be a matter on which we have or have not much hope of a satisfactory solution, I submit that the state of the law with regard to burial without the service is inconsistent with the general principles of our legislation; that it does constitute a grievance on the part of those who are not connected with the Church of England, and forms also a sufficient ground for giving a second reading to this Bill, especially when we bear in mind that the provision I have named received the deliberate, the general, and perhaps I might be correct in saying, the unanimous approval of a carefully constituted Select Committee.

Mr. GATHORNE HARDY said, he had been no party to referring the Bill of the previous year to a Select Committee, but he was not sorry that it had been so referred, because the result showed that it was impossible to frame the measure in such a shape as would make it acceptable to the members of the Church of England. The Bill was founded on an entirely erroneous feeling, and one which did not formerly exist among the Dissenters; while the grievance now alleged was so slight and immaterial as not to warrant the interference of that House. He maintained, that while the Church of England was left in possession of her churches and churchyards, she was entitled to hold them with the same rights as the Baptists or any other Dissenting denomination held their chapels and graveyards. She was entitled to use them for her own services, and for her own services only, to the exclusion of all others; and she could not admit the services of certain sects of Dissenters and exclude those of others without violating the very principle of religious liberty which had been mistakenly quoted in support of this measure. The Dissenting bodies did not consist of Baptists, Wesleyans, and Independents merely, but of many other sects, some of whose tenets were almost of a ludicrous description, and involved rites which were offensive not only to members of the Established Church, but to every Christian denomination. The right hon. Gentleman the Chancellor of the Exchequer based his support of the second reading of the Bill, not avowedly on its principle, but on its first clause, but he (Mr. Gathorne Hardy) must decline to take the issue on that clause. Indeed, it was a useless and comparatively immaterial provision, because every resident parishioner was entitled to a last resting-place in the churchyard, even although no service was performed. Every dispute about the interment of Dissenters turned, not on simple admission to a resting-place, but on the ceremonies of the Church in connection with burials. In 1811 Sir John Nichol decided that any lay baptism was valid; that any resident parishioner who had received such baptism was entitled to a place in the churchyard. The question never arose except in this way—that a clergyman having refused to perform the last rites of the Church over a person who had undergone lay baptism, Sir John Nichol said he was wrong, and that he had no right to refuse. A great deal of what was called Dissent was not real Dissent. Large numbers of the poorer classes were glad to attend Nonconformist places of worship, but they had no objection to the services of the Established Church, and sought the benefit of her offices on their baptism, marriage, or burial. These people were content that their remains should repose with those of their ancestors under the shadow of the old parish church, and they had no wish to introduce the Dissenting Ministers into the churchyard. But the Dissenting ministers themselves desired to go there, and to perpetuate beyond the grave those differences which should end there. Let not the hon. Baronet opposite, for the sake of an infinitesimal good to the sect to which he belonged, introduce discord between religious bodies, and impose a tyranny upon

Mr. Gathorne Hardy

clergymen of the Established Church to which no Dissenting minister had ever been subjected. The hon. Baronet had said that the operation of the Bill was confined to the churchyard. But that was not correct. The words in the Bill were "performed at the grave." There were many churches about the country not closed against burials, and in the case of a vault belonging to Dissenters, any of the relatives of a deceased member might call on the clergyman to permit interment in the church with the services of the Dissenting body to which they might belong. In short, the Bill would create constant collisions and controversy between clergy and their flocks where such things now seldom occurred; and if a clergyman happened to give offence in the performance of a delicate and invidious duty which ought not to be cast upon him, he would be exposed to public obloquy and attack in all the newspapers of the kingdom. A main objection to the Bill was that its penalties were clearly to be obloquy and abuse. Again, it could never be intended by the House to put upon clergymen of the Church of England a discriminating power with reference to the different religious sects of this country. If they admitted one sect, they were bound to admit another. It was also material to consider in connection with the Bill, that there are among Dissenting communities ministers of various kinds—ministers settled, itinerant, ordained, and other classes; and he wished to know with respect to them how was any clergyman to say which kind of minister should be permitted to perform such and such a service? Moreover, he believed that many sects had no ministers at all, and he should like to know why they should be excluded from the privileges which would be enjoyed by Dissenters under this Bill, because they had not a person who was entitled to the name of a minister. The hon. Baronet said he would confine the service to prayers and hymns, and to readings from the sacred Scripture. He (Mr. Hardy) was sorry to say that he had seen expressions used in hymns and prayers as objectionable as anything that he had ever read or heard in a discourse; and he ventured to tell the hon. Baronet, that if he looked at some published collections of hymns of some of the extreme sects in this country, he would there see such things as would make his hair stand on end, and must horrify any parish in the churchyard of which they were permitted to be sung. He must also protest against the

House being asked to take the Bill as an isolated measure, and to accept the hon. Baronet's view as to the effect which the Bill would have in promoting Christian unity. They saw other proposals introduced which were hostile to the Church, and it was impossible to separate one Bill from the others. Why, it might be worth while for the Church of England to keep alive the church rate question, for the mere reason that a much worse question might succeed it; though, of course, they contested it on its merits. If the Church of England was to be trusted with her property, for the sake of England let them trust her with it like men and statesmen. If she was to be a national Church, let them not weaken her by frittering away her rights; but on the other hand, if she failed in her sacred duty, let those rights be wholly taken from her. At that moment the Government were in the other House, through the Lord Chancellor, endeavouring to extend her influence by increasing the value of her livings, but other Members of the Government seemed ready to aid in undermining her by assenting to Bills of this description. He confessed he felt strongly on the subject. He wished to see Dissenters rest side by side with their brethren of the Church of England in the parish churchyard; but he looked upon the Bill as an invasion without reason or justice of the rights of the Church. It put a strain on the consciences of clergymen the like of which had not been imposed in recent times, and required them to perform duties for which they were not qualified. It attacked the Church through the churchyard. The precedent set up in the case of Ireland was not parallel. There a state of things had grown up by a union of sects in antagonism to the Church of Rome, which was not the case here, and Dissenters there had no "ulterior objects." Books were constantly published attacking the title of the Church of England to her possessions; and they had before them a proposition to take away her churchyards, even those given by private benefactors within the last few years, although there might be a Dissenting burial-ground in the vicinity. The Dissenters now possessed facilities for obtaining burial-places of their own if they desired them, and in many cemeteries, established by legislative authority, there existed unconsecrated as well as consecrated ground, the expense of burials in the former being cheaper than those in the latter. Moreover, the Dissenters had obtained from the public rates not only burial-grounds, but chapels for the performance of their funeral services. Why, then, should they object to the Established Church using their endowments for her own rites and ceremonies, when they themselves possessed chapels erected out of public money. He trusted the House would not be led away by what he must call the unfair way in which the Chancellor of the Exchequer put the question—a mode of putting it which was more subtle than fair. The right hon. Gentleman called upon the House to vote upon one clause which did not affect the principle of the Bill, and under which the circumstances of any Dissenter would remain as at present. He trusted the House would consider that the Church of England, in her churchyards and churches, was entitled to the exercise of her rights and ceremonies so long as those rights and ceremonies were acceptable; and they were so at present, not only to the great body of the members of the Church of England, but to the great body of the Dissenters themselves.

SIR CHARLES DOUGLAS said, that he had allowed his name to be placed on the back of the Bill, understanding it was the Bill of the Committee shaped by them to meet the views of the opponents of the Bill of last year, and therefore in the hope that it might tend to a settlement of the differences which existed on the subject; but he feared, that looking at the way in which it had been treated in the discussion, there was no chance of such a result. If, however, the House should reject the Bill, he should consider himself at liberty to take a more decided course in the next year. The noble Lord (Lord Robert Cecil) had stated that the Bill was supported by the Liberation Society. He (Sir Charles Douglas) had no claim to speak on their behalf; but when he found a Bill in which he had an interest opposed on the ground that it was supported by the Liberation Society, and when he had in his possession a statement of facts showing that that society had nothing whatever to do with the Bill as it at present stood, he thought he should not be doing an act of justice if he did not point-blank contradict the noble Lord. In consequence of the alteration that had been made in the Bill, his hon. Friend (Sir Morton Peto) received a letter from the Liberation Society, a copy of which had been put into his hands (some passages of which he read), to the effect that the committee of that society considered the operation of the present measure would be to subject Dissenting ministers to the capriciousness and intolerance of the clergy of the Established Church, which would be more fatal to their influence with their flocks than if they were excluded from the churchyards. In fact, the Liberation Society which was put forward on every occasion as a bugbear, in the present case rather opposed than supported the measure. He was satisfied in his own mind that in supporting the principle of the Bill he was only doing that which would tend ultimately to the advantage of the Church of England.

Sir JOHN TRELAWNY said, it was his intention to oppose the Bill, and for this reason:—It was alleged by Dissenters that they derived no advantage from church rates; but he thought, that if they were to support the Bill, they would place themselves in a false position, inasmuch as they would then make use of churchyards for which church rates were granted. He wished to say that he was not a member of the Liberation Society, and when asked to subscribe to its funds refused to do so. But he thought it due to that society to say, that so far as he knew, it had nothing whatever to do with the Bill before the House. In fact, he had been informed that many members of that society rather disapproved it.

Mr. HUNT said, that having been absent through illness, he had been no party to referring the Bill of the previous year to a Select Committee, and he understood many who recommended that course now rather regretted having done so. The fact was, the Bill had been allowed to pass the second reading on the understanding that certain words and clauses should be introduced which would render it comparatively harmless; but what took place before the Committee proved that could not be done. It was all very well to refer a Bill to a Select Committee with a view to the arrangement of details; but that was a question, not of details, but of principle, which the House must decide for itself. The Bill was, no doubt, couched in very conciliatory language; it proposed that these burials should take place by and with the leave of the clergyman of the parish. But was that the real intention? From the evidence of Dr. Foster, of the Liberation Society, taken before the Lords' Committee on Church Rates, he thought it clear that the promoters of the Bill looked to a participation in the ecclesiastical edifices of the country, of which they complained that Episcopalians were the rent-free tenants; and the argument of the right hon. Gentleman the Chancellor of the Exchequer, if pushed to its legitimate consequences, gave sanction to those views. The Chancellor of the Exchequer had said that he considered it a breach of the principles of civil and religious liberty—an anomaly which amounted to a grievance—that a Dissenter should not have a right by law to have service read over his grave by a minister of his own persuasion.

The CHANCELLOR of the EXCHEQUER: What I said was, that it was an anomaly amounting to a grievance that a Dissenter should not be permitted to be buried in the churchyard except on condition of the Church service being read over him, whether he wished it or not.

Mr. HUNT admitted that he might have misunderstood the right hon. Gentleman. He repeated, however, that the Bill had been introduced to carry out the view of Dr. Foster and those who agreed with him. Great pains had been taken to show that the Bill did not emanate from the Liberation Society; but they only wanted a much stronger and more coercive measure. They would regard it only as an instalment, and in a few years, if the Bill passed, they would get all they wished. With reference to the first part of the Bill, he might be wrong, but he believed the law was, that every parishioner had a right to interment in the churchyard, and to have the Church service read over him. In three cases only the Church was excused by the canon law from doing this—namely, in the case of unbaptized persons, excommunicated persons, and persons who had laid violent hands on themselves. But by the common law a right to be buried was vested in every parishioner. If, however, any doubt existed as to the state of the law, let a short Act be passed to declare what it was, not to alter the whole law. But the second part of the Bill was the most objectionable, and would virtually disestablish the Church of England. It provided that the officiating minister of every parish, on being applied to to allow burial to a Dissenter, with service might give such permission, if he thought fit; that he should give it or withhold it in writing within forty-eight hours; but that if he withheld it, he should, within a week, transmit the reasons for his refusal to the registrar of the bishop. He would rather have a coercive measure. For could any clergyman perform such office without being loaded with obloquy? Ministers of every Dissenting denomination would by the Bill be put on a par, as regards the burial service, with the Ministers of the Church; and if that were so with respect to burials, why not with respect to other parts of the service? It would be regarded as an anomaly amounting to a grievance that a clergyman of the Church of England should be allowed to read part of the burial service in the Church, and the other portion of it at the grave, while the Dissenter had to read his service altogether in the churchyard; and the argument for placing both on a par in every respect would be irresistible to the mind of the Chancellor of the Exchequer. On former occasions strong objections had been urged—he believed the phrase was the invention of the hon. Member for Birmingham (Mr. Bright)—against "ticketing dissenters;" but by the Bill the relations of a dead man having charge of his funeral would be empowered to ticket a man as a member of a particular denomination whether he would or not. The grievance of rival parties contending over dead bodies was not new in the history of the country, and the Bill would undoubtedly tend to foster such a state of things. Everywhere throughout the country Dissenters had their own burial grounds within accessible distances; the Church did not wish to exclude them from the churchyard or from the service of the Church; he believed the Dissenters generally did not wish themselves to be excluded. He should therefore oppose a Bill which for the sake of an infinitesimal portion of them would introduce into the Church a hundredfold more confusion and grievance than was sought to be remedied.

Sir GEORGE GREY: Sir, I wish to say only a very few words before the House goes to a division. After what has fallen from my right hon. Friend the Chancellor of the Exchequer, I am anxious, while I intend to support the second reading of the Bill, to guard myself against being supposed to give any sanction to the second and third clauses of it. The arguments, which have been chiefly directed against these clauses, I must say, are entitled to very great weight. Burials in the churchyard ought to be performed under direct authority of the law, and should not be subject to the discretion of this or that clergyman. It would be most objectionable in practice to have in one parish a clergyman refusing these applications, while the clergyman of an adjoining parish readily allowed them. Looking at the law which has passed regarding interments in all large towns, now that intramural interments have been discontinued and cemeteries established, where, without raising questions of religious difference, all persons may be buried with what rites their friends may consider desirable—I must say I think there is no real grievance sufficient to justify such an alteration of the law as is involved in the second and third clauses of the Bill propose. If such a grievance did exist, it ought to be remedied in a different way. The enactment of the second clause would, I am persuaded, lead to very great religious animosities, and probably to breaches of the public peace, and I should be very reluctant to give it the sanction of my vote. I am quite aware that it was adopted by the hon. Baronet who brought in the Bill from the Irish Act, but it should be remembered that that Act merely legalized a practice which had existed in Ireland from time immemorial. I do not intend to go into details; I only wish to take this opportunity, as, judging from the appearance of the House, I shall not likely have another, of stating that in voting for the second reading of this Bill I do it on the ground indicated by my right hon. Friend the Chancellor of the Exchequer, as founded on the first clause, and without giving any sanction to the second or third clauses of the Bill. With regard to the second clause, however, I may say that in the Select Committee it did receive the sanction of the right hon. Gentleman under whom the hon. Member for Leominster served in the Home Office, while the Chancellor of the Exchequer voted against it; and if the Bill be now read a second time, I shall vote against its retention. With regard to the first clause, the subject was fully considered by the Committee, who unanimously approved that clause. Some doubt has been thrown on what the law really is. If what has been stated by the hon. Member for Leominster is correct, it would show that there is no necessity for the first clause. The law is, no doubt, that every baptized person, by whomsoever the rite has been performed, whether by an ecclesiastic or by a layman, is entitled to burial with the rites of the Church of England; but the question is whether the friends of an unbaptized person can insist on his common law right of burial without service, or whether a clergyman of the Church of England is at liberty to refuse to admit that right. A case occurred in London not long ago, in which such a refusal was given, on conscientious grounds no doubt; and that being the case, the Committee being unanimously of opinion that the law in that respect should be altered, I think, on that ground alone, it is reasonable such an alteration should take place.

Mr. DISRAELI: Sir, I must protest against the principle laid down in this debate that the House cannot offer an opinion upon the second reading of a Bill because in a previous Session it has referred it to a Select Committee. A Bill is referred to a Select Committee generally speaking from mixed motives. In the present instance I do not think the motives were mixed; nor is there any doubt as to the condition under which the Burial Bill was referred to a Select Committee. The condition was, that it should be brought out from that Select Committee in a form which might, in the opinion of the House, solve the difficulties which were involved in the proposed legislation. Therefore, I should say that every hon. Member of the House is free to decide whether in the present instance the Bill does meet the difficulties of the case, and is one of which he can approve. Therefore, the reference of a Bill having a similar object to a Select Commitee last year does not in any way preclude the House from giving its opinion on this Bill in its present form now brought before us for second reading, because we must remember, that although this measure, or a similar measure, was submitted to a Select Committee, the House had not an opportunity of expressing any opinion on the labours of that Select Committee last year. Last year a Clergy Relief Bill was referred to a Select Committee. It was very much modified in Committee, and the House had an opportunity of giving an opinion upon it afterwards. But if the labours of a Select Committee in a previous Session, with reference to a particular Bill, should debar us from giving an opinion upon that identical or any similar measure when submitted for a second reading, one of our most important privileges would be very much diminished. Therefore, I imagine the House, on reflection, will hardly agree that the argument offered by the right hon. Gentleman the Chancellor of the Exchequer for the second reading of this Bill, on the plea that a Bill with a similar object had been last year referred to a Select Committee, is at all valid. Nor can I say, though I listened with great attention to the right hon. Gentleman the Chancellor of the Exchequer, that his other arguments were of a more tenable character. The Bill consists of two principal clauses; the Chancellor of the Exchequer approved of the first clause, which, on the whole, comparatively speaking, must be described as a harmless clause. He approved of one clause, and of one clause only; yet he is for reading the Bill a second time, although he admits that the second clause is one which will probably lead to breaches of the public peace. It seemed to me a singular argument from a Minister of the Crown—that we should sanction the principle of a measure the obvious or probable consequences of which are a breach of the public peace, and that he should ground his qualified approbation of it on a portion of its provisions comparatively of secondary importance. But it appeared to me that the whole argument of the Chancellor of the Exchequer was based on a fallacy, and a fallacy which I should have thought must have occurred to a mind so logical as that of the Chancellor of the Exchequer. He argued thus:—That it is a very hard thing for Dissenters to have granted to them certain immunities while they live, but the moment they die, when their bodies are sought to be interred in the churchyard, they are to be subject to conditions. But what are the conditions prescribed when the body of the Dissenter is carried into the churchyard? Are they different from those which the living Dissenter on entering the church must encounter? It is very true, that when the body of the Dissenter is brought into the churchyard, conditions are required; but when the living Dissenter enters into the church, the same conditions are equally required. And what are those conditions? If the Dissenter enters the church, the condition is that he should hear the service; and if the body of the Dissenter is brought to be buried in the churchyard, the condition is that he should be interred according to the service of the Church. Therefore, I think that the argument of the right hon. Gentleman is founded on a fallacy, and that there are no conditions applied to the Dissenter dead different from those which he must encounter if living. Then the appeal of the Chancellor of the Exchequer to the principle of religious liberty was entirely illusory. The principle of religious liberty is not at all violated by the present state of the law. The principle of religious liberty in this country has secured, happily for every subject of Her Majesty, the enjoyment of all the rites of their religion. They have secured sacred buildings to assemble in, and no one interferes with them. They have a right to consecrated or unconsecrated sepulture, and no one questions their right. But the principle of religious liberty is impugned if you pass a law by which the Dissenters may say to the followers of the Church :—We will invade your sacred places, and will enforce our claims to keep your consecrated ground for the interment of our dead according to our conditions and regulations. If, therefore, the question of religious liberty is at all involved in the consideration of this measure, the violation of the principle of religious liberty is as against the followers of the Church of England, and not against the Dissenters. I am at a loss, I must say, to understand on what grounds the right hon. Baronet the Secretary of State supports this measure. The Secretary of State disapproves of all the important clauses in the Bill ; but he is of opinion that the law should be clear on the subject whether an unbaptized person may be buried or not in the parochial churchyard. Well, if there be doubts on the question, let the Secretary of State introduce a measure on the subject ; let the doubts be put an end to. The object is clear ; the provisions might be very concise and definite ; and no disturbance on that point could possibly arise hereafter if such a Bill were introduced and passed into a law. But to accomplish such a purpose, to obtain such a limited result, is it wise on the part of the Government to sanction a measure which, brought forward even in the modified form in which a Select Committee now exhibits it to the House, is one which we know and which avowedly has ulterior objects of very great moment, and which, even in its present shape, aims at accomplishing results so much more considerable than the Minister himself contemplates ? I cannot say that in my opinion there is any doubt as to the course which this House ought to take on this occasion. In my opinion the true character of the Bill was put before the House in the early part of this debate by the noble Lord the Member for Stamford (Lord Robert Cecil), in a manner so cogent and clear that it would be surplusage almost now to enlarge upon it. I regret very much the support it has received to-day. I regret very much the support it has received, above all others, from the Chancellor of the Exchequer. I remember some words recently uttered in this House on a cognate subject by one of its most distinguished Members. We were told then that the real enemies of the Church were rather to be found within the pale of the Church than without it ; and when the right hon. Gentleman spoke this morning, I was painfully reminded that I had heard that truth only a few days ago from the same lips. After the frank and, I will always admit, the honourably frank admissions made by the chief promoters of this Bill, I cannot doubt what is the object. I cannot disconnect it from that systematized attack on the Church of England which, Session after Session, we have had to encounter. I am perfectly ready to do justice to the character and motives of the hon. Baronet who brings this measure before the House. But this question is not to be decided by personal considerations. It is impossible to shut our eyes to the anti-ecclesiastical campaign which is every year commenced. Once we looked forward to these efforts with anxiety. I am glad to say that repeated discussions at least permit us to look forward to them without fear. I hope the House will not hesitate as to the course they will take on this occasion. We at least meet on all these questions a foe that does not conceal its purpose, but honourably announces the object which it has in view. Nor do I deny the considerable strength with which that object may be pressed and prosecuted. It becomes, therefore, those who wish to uphold the present ecclesiastical settlement of this country to exert their utmost energies, and to show their utmost vigilance at this important crisis in the fortunes of the Church of England. We have been told that we are living, as regards that Institution, in dark and stormy times. It may be so ; I believe it is so ; but for my part I should hold our chance of ultimate security greatly diminished if the light in that pharos were extinguished. May it long guide us, and I am sure that we can do no better deed to-day than at once, by the rejection of this measure, show that we are prepared to uphold not merely the legal privileges, but what I believe are the strong convictions of the people with regard to the Church.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 96; Noes 221: Majority 125.

Words *added.*

Main Question, as amended, put, and *agreed to.*

Second Reading *put off* for six months.

RAILWAY BILLS BILL—[BILL 6.]

SECOND READING.

Order for Second Reading read.

MR. WHALLEY said, the subject of railway legislation was under the consideration of a Committee which was still pursuing its investigations, and under these circumstances he would move that the Bill be postponed for a fortnight.

MR. R. HODGSON said, if the hon. Member had moved the second reading, he should have opposed it.

Second Reading *deferred* till *Wednesday, 29th April.*

PRIVILEGE—LISBURN ELECTION PETITION.

MR. SPEAKER acquainted the House, that he had this day received a Letter from Alexander M'Cann, of Lisburn, purporting to be written on behalf of William John Knox and Moses Bullick, the Petitioners complaining of an undue Election and Return for the Borough of Lisburn, and together therewith a Notice, dated the 24th day of March 1863, and signed by the said Petitioners, stating that it is not their intention to proceed with the said Petition.

MR. SPEAKER further acquainted the House, that on the 27th day of March last he received a Paper signed by the same Petitioners, and dated the same 24th day of March, stating that they had previously signed a Document which had been produced to them by the said Alexander M'Cann, purporting to be a withdrawal of the said Petition, but that they disclaimed any knowledge of the contents, nature, or effect of the said Document, or any intention to withdraw the said Petition.

Letter and Documents read.

THE ATTORNEY GENERAL said, that with reference to either one or the other of those documents there had been unfair practice, but it was impossible for the House then to know against whom a charge ought ultimately to be made. He should therefore move that the documents be taken into consideration on the following day and be printed.

Mr. Disraeli

MR. E. P. BOUVERIE observed, that there was an allegation of fraud made by the petitioners, who said that they had been induced to sign a letter withdrawing their Petition in ignorance of the purport of that letter. If that allegation were true, no doubt there had been a breach of privilege; but the House was not at that moment in a position to pronounce an opinion on that point, and he should have thought that the proper course for Messrs. Knox and Bullick would have been to present a Petition stating their case. If the House were in possession of these allegations in the shape of a Petition, it might direct an inquiry into the circumstances. It was quite true, that when the letters were printed, an inquiry might be directed; but he thought the course which he suggested would be more in accordance with the precedents and practice of the House. That course had been adopted by a petitioner named Scully, who had complained of the undue withdrawal of his Petition.

Ordered, That the said Letter and Documents be taken into consideration *To-morrow*, and be *printed.*

ROMAN CATHOLICS IN PERTH PRISON.

On Motion for the Adjournment of the House,

MR. WHALLEY said, he would take that opportunity of complaining of the manner in which the Estimates had been brought forward during the Session. On Monday night Estimates No. 3 were taken up instead of Estimates No. 1, and great inconvenience had been caused to him and other hon. Members by that irregularity. He wished also to give notice that he would on the following day move for a copy of any correspondence that had taken place from the 9th of August, 1862, down to the present date, between the Roman Catholic priest at Perth, the governor of Perth prison, and the Secretary of State for the Home Department.

MR. H. B. SHERIDAN said, he rose to express a hope that the Government would give an early day to hon. Members who had Motions down for the previous Tuesday evening, when the House was adjourned in consequence of the death of Sir George Lewis. He had a Motion down on the subject of fire insurance; and if the Chancellor of the Exchequer did not render it unnecessary by his Budget, he thought he was entitled to an early opportunity of bringing it forward.

STIPENDIARY MAGISTRATES BILL.

On Motion of *Mr. H. B. Sheridan*, Bill to enable Cities, Towns, and Boroughs of twenty-five thousand inhabitants and upwards to appoint Stipendiary Magistrates, *ordered* to be brought in by Mr. Henry B. Sheridan and Mr. Cox.

House adjourned at a quarter after Four o'clock.

HOUSE OF LORDS,

Thursday, April 16, 1863.

MINUTES.]—Select Committee—Metropolitan Railway Communication, *appointed*, and *nominated.*

Public Bills—*First Reading*—Dockyards Protection Act Amendment (No. 66).

Second Reading — Courts of the Church of Scotland (No. 65); Alkali Works Regulation (No. 55).

ALKALI WORKS REGULATION BILL.

(NO. 55.) SECOND READING.

Lord STANLEY of ALDERLEY rose to move the second reading of this Bill, the object of which was to carry out generally the recommendations of the Select Committee which had been appointed last Session, on the Motion of the noble Earl opposite (the Earl of Derby). The main object of the inquiry was, as to the means of preventing the injury occasioned in various ways, and especially to vegetation, by alkali works in the manufacture of soda, by the muriatic gas evolved in the process. This gas had a great affinity for water, and this circumstance afforded a mode, which was adopted in some of the best-regulated works, for remedying the evil. It was very much to the credit of the manufacturers connected with the trade that they expressed a readiness to be subject to legislation on the subject. The Committee, therefore, recommended that the manufacturers engaged in this branch of business should be compelled to adopt such machinery as would provide for the condensation of this gas, and that this machinery should be under the supervision of inspectors, who should have access to it at all times, both by day and night, in order to see that the machinery was kept in proper working order. In conformity with the recommendations of the Committee, he proposed that all the manufacturers should be required to adopt the necessary remedy for condensing the gas, without determining in the Bill what the particular process should be; that the works should be under the supervision of inspectors appointed by Government, and that in no case should a greater quantity than 5 per cent of the gas be allowed to escape, while 95 per cent at least should be condensed in the process of the manufacture. This, he believed, might be done without any injury to the manufacturers. He did not think it would be desirable to apply to the great manufacturing interests of this country measures which could not be adopted without injury to the success of the manufacture. In this case the manufacturers themselves had given a pledge that they would render every assistance in their power to carry out the provisions of the Bill; but to this they had attached a condition which he considered essential to obtaining their assistance — that they should be the subject of special legislation; and that if in the opinion of Parliament similar regulations were required with respect to other manufactures than the manufacture of alkali, they should be carried out by a separate Bill, and by separate legislation. It was impossible for any one who considered the vast importance of the manufactures of this country not to perceive that the greatest care and precaution were necessary in dealing with the processes of manufacture. The power and position of England depended to a very great extent upon her manufacturing freedom, and he firmly believed her pre-eminence had been created and established mainly through freedom from legislative interference with the great departments of industry. With regard to the alkali manufacture itself, he believed, if in its earlier stages it had been subject to a system of inspection, and constant interference had taken place with its chemical experiments, combinations, and processes, it would have been so paralysed that it never would have arrived at the position in which it stood at present. The amount of capital involved in this manufacture was upwards of £2,000,000, and the annual value of its productions was £2,500,000; 19,000 persons were employed in it, and the wages paid reached £871,000 a year. Their Lordships would therefore regret if any legislation with a view to enable owners of land to recover damages from the manufacturers with greater facility than at present, should be attended with injury to so important an interest. In this case, however, a remedy had been tried; it had been shown to be effective, it had been adopted without inconvenience, and the manufacturers knew that it might, to a certain extent, bring them even a profit, as the condensed gas created muriatic acid, which was a marketable commodity and of great use in many branches of manufacture. The provisions of the Bill were, that every alkali work should be carried on in such a manner as to secure, to the satisfaction of the inspector, the condensation of not less than 95 per cent of the muriatic gas evolved therein. Wherever an alkali work shall be carried on in contravention of this provision, the owner was made liable, for the first offence, to a penalty of £50, and for every subsequent offence to a penalty of £20, or a continuing penalty of £2 for every day in which his work shall be so carried on. Every alkali work was to be registered with the inspector. Inspectors were appointed, to whom powers of inspection were confided; and a penalty of £10 was imposed on every owner who should wilfully obstruct the inspector in the execution of his duty, or fail to conform to these provisions of the Bill. It was, under the existing law, open to any person to proceed by indictment for the removal of any nuisance, and that remedy was shown to be effectual from the fact that many works had been already removed. This remedy would be very much facilitated by the operation of this Bill; for whereas formerly great difficulty was experienced on the part of persons receiving injury in ascertaining the precise works from which the injury arose, under the present Bill, if a previous conviction had been obtained, it would be very easy to recover damages in a court of law. The general penalties were made recoverable in England and Ireland before a Court of quarter sessions, without the intervention of a jury, and in Scotland before the sheriff or sheriff substitute; penalties incurred by infraction of any special rule were recoverable by summary procedure before two justices of the peace in England and Ireland, and in Scotland before the sheriff substitute or two justices. A general appeal in respect of the higher penalties was given to the superior courts. The Committee had recommended an appeal only in case of a point of law. But he felt strongly, that in a case where they were imposing heavy restrictions upon an important branch of manufacture, it was but just to give the manufacturers power of appeal to a court of law, if they thought that justice had not been done them in the inferior court. The only omission which he had made in the Bill was with respect to the manufacture of sulphuric acid and ammonia alum, the gases produced from which were in some part of the process, though offensive to the smell, not very injurious to life and vegetation. He hoped their Lordships would be satisfied to limit the operation of the Bill to alkali works alone; and that if at a future time it should be necessary to legislate with regard to the other manufactures, it would be done by a separate Bill.

Moved, That the Bill be now read 2ª.

The Earl of DERBY said, he should offer no opposition to the second reading of the Bill, because to a certain extent it would carry out the regulations which had been recommended by the Select Committee. Nor did he complain of the noble Lord for proposing to deal with the alkali manufacture separately from the general question of nuisances, although he himself should have preferred to associate with the alkali manufacture the manufacture of sulphuric acid and ammonia alum. The latter manufactures were placed upon exactly the same footing as alkali by Professor Playfair in the evidence which he had given before the Committee. Professor Playfair said that the manufactures of sulphuric acid and ammonia alum and similar trades were all injurious both to vegetation and animal life; and it was stated in evidence before the Committee that processes of condensation might be applied, and ought to be applied, to all those nuisances. It was true, indeed, with respect to muriatic acid that the manufactured article was of such value as to induce the manufacturer to provide as far as possible for its condensation—it was not therefore of so much importance that it should be introduced into the Bill. But that was not the case with respect to ammonia alum, with regard to which Professor Playfair's testimony was directly at variance with the statement of the noble Lord. The manufacture of ammonia alkali was not carried to such an extent as to render it indispensable to introduce it into the present Bill. He regretted, however, that the Board of Trade had not attempted by a distinct measure to reduce into order and system the vast mass of legislation which existed on the subject of nuisances generally. The law on this subject was in a state of utter confusion, varying in different parts of the country; and, at the same time, the evidence taken by the Board of Trade itself showed that the existing remedies were wholly insufficient. He should not oppose the second reading of the Bill. Although it might fail to do all that could be wished, yet it would be valuable as an official declaration of the views of the Government, and as an admission on the part of the manufacturers themselves, as expressed in their evidence, that a real and substantial grievance existed, which might be easily dealt with without interfering imperiously with the interests of trade. The Committee, on the advice of the alkali manufacturers themselves, recommended that Inspectors should be appointed, and that it would be impossible otherwise to deal satisfactorily with the nuisances in question. An association of the manufacturers, proposed to be formed some years ago, recommended that still more stringent regulations should be adopted than those now proposed. They proposed not only that Inspectors should be appointed, but that there should be sub-inspectors, charged with the duty of visiting day by day the various works of the members of the association, and that they should visit those works as frequently each day as possible. The reason why inspection was necessary was, because where the peculiar-coloured vapour which contained the gas was absent, there might yet be an effusion of noxious vapour not visible to the eye, and which could not be proved to have been emitted by the evidence of those living in the neighbourhood. The Inspectors must examine the construction of the works, and see that proper attention was paid to the working of the machinery, so that there was not too great an issue of this noxious gas. It was shown in evidence that it was possible for the manufacturers to avoid the evolution of gas in the day-time by condensation; yet it was also established, that owing to the negligence of workmen and the want of attention of masters, a large amount of gas issued from the works, to the detriment of the surrounding country. Inspectors ought, therefore, to be appointed, with power to examine and inspect the works at all hours of the day and night, in order that the owners might not be on their guard in expectation of their visits at particular hours. He could not understand by the Bill whether the Inspectors were to be the only persons entitled to sue for penalties. It appeared to him that the personal evidence of the Inspector would be necessary, as the Bill was now worded, to satisfy the magistrate that the offence had been committed. Now, it should be recollected that the Inspector would have the supervision of a large district, and that therefore it would be impossible that he could be present at every part of his district, so as to give evidence in every case where the law might be infringed. It would soon be known when he had gone somewhere else; and then, when his back was turned, an excess of gas might be evolved which might be apparent enough to the neighbours, yet no one would be able to furnish the evidence necessary for the recovery of the penalties, because the evidence of the Inspector was necessary to substantiate the charge. The Select Committee recommended that any person should be allowed to sue for penalties, and that the evidence of others should be supplementary to that of the Inspectors. The Committee further recommended that there should be no appeal from the quarter sessions to the superior courts of law, except in cases where the magistrates might certify that points of law had arisen. He, however, would go further than this, and say that no point of law could arise rendering such an appeal desirable. The point at issue would be simply whether on a particular day a condensation of gas to the extent of 95 per cent had taken place to the satisfaction of the Inspector. He could not imagine a more simple issue, or that it was necessary to give an appeal to the superior courts in such a case. The only analogous office to that of these Inspectors was that of the Inspectors under the Factory Act. These Inspectors were, however, themselves charged with the duty of taking proceedings against offenders. If that was the intention of the present Bill, that duty would devolve upon the Inspectors; and if the Inspectors were to be responsible for enforcing obedience to the law, there would be no objection to provide for the assistance of private prosecutors; but those parties would probably not be willing themselves to incur the expense and responsibility of instituting such proceedings. The difficulty was very great regarding the question of ascertaining in what particular work the offensive operation was going on. But it would be found extremely inconvenient to take the matter out of the hands of the magistrates and bring it before a superior court, inasmuch as it would throw upon the manufacturing parties immediately concerned an amount of expense which, in many cases, it was impossible they could bear; and then the prosecution must of necessity fall to the ground. Why in so simple a question as the amount of condensation of gas there should be any appeal from the quarter sessions to the superior courts, which would deter persons from coming forward to abate a nuisance, he could not imagine. It was proposed by the Bill that the penalty imposed for the first offence should be a fine of £50, while for the second or any subsequent offence a fine of £20, or of £2 a day, should be inflicted. Now, that was inconsistent with the usual principles observed in regard to punishments. The heaviest penalty was generally laid upon the second offence, and in this case the course proposed might prove wholly inoperative, as many manufacturers would rather pay £2 a day than incur the expense of adapting machinery. In many instances three months must elapse before the case could be brought on at quarter sessions, and in the interval the offence might have been renewed over and over again, because the Inspector could not remain upon the spot. A single penalty, therefore, would fall very lightly at the end of that time, and the injury would not be redressed. It appeared to him that the main objections to the Bill were, first of all, that it was doubtful who was to carry on the legal proceedings for the purpose of enforcing the law; and next, that the penalties were insufficient to deter certain parties from systematically violating the law; and, as he understood the provisions of the measure, it appeared to him that it would be difficult under certain circumstances to bring home the offence to the guilty parties, although it might be within the knowledge of many persons in the neighbourhood of the place where it had been committed. Those objections, however, were not such as to induce him to refuse his assent to the second reading of the Bill. He trusted, however, that the attention of the noble Lord would be turned to its provisions in Committee, in order to have them so altered as to remove those difficulties which he (the Earl of Derby) had now pointed out. He was quite aware of the vast importance, in a commercial sense, of the particular branch of industry affected by this measure, and he would be the last person to interfere unnecessarily with its profitable working. But the most indisputable evidence had been given that the remedies proposed by the Committee were of a practical character; upon the confession of the manufacturers themselves they could be introduced without the slightest obstruction to their business, and, at the same time, with the greatest possible benefit to the community at large. He was therefore desirous of seeing the Bill made as complete and effectual as possible for the carrying out of the objects for which it was framed.

Earl GREY concurred in most of the objections of the noble Earl who had just sat down. He did not think it a sound principle to surround a particular trade with certain fixed regulations. What was required was a general law providing some simple and adequate remedy for the evils arising from the present state of the law relating to nuisances. He had ventured to express an opinion to that effect in the Committee last year, and to move a Resolution, but the majority of the Members did not concur with the view he entertained. There were particular trades which inflicted great and preventible injuries upon the property of individuals, towards whom practically there was a denial of justice, owing to the complexity of the existing law, and in some cases owing to the very magnitude of the evil itself, which prevented the nuisance from being brought home to the works of any particular manufacturer. It was inconsistent with justice that the great losses entailed by the establishment of particular manufactures should fall upon individual proprietors; there ought to be some simple means by which, in a court of law, they could recover justice for injuries actually done. He did not object to the present Bill; but after the evidence given last year before the Select Committee Her Majesty's Government ought to have taken a more enlarged view of the subject, and have framed a simpler and more general measure.

Lord WODEHOUSE said, that he also had been a Member of the Select Committee of last year, but he must take the liberty of saying that he did not entirely agree with the remarks of the noble Earl who had spoken last. Although the law of nuisances was shown to be very defective, and it was proved that other processes besides those dealt with in the present measure inflicted injury largely upon private individuals, the Committee had not that evidence before them as to the extent of injury done or as to the adequacy of any suggested means of prevention that would have rendered it safe to propose general legislation on the subject. His noble Friend (Lord Stanley of Alderley) had therefore, he thought, exercised a wise discretion in confining to a single object the Bill he had introduced. At the same time, he must concur with the observations of the noble Earl opposite (the Earl of Derby) as to the amount of the penalties which the Bill contemplated. It would have a very injurious effect if, by the adoption of a scale of moderate penalties, constant litigation were engendered, instead of imposing a fine at once which would render it imperative on the manufacturer to make the necessary alterations in his works. He thought his noble Friend would do well to take these points into his consideration.

Lord STANLEY of ALDERLEY said, he thanked the noble Earl opposite (the Earl of Derby) for the support which he had given to the Bill, and that he would take into consideration the suggestions for its improvement which he had thrown out. As to the various questions that had been asked as to the intention of the present Bill, he thought it was clearly the duty of Inspectors to prosecute, and no doubt hereafter it might be necessary to consider the expediency of appointing sub-Inspectors. The amount of the penalties would probably require some revision; but the advantage of a penalty lay not so much in its amount as in the assistance which it would afford to private prosecutors in recovering damages for any damage they might have sustained, by showing that the manufacturer had neglected his duty. The general law of nuisances was, no doubt, susceptible of improvement; but so many and such various interests were involved, that if facilities had been proposed for the recovering of damages in every case, often on frivolous or vexatious grounds, a storm of opposition would have been excited which would have utterly prevented the attaining of that moderate amount of improvement which was to be looked for from the present measure.

Lord CHELMSFORD pointed out, that with regard to the proposed appeal, he did not see that any question of law could arise; it could only be an issue of fact.

Lord STANLEY of ALDERLEY said, there might be cases in which the parties affected might consider that the decision was not impartial, and it was desirable that they should have the opportunity of an appeal.

Motion *agreed to;* Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

COURTS OF THE CHURCH OF SCOTLAND BILL [H.L.]—(No. 65).

SECOND READING.

Lord BELLHAVEN, in moving the second reading of the Bill, said, that it was similar to the measure which was before their Lordships last Session, with the exception that one clause to which great exception had been taken had been omitted.

The Earl of DALHOUSIE said, that the abstraction of the clause to which his noble Friend had referred left him no ground on which to object to this Bill; but he could not avoid remarking that the first two clauses of the Bill would require careful consideration in Committee, for it appeared to him that they only conferred upon the Church Courts powers which they already enjoyed by right of the Church.

Motion *agreed to;* Bill read 2^a, and *committed* to a Committee of the Whole House *To-morrow.*

GREECE—THE CROWN OF GREECE—CESSION OF THE IONIAN ISLANDS.

QUESTION.

The Earl of MALMESBURY rose to inquire of Her Majesty's Government, What is the present state of the negotiations respecting the Crown of Greece and the cession of the Island and Fortress of Corfu to that country? The noble Earl said, he thought it was time that their Lordships should receive some information on the subject of the negotiations with respect to the Greek throne. The last time that the House received any information on the subject was about two months ago. On the first night of the Session the noble Earl at the head of the Foreign Office then recounted to their Lordships the history of those negotiations, so far as the point at which he thought it right, in the name of Her Majesty's Government, to refuse the election of Prince Alfred. Since that time their Lordships had had no official information of what had taken place; but it had been stated by rumour, and in the public prints, that two very important events had followed that transaction. It appeared that upon the most proper refusal of Her Majesty's Government to accept that election they, in connection with the other Powers who signed the agreement with respect to the Greek throne, invited first His Majesty the King of Portugal, and secondly the head of the House of Coburg to accept the throne, but that both these personages had refused. He would make but one observation with reference to what took place with regard to his Royal Highness Prince Alfred. If, as we had been told since in another place, the candidature of his Royal Highness was permitted to go as far as it did for political purposes, in order to thwart the rather unfair and unjustifiable claims of Russia, he did not think that that at all diminished the fault which the Government committed in acting most disrespectfully to a Prince of the Royal family by allowing him to stand for some time as apparently a real candidate for the throne of Greece, though in fact they were putting him forward as a sort of dummy or man of straw—an act which certainly was not respectful to the Crown. If they were justified in the commission of that act by the reasons which had been alleged in another place, they certainly were not justified in deceiving the Greek people, who, until their offer was refused, could not have imagined that their election would not have been accepted. For his own part, he thought that no political object could justify Her Majesty's Government either towards the Crown or people of this country, or towards the people of Greece, in adopting the line which they followed. He was not surprised that the crown of Greece should have been refused by the two Royal personages whom he had named as having had the offer made to them, because it must be evident to every one that the Greeks, in conducting their revolution as they had done, had depreciated themselves in the public opinion of Europe. Unlike those great model revolutionists, the French, they expelled their King without being prepared with any one to succeed him. That was in itself a great mistake; but they made a still greater one when they confessed to Europe that among themselves they could find no one who was competent to fill the throne. In France there had, during the first half of this century, been eight different revolutions of dynasties or governments, giving an average of one every six years; but on all these occasions the French had in their eye a man ready to replace the one whom they expelled; and it was almost an act of insanity on the part of the Greeks to proceed as far as they did without having prepared for the result in this manner. Their conduct in this respect must influence the mind of any man to whom the throne might hereafter be offered. The refusal of the head of the House of Coburg, following that of the King of Portugal, brought the narrative of affairs up to the Easter recess; and up to that time he was pretty sure his statement was accurate. What had occurred during the Easter recess, and since, he could not state with so much confidence. Whilst, however, we were taking our annual rest, it appeared that Her Majesty's Government and the noble Earl opposite were not idle. He would mention to their Lordships what he had heard, and would then ask the noble Earl opposite if the rumours which had been current upon the subject were true. According to those rumours, it appeared, that subsequent to the refusal of the Duke of Saxe-Coburg, the noble Earl, anxious that his labours should not be in vain, and convinced that it was his especial duty to find a successor to the Greek throne, continued to stand at the door of the Foreign Office with the *Almanach de Gotha* in his hand, determined to find in that well-known volume the name of some one who would accept the vacant Crown. It was said that the noble Earl, after some reflection and some study of that well-known book, thought proper to advise the second son of Prince Christian of Denmark to accept the Greek throne. This would astonish no one, because all that was known of that Prince was to his advantage, and no objection whatever could be made to his dynastic position. It was further said that the noble Earl, having decided upon this young Prince as the best occupant for the throne of Greece, before receiving the assent of his father, or of the Court of Denmark, or of the Danish Minister in London, advised and authorized the Greeks to proclaim Prince William of Denmark as their Sovereign. He did not say that these were facts, but they had been put forth as such, and he wanted to know whether they were facts or not? If they were facts, he could only express his astonishment at the courage with which the noble Earl had exposed himself, if not to a positive refusal on the part of the Danish Government, at least to the imposition of conditions which must lead to further complications, and place this country in a somewhat undignified position. It was said that Prince Christian had raised great difficulties to allowing his son to ascend the throne of Greece; and not unnaturally so. The question was of great importance to the whole of Europe, and to this country especially; for they must remember that in 1852 it was with the greatest difficulty that the noble Viscount now at the head of the Government succeeded in inducing the great Powers of Europe to consent to an arrangement for settling the succession to the throne of Denmark. He (the Earl of Malmesbury) signed the treaty, and knew the difficulties that arose; and he knew that if that question were now re-opened, it would be still more difficult to arrive at a satisfactory settlement. Prince Christian had three sons; the eldest was not yet married. The second, Prince William, if he ascended the Greek throne, would doubtless be required either to embrace the Greek religion or to allow his children to be educated in that faith; but by so doing they would forfeit their right of succession to the Danish throne. Therefore, upon the failure of issue of the eldest son, there would only be the third son of Prince Christian standing between the recurrence to the state of affairs in 1852, and that, no doubt, was one point which pressed itself upon the consideration of the Danish Government. It was therefore incumbent upon the noble Earl to go cautiously to work in this matter, and not again to place the Greek people in the painful position of having their Crown refused. His first question to the noble Earl was, whether, having proposed to Prince Christian that his son should ascend the Greek throne, he consulted the Danish Government; whether they approved the measure; and whether, previously to such consultation, and obtaining such consent, he did not advise and authorize the Greek people to elect Prince William as their King.

He also wished further to ask whether Her Majesty's Government still had the intention of ceding the Ionian Islands, and especially the fortress of Corfu, to the Greek Government, according to the conditions which they appeared to have laid down? He would not argue the cession of Corfu from an English point of view, although no one could be more opposed to it than himself; but he contended that in the interests of the Greeks it was the very worst thing that could be done for them. The internal condition of Greece at present was very unfortunate; the land was uncultivated, no native industry appeared to thrive, commerce was decreasing every day, and, in fact, no country could be in a much worse condition. The only chance of improvement lay in Greece being a neutral State, peaceful not only in intention, but even in appearance, without army or navy to excite fears or jealousies. If she assumed that shape, she would obtain what she most needed for her future development, money; and money certainly would not be advanced to provide ships and soldiers. But if the fortress of Corfu was bestowed upon her, she would assume at once the character of a military Power, as she would have to keep a considerable garrison there in time of peace and a large one in time of war. He therefore wished, in the interest of the Greeks themselves, to ask whether the Government wished to confer this dangerous gift upon the Greek people?

Earl RUSSELL said, he did not find fault with the noble Earl for asking his Questions, but must be excused from giving any answers at present upon some points which had been touched upon. There were some matters which were still under discussion, and which might be settled within a short time, as to which he must at present abstain from making any remarks. The noble Earl had referred to the condition of Greece, and had blamed Her Majesty's Government for having, as he assumed, made Prince Alfred a candidate for the Greek throne. What had really happened was this. The people of Greece declared that they would no longer continue under the Government of King Otho, and that the Bavarian dynasty should be excluded from the throne. They found fault with the Government of King Otho, and they acted as this country had acted about two centuries since. With that determination her Majesty's Government had nothing to do. They had frequently told King Otho that the manner in which he was governing Greece would probably lead to a catastrophe, and they had pointed out the same to the Court of Bavaria, and had recommended that some member of the family, possessed of the requisite influence, should be sent to Athens to warn the King of the dangers likely to arise from the prevailing discontent. That advice was not followed, and King Otho was expelled from his throne. The people of Greece had been very much blamed by the noble Earl for not having shown the same wisdom that the French had exhibited in their revolutions. He (Earl Russell) remembered, however, that in 1848 the French people deposed a King, for what fault it was difficult to point out, and declared a Republic. But what had the Greeks done? They expressed, in the first place, their gratitude to the three protecting Powers; and, in the next place, they declared their determination to have a constitutional monarchy, and to preserve peace with all surrounding countries. Surely there was no want of wisdom in that course, supposing that they were right in excluding King Otho. Their next step was to elect an English Prince as their future Sovereign. His Royal Highness Prince Alfred became the choice of the Greek nation. The Russian Government then maintained that the Protocol of 1830 was in force Her Majesty's Government said, "Why should we not all three declare that neither Prince Alfred nor the Duke of Leuchtenberg, nor any member of the reigning family of France, can be elected to the throne of Greece?" For various reasons the Russian Government declined that proposition. Certainly it was not for Her Majesty's Government, who had no candidate, and who had not proposed Prince Alfred, to interfere in the election. They left the Greeks to take their own course; and the election of Prince Alfred served as a point of union among the Greeks, which preserved them from anarchy and disorder. It was a great benefit to them to have a Prince as to whose election they were unanimous. When the proper time came, Her Majesty's Government, in conjunction with the other protecting Powers, declared that the Protocol was in force, and that Prince Alfred could not accept the Crown of Greece. With that decision, at least, the noble Earl (the Earl of Malmesbury) did not find fault, though he seemed to find fault with the tranquillity and good order that prevailed among the Greek people. What was the next step? Her Majesty's Ministers, having been compelled to reject the wishes of the Greek people, felt themselves bound in some degree, in order to prevent possible evils, in consultation with the other protecting Powers, to endeavour to obtain for the Greeks a Prince attached to constitutional government; for it was a benefit both for Greece and Europe that the Greeks should maintain their principle in favour of a constitutional monarchy, and of the preservation of peace with neighbouring States That object being advantageous both to Greece and Europe, Her Majesty's Government could hardly be wrong in endeavouring to satisfy the wish of the Greeks, and to find a Prince whom they might accept.

Earl Russell

As the noble Earl had rightly supposed, there was some difficulty in effecting this object. In more than one instance Her Majesty's Government were unsuccessful in their efforts to find a Prince willing to ascend the Greek throne. In the mean while Her Majesty's Envoy, specially sent to Greece in reference to this matter, declared there was danger every day lest disorder should break out in some part of the country. There was one party in particular, with exalted notions, gaining an ascendancy, and there was a risk that that party might declare against a constitutional monarchy and against the policy of preserving peace with the neighbouring countries. He believed that the Powers of Europe, generally, would have been sorry to see that result. He did not think it was a matter of indifference to this country whether the Greek revolution should terminate fortunately for the Greek people in giving them a free Government, or unfortunately in becoming a source of trouble to this country, Turkey, and other States. When it was suggested that Prince William, the second son of Prince Christian of Denmark, might accept the Crown of Greece, he (Earl Russell) directed the British Minister at Copenhagen to ask whether the King of Denmark would give his sanction to the arrangement; and he was told, that if Prince Christian and his son had no objection, the King of Denmark would not oppose the election. He then communicated with the Greek Government; but what the particular communications were he could not now state, because the negotiations were not yet at an end. However, as soon as they should be concluded, all the correspondence would be produced, and their Lordships would then be able to judge whether he had done anything undignified on the part of the Government, or anything unbecoming a Minister of a free country, anxious for the welfare of Greece and the preservation of peace. The Government of Greece, on being told that the King of Denmark would not oppose any objection if Prince Christian and his son chose to accept the offer of the throne of Greece, communicated that intelligence to the Assembly; and then all the Members of the Assembly, to the surprise, he believed, of the Greek Government, stood up and by acclamation unanimously declared Prince William of Denmark King. That, at all events, confirmed the opinion of the noble Earl, that the nomination of Prince William was not a bad one. With regard to the terms on which Prince Christian and his son might accept the offer of the throne of Greece, those were matters to be settled between them and the deputation representing the National Assembly of Greece, and also the three protecting Powers who signed the Treaty of 1832, and who had guaranteed the independence of Greece; and he did hope that the result of the negotiations would be that the Greeks would be rewarded for all their excellent conduct for many months past, and for having, during the whole of that time, acted in a spirit of constitutionalism. He entirely agreed with the noble Earl in thinking that it was not the interest of Greece to maintain a large army, with the view of taking a great part in the affairs of Europe. He believed her happiness would depend on abstaining from any acts of aggression, and that the sentiment now prevalent among Greeks was that by improving their laws, their agriculture, and by mending their financial system, they might obtain a degree of prosperity not otherwise to be hoped for. He had only to add that the choice of Prince William of Denmark was cordially supported by the Emperor of the French, and would, he had no doubt, receive the assent of all the protecting Powers.

The noble Earl had referred to the Ionian Islands; and though, no doubt, the noble Earl was well informed on that subject, he spoke very much like a person not so well informed. The noble Earl spoke of Corfu as if it were one of Her Majesty's colonial possessions, which the Ministers were about to make a cession of, together with the strong fortress. Now, the noble Earl knows very well, that in 1815 the Powers of Europe, in constituting the Republic of the Ionian Islands, declared it to be a free republic, to be governed by a Constitution, of which republic the King of Great Britain should be the protecting Power. Therefore, the Ionian Islands were in no sense a possession belonging to Her Majesty, nor was it intended by the Powers that they should be. He had always understood, from those acquainted with the diplomacy of the time, that the circumstance of those Islands being placed under the protectorate of Great Britain arose somewhat in the following way. It was proposed, as a thing that would not be disagreeable to Austria, that Austria should have the Ionian Islands; but Count Capo d'Istria, who had great influence with the Emperor of Russia, said, "I wish to see these Greek islands have a Greek nationality and speak the Greek language; and as Great Britain is a free country, I wish them to be under her protection, because Great Britain can foster and maintain free institutions, which the Government of Austria would not." Great Britain, therefore, undertook the charge and trust of those islands. He used the word "trust," because, if Great Britain said, "We will convert these islands into a colony of our own," she would not have performed the duty which had been confided to her to discharge. Well, in course of time a revolution took place in Greece, and three of the great Powers combined to make Greece an independent kingdom. From that time there had been agitation in the Ionian Islands, and a party, at all events, had said, "Now, that there is a Greek kingdom, why should not our Islands be united to that kingdom?" It would not be becoming the British Government, provided the Ionian people wished to be united to Greece, to thwart that wish, and force them to remain under our protectorate. What Her Majesty's Government, therefore, proposed was to ask the Ionian Islands formally, whether they wished to be united to Greece; and if they formally declared they wished it, and the Greek kingdom having been settled, then to call together the representatives of those Powers who made the treaty which gave the protectorate to Great Britain, and ask them to frame a new treaty by which the Ionian Islands should be allowed to form a part of Greece. Of course, if the islands were united to Greece, the fortress of Corfu, being part of those islands, would not be retained for the sole purpose of having the fortress in the hands of England. If this country proposed to keep Corfu, the Court of Greece and the people of the Ionian Islands would protest against it. If the people of the islands were united to Greece, it would be for them to decide whether the fortress of Corfu should be maintained. He thought their best plan would be to destroy the fortifications, and to devote themselves to maritime and commercial pursuits; and in that case the Ionian Islands would be a valuable acquisition to the Greek kingdom. He must say he felt, if Her Majesty's Government, in the recommendations they had made, should have contributed to the peace, happiness, and freedom of Greece—if the people, with their great talents, should take occasion to develop those talents—if their maritime and commercial pursuits were so successful as to make them rich and prosperous, Her

Majesty's Government would have reason to rejoice that, through their instrumentality in some respect at least, there was another free and happy nation in the world emulating the example and admiring the institutions of this country.

The Earl of DERBY: My Lords, the noble Earl (Earl Russell) has certainly entered into the discussion of the points to which my noble Friend referred; but he has, with considerable ingenuity, avoided giving any answer to the Question that my noble Friend put to him, which affected the position of the noble Earl himself—namely, with regard to the manner in which he has performed his duties. The noble Earl argued as if my noble Friend had complained that Her Majesty's Government, after refusing to allow Prince Alfred to accept the throne of Greece—a course in which my noble Friend said, and I entirely agree, that the Government were perfectly justified—he argued as if my noble Friend had blamed the Government for having afterwards endeavoured to find some Prince among the reigning Houses of Europe to accept the throne, who might meet with the sanction, and answer the requirements, of the Greek people. Nothing was further from the purpose of my noble Friend. He did not say that the Government were liable to any objection on that head. What my noble Friend did say—and justly, I believe—was that, from first to last, Her Majesty's Government had played fast and loose with the people of Greece, and had led them to entertain expectations of that upon which it was afterwards found impossible to act. I will not enter into the motives of Her Majesty's Government in hesitating so long before they announced that the candidature of Prince Alfred was out of the question; but I believe certainly that Her Majesty's Government had made up their minds upon the subject at a very early period, and they may think that they gained a political object by playing off Prince Alfred's candidature against that of the Duke of Leuchtenberg. But I must say that I was astonished to hear the Secretary of State for Foreign Affairs declare that in keeping the Greeks in a state of uncertainty as to their future position, and that upon a question of vital importance, he conferred great advantage upon them. The noble Earl said that this long period of uncertainty had been of great advantage to the Greek people, by giving them the means of being united upon one subject, and that that kept them from dangers which they might otherwise have fallen into. Is the noble Earl really of the opinion, that in the throes of a revolution and in the utmost uncertainty as to the future, it is for the benefit of that country that that uncertainty should be prolonged as long as possible; and that a country which was friendly should hold out—or, at all events, should not discourage—expectations that it was known would lead to disappointment; and that a friendly Government pursued a course which was consistent with the duty they owed to the Greek people when they allowed them to pursue an *ignis fatuus*, which could only lead them into error and might lead them hopelessly astray? If the noble Earl thinks that that evinces friendship towards a country in great difficulty, I can only say he has most extraordinary notions of the duty of a British Secretary of State. My noble Friend (the Earl of Malmesbury) did not complain that Her Majesty's Government asked, first the King of Portugal, the Duke of Coburg, and afterwards Prince William to offer themselves for the election of the Greek people; on the contrary, it might be a true act of genuine friendship to try to find the Greeks a king rather than to keep them in uncertainty for weeks; but my noble Friend did object to this—that, according to common report, the noble Earl, on more than one occasion, repeated the error into which, I think, he fell, though he seems to think it a masterstroke of policy, in tampering with the feelings of the people of Greece and in leading them to be over-sanguine as to the acceptance of the throne by the Princes whom he recommended. Now, with regard to the candidature of Prince William of Denmark, I believe that he is a Prince very estimable in his private personal character, and that his acceptance of the throne would be an advantage to Greece. But there is this question not lightly to be passed over—whether it would be equally advantageous to Denmark and to England itself—would it be of service in avoiding complications in European affairs—that one of the three heirs of Denmark, the succession to which throne had been settled not without infinite trouble, should accept another throne, which might preclude him from succeeding to the throne of Denmark in the event of his elder brother dying without issue. With every respect for the Prince himself and for the family to which he belongs, I must say that placing upon the throne of Greece, under present circumstances, a young man of eighteen, surrounded by perfect strangers, and by those who have their own objects to serve, is an experiment of no inconsiderable risk. If that illustrious Prince decides to accept the throne of Greece, I believe that it will be accepted by one who, except with regard to his youth, will be likely to fulfil the wishes entertained and to carry on the government in the spirit of constitutional liberty. My noble Friend asked whether, with regard to Prince William, the noble Earl repeated his mistake on former occasions in leading the Greek people to believe that by the influence and advice of England a sovereign had been found, when, in point of fact, the negotiations had not arrived at such a period as to authorize him to make that declaration to the Greeks. The question is, whether he instructed Mr. Elliot to advise the people to accept the candidature of Prince William, and whether when he gave those instructions to Mr. Elliot and that advice, he had previously ascertained, beyond possibility of doubt, that the King of Denmark himself, and Prince Christian on the part of his son, would consent to accept the throne? That is the plain and simple question put by my noble Friend. I do not ask what the precise state of the negotiations is at this time. It is not the duty of Parliament to make that inquiry, but it is our right to inquire under what circumstances the noble Earl the Secretary for Foreign Affairs advised the people of Greece that the crown of Greece should be offered to the Prince of Denmark. Yet that was the question which the noble Earl had studiously avoided answering. My noble Friend asked whether it is still the intention of Her Majesty's Government to act upon the plan they have announced, of surrendering the Ionian Islands under certain circumstances to Greece. I do not know what ground the noble Earl has for supposing that my noble Friend is not perfectly aware that these islands are not colonies or possessions of this country. My noble Friend is perfectly aware that they were placed under the protectorate of this country, not for the benefit of the people themselves merely, but also in the common interest of Europe. It is idle, moreover, to say that because the Ionian Islands are formed into an independent republic, under the protectorate of England, that this country has no influence or interest in the matter. Is it of no importance to England, in a military or naval point of view, whether the Ionian Islands belong to us or to some other Power? I will not enter upon a general discussion as to the propriety or expediency of the surrender or cession of the whole or any of these Islands, but the noble Earl must be aware that such surrender or cession cannot be made without the consent of the other Powers. [Earl RUSSELL: That is what I said.] But what reason has the noble Earl for supposing that the Powers of Europe have altered their minds, and have come to the conclusion that it is desirable that the Protectorate of England should cease, and that the Ionian Islands should be handed over to the infant kingdom of Greece? I believe that, in reply to a question in another place, the noble Viscount at the head of the Government stated that there has been no communication with Austria on this subject. Considering the interest which Austria has in this question it argues no great amount of statesmanship or prudence to give up the Protectorate or to declare an intention to apply for the sanction to do so from the other Powers, unless Her Majesty's Government had ascertained that they were not likely to meet with an insuperable difficulty. The statement was no doubt literally and technically correct that no correspondence has taken place with the Government of Austria; yet the noble Viscount's answer caused some surprise, and an hon. and learned Member (Mr. Roebuck) said he had listened to it with considerable astonishment, because he was at Vienna at the time, and had seen the despatch addressed by the Austrian Minister of Foreign Affairs to the Austrian Minister in this country. The noble Earl (Earl Russell) will not deny that there was such a despatch, and it was admitted by the noble Viscount in another place, in what he might call cross-examination, that there was such a despatch, but that it was not a "correspondence," because, although the despatch was read to the Secretary of State for Foreign Affairs, it was not left with him. However, by the confession of the Government it is now clear that there was a despatch communicated by the Austrian Government, through the Austrian Ambassador, conveying the disapprobation with which Austria would view the cession of the Protectorate of the Ionian Islands. I confess I have the gravest doubts as to the policy of this cession, and I doubt whether, apart from English interests, it will be for the benefit of freedom, and whether it will further that constitutional system of Government contended for by the noble Earl. I am afraid this act will rather introduce an element of great turbulence and danger into the kingdom of Greece, threatening great complications, and favourable to aggressions on the neighbouring Powers. I see no impossibility in the separation of Corfu from the other islands. There is a great and manifest difference between these islands, because Corfu is a fortress of no inconsiderable strength, which we hold by the general consent of Europe, and it is not unimportant that England should continue to hold that fortress and harbour. Corfu, moreover, is in no sense connected with Greece. Two-thirds of the inhabitants are not of Greek, but Venetian origin. The nearest point of Corfu is seventy miles from Greece; but this excitable population are within one mile from the coast of Thessaly, which belongs to the very Power the Ionian Islands are most desirous of invading and attacking. These considerations ought to be borne in mind, because, when the Government proposes to reconstitute the kingdom of Greece, it is most important that the people of that country should be encouraged to adapt themselves to peaceable pursuits, to increase and develop their resources, and to raise themselves from the deplorable position in which they are now sunk, to that of a small but respectable kingdom. I cannot help thinking that Her Majesty's Government have acted with lightness and rashness in their dealings with the Greek people, both on the subject of the election of their Sovereign and the premature announcement of their intention to surrender the Protectorate of the Ionian Islands without first communicating with the other Powers who are parties to the Treaty of Vienna. I cannot say that, in my opinion, the noble Earl has either on one point or the other satisfactorily answered the questions of my noble Friend.

EARL GRANVILLE said, he entirely differed from the noble Earl in thinking that the answer given by his noble Friend the Foreign Secretary to the noble Earl opposite (the Earl of Malmesbury) was unsatisfactory on both points to which he had referred. The noble Earl (the Earl of Derby) charged his noble Friend with having lured on the Greeks with the hope that Prince Alfred would accept the throne. Now, he denied that his noble Friend had given any encouragement to the Greeks to suppose that there was any chance of Prince Alfred's accepting the throne of Greece. With regard to the announcements which had been made to the Greeks from time to time, it would really appear from the tone of noble Lords opposite as if the whole thing ought to have been settled and the arrangements perfectly "cut and dried," without any sort of negotiation either with Princes who might be candidates for the vacant throne, or with the Greeks themselves. It was impossible not to make communications to the Greeks, to keep them informed to a certain extent of the progress of events, and with a view of ascertaining whether a Prince likely, in the opinion of the European Governments, to be a useful ruler, such as the Duke of Saxe-Coburg, would be acceptable to them. At one time negotiations with the Duke assumed a favourable form; and no doubt, if it had not been for the very strong feeling exhibited by his own people and his own Chambers, the result might have been different. The noble Earl opposite objected to the candidature of the young Prince of Denmark on the ground that under possible circumstances there would be no Prince capable of succeeding to the Danish throne. Considering that there were in existence three heirs male, all young men, he thought that an objection of a very trivial character. The noble Earl (the Earl of Malmesbury) said that the French never revolted without having some one ready to put on the throne.

THE EARL OF MALMESBURY: I did not say to put on the throne; I said without some Frenchman to put at their head.

EARL GRANVILLE said, he did not remember the name of the particular Frenchman towards whom the eyes of the French nation turned at the epoch of the Great Revolution, though after many years a man of surprising genius succeeded in rendering himself conspicuous. In 1848, if the views of the majority of intelligent Frenchmen had been collected, the last idea which would have presented itself to them would have been the accession of the present Emperor. The noble Earl asked whether our Minister at Athens had not been instructed to inform the Greeks of the candidature of the Prince of Denmark before any intimation was received from the Court of Denmark that such a choice would be unobjectionable. To that question he would give the answer which had been given by the noble Earl—that he did not make any such communication till he had received the necessary information from the Court of Denmark.

THE EARL OF MALMESBURY: Did he receive the consent of the King of Denmark?

EARL GRANVILLE: He received information that the King of Denmark had no objection to the candidature.

THE EARL OF MALMESBURY: Previous to any communication made to the Greeks?

EARL GRANVILLE: Previous to his intimation to the Greeks through Mr. Elliot.

LORD CHELMSFORD: That is a direct answer.

EARL GRANVILLE said, it was direct, and, he hoped, satisfactory to the noble Lords opposite. With regard to the Ionian Islands, he was surprised at the criticism which the course taken by Her Majesty's Government had excited. To him it appeared the most obvious course possible. And as to the distinction which had been drawn between giving up the Islands and giving up the fortress of Corfu, did his noble Friends opposite really believe that the great Powers of Europe would have sanctioned any arrangement by which Islands which did not belong to them would be given up, while they retained permanently for their own purposes the island and fortress of Corfu? He felt sure that to such a proposal all the great European Powers would seriously and indignantly have objected. Notwithstanding what had been said about the facility of conducting the arrangements between the Prince of Denmark and his future subjects, he thought Her Majesty's Government, in leaving the details to be arranged by the parties themselves, had taken the most friendly, most prudent, and dignified course. He could not help thinking that the feeling which had been shown towards Her Majesty's Government by the Greeks throughout these negotiations, as well as the marks of personal respect exhibited towards Her Majesty's family, proved that the attitude of the Government was not for one moment mistaken in the peninsula. On the other hand, both Greeks and Ionians were sure to feel very acutely the tone of disparagement which had been adopted by the only two noble Lords who had spoken on the opposite side of the House. He joined most sincerely in the wish, which had been expressed by his noble Friend, that Her Majesty's Government might ultimately have the credit of establishing the permanent prosperity of a country which had shown, since its most peaceful revolution, unstained by crime, great moderation and great prudence in all its political relations.

THE EARL OF MALMESBURY said, he did not desire to call for any detailed account of negotiations which, in the present state of affairs, the noble Earl thought he could not produce with due regard to the public service. He understood, from the reply of the noble Earl who had just sat down, that communications were not made by the noble Earl the Secretary of State for Foreign Affairs to the Greek Government regarding the candidature of the Prince of Denmark until he had ascertained that the King of Denmark had no objection to such a proceeding.

EARL RUSSELL: I think what I stated was, that the King of Denmark consented; and that if Prince Christian and his son should consent, we had no objection.

METROPOLITAN RAILWAY COMMUNICATION.

QUESTION. SELECT COMMITTEE APPOINTED.

LORD STRATHEDEN rose to inquire of Her Majesty's Government, What course is proposed to be taken with regard to the Ludgate Station and Junction Railways Bill?

EARL GRANVILLE said, that this was a matter to be dealt with not by the Government, but by the House. What he should suggest was, that all the Bills upon which Colonel Yolland had reported should be referred to the Select Committee which he had given notice to move; which should examine, not into the merits or demerits of any particular scheme or schemes, but should inquire, with the assistance of the Board of Trade, whether any particular plan would or would not affect or interfere with a comprehensive system of railway communication in the metropolis. It might be desirable subsequently to refer certain technical points to a Commission composed of professional persons; but he had no doubt that the Report of a Committee of their Lordships' House would be of great value, as settling the general principles which should regulate legislation on this subject. The noble Earl then *moved*, That a Select Committee be appointed,

"To inquire whether any, and, if any, which of the Schemes now before Parliament for the Construction of Lines of Railway within the Limits of the Metropolis, can be proceeded with in the present Session without the Risk of interfering with the future Adoption of a comprehensive Plan of Metropolitan Railway Communication; and to consider what Provision can be made for the securing such a comprehensive System, with the greatest Advantage to the Public, and the least Inconvenience to the local Arrangements of the Metropolis.

LORD REDESDALE said, that the terms of the inquiry, as proposed by the noble Earl, would lead to a much longer investigation than he anticipated. Was the noble Earl prepared to say that all the Bills he indicated were to be referred to a Select Committee, and that a hearing was to be given to the promoters? If so, he (Lord Redesdale) thought that the inquiry would run to a great length, and in the end would not be very satisfactory. In reference to the latter part of the noble Earl's proposition, he (Lord Redesdale) submitted that they wanted no investigation of the character referred to. He recommended the noble Earl not to refer those railway schemes in question to such a Committee, but to propose that the Committee should inquire generally into the subject of metropolitan railway communication.

THE EARL OF DERBY concurred in opinion with the noble Lord the Chairman of Committees in thinking that this inquiry would not turn out so simple and easy a one as the noble Earl seemed to imagine. He (the Earl of Derby), under existing circumstances, ventured to request the removal of his name from the Members of the Committee proposed, inasmuch as he was not at all prepared to enter into such a lengthened examination as the inquiry moved by the noble Earl would necessarily involve. The appointment of a Committee upon the subject would take the wind out of the sails of a Commission, and therefore render the proceedings of the latter wholly unnecessary. He thought that the object sought for could be much better obtained by the appointment of a Commission in the first instance. Looking at the present state of the House, it would be idle to enter into a further discussion on the matter. He would therefore leave the noble Earl to get out of the difficulty the best way he could.

Motion *agreed to;* Select Committee appointed; and the Lords following were named of the Committee:—

Ld. President.
D. Buckingham and Chandos.
E. Devon.
E. Shaftesbury.
E. Cowper.
E. Carnarvon.
E. Grey.
Earl Granville
E. Lonsdale.
E. Stradbroke.
V. Eversley.
L. Wodehouse.
L. Redesdale.
L. Colchester.
L. Somerhill.
L. Stanley of Alderley.
L. Belper.
L. Lyveden.
L. Taunton.

The following Bills *referred* for the Consideration of the Committee:—

Midland Railway (Extension to London) Bill; Barnes, Hammersmith, and Kensington Railway Bill [H.L.]; East London and Rotherhithe Railway Bill [H.L.]; Grand Surrey and Commercial Docks Railways Bill [H.L.]; Hammersmith and City Railway Bill [H.L.]; Metropolitan, Tottenham, and Hampstead Railway Bill [H.L.]; Rotherhithe Railway Bill [H.L.]; Victoria Station and Pimlico Railway Bill [H.L.]; Tottenham and Hampstead Junction Railway Bill [H.L.]; London, Chatham, and Dover Railway (No. 1.) Bill [H.L.]; London Railway (Victoria Section) Bill [H.L.]; Ludgate Station and Junction Railways Bill [H.L.]; London, Brighton, and South Coast Railway (Extensions and Alterations, &c.) Bill.

DOCKYARDS PROTECTION ACT AMENDMENT BILL [H.L.]

A Bill to authorize further Harbour Regulations for the Protection of Her Majesty's Ships, Dockyards, and Naval Stations—Was *presented* by The Duke of SOMERSET, and read 1ª. (No. 66).

House adjourned at Eight o'clock,
till To-morrow, half past
Ten o'clock.

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HOUSE OF COMMONS,

Thursday April 16, 1863.

MINUTES.]—SELECT COMMITTEE—Thames Conservancy, &c., *nominated* (*List of Committee*).

WAYS AND MEANS—*considered* in Committee.

PUBLIC BILLS — *Second Reading* — Assurances Registration (Ireland) [Bill 46], *Debate adjourned;* Thames Embankment (South Side) [Bill 65], and *committed* to Select Committee; Bakehouses Regulation [Bill 54]; Jurors' Remuneration [Bill 36].

Committee—Office of Secretary at War Abolition [Bill 72].

Report—Office of Secretary at War Abolition [Bill 72].

Considered as amended—Oaths Relief in Criminal Proceedings (Scotland) [Bill 74].

Third Reading—Local Government Act (1858) Amendment [Bill 77], and *passed*.

LONDON AND SOUTH WESTERN RAILWAY BILL.—CONSIDERATION.

Order for Consideration read.

MR. REMINGTON MILLS opposed the Bill, on the ground that the Company had broken faith with the public. He specially instanced the case of the parish in which he lived—Egham, where the Company had promised to erect a telegraph. They had erected the wires, but had never put the telegraph in working order. There were other matters on which the Company had broken faith, and he moved that the consideration of the Bill be postponed for a month.

Mr. C. FORSTER suggested, that as the Bill was opposed, the debate should be adjourned till to-morrow.

Consideration *deferred* till *To-morrow.*

ACCOUNT OF THE PUBLIC INCOME AND EXPENDITURE.

QUESTION.

Mr. THOMSON HANKEY said, he would beg to ask Mr. Chancellor of the Exchequer, Whether it would be possible, without public inconvenience, to give an account of the Income and Expenditure of the Country from a similar date, and as a Supplementary Account to the Return of the National Debt from the year 1691, and which was presented to the House on the 11th of May, 1857?

The CHANCELLOR of the EXCHEQUER said, that in answer to his hon. Friend, he would venture to state, that it would be practicable to give an account of the income and expenditure of the country from the date, or from about the date, to which his hon. Friend referred. But that account had to be collected out of a great variety of documents; and although the Return, when made, would be of considerable interest and such as would amply justify the labour expended in preparing it, yet that labour must be of a very serious character, and must occupy considerable time. He thought, however, that the document would be one of considerable interest and of great historical value when it should have been completed.

MASTERS IN THE ROYAL NAVY.

QUESTION.

The LORD MAYOR (Mr. Alderman Rose) said, he wished to ask the Secretary to the Admiralty, If he will lay upon the table of the House the Evidence of the Admiralty Committee on Masters, Royal Navy?

Lord CLARENCE PAGET replied, that the Committee which sat on the subject of the Masters of the Royal Navy was a mere departmental Committee, and that it was not usual and would be very inconvenient that he should lay upon the table their Report. But he could state that an Order in Council was about to be issued which he trusted would be satisfactory to that distinguished body of officers.

THE NEW DOCK AT MALTA.

QUESTION.

Captain TALBOT said, he rose to ask the Secretary to the Admiralty, If he will lay upon the table of the House the Plans and Estimate for the new dock at Malta, with the opinions expressed by Vice Admiral Sir W. Martin and Rear Admiral Codrington, as to the advantage or disadvantage of the site selected; and any other official Correspondence bearing on the subject, including all plans of a proposed dock in the French Creek, forwarded to the Admiralty by Admiral Codrington?

Lord CLARENCE PAGET replied, that the Estimate for the cost of the dock at Malta was already on the table of the House. The Plans were in preparation; and when ready, he would be very happy to lay them also on the table. For the same reasons, however, as expressed in his former answer, he thought he ought not to lay on the table of the House the opinions of the gallant Admirals, and the official correspondence which had taken place on this subject between the Admiralty and its own subordinate officers.

ALLEGED EMPLOYMENT OF SPIES AT LIVERPOOL.—QUESTION.

Lord ROBERT CECIL said, he would beg to ask the Secretary of State for the Home Department the question of which he had given him notice privately, Whether there is any truth in the report that, upon his authority, spies have been employed in Liverpool to attend on the persons of those who are supposed to be Confederate agents, and also to watch the private dockyards of the country for the purpose of ascertaining whether any material can be collected for the Federal Ambassador. He also desired to know whether, as reported, these measures have been taken in opposition to the wishes of the Mayor and the Watch Committee of Liverpool; and, if so, whether they have been taken under the authority of any Act of Parliament. Finally, perhaps, the right hon. Gentleman will state out of what fund he proposes to pay the expense of these proceedings?

SIR GEORGE GREY: Sir, I have no hesitation in stating, in reply to the noble Lord, that no spies have been employed by the authority of the Government in Liverpool. The facts may be briefly stated. Not long ago I received an official letter from the Secretary of State for Foreign Affairs, transmitting a copy of one which had been addressed to him by the Minister of the United States in this country, who alleged that certain vessels, which were named, were being fitted out and equipped at Liverpool in violation of the provisions of the Foreign Enlistment Act. My noble Friend (Earl Russell) requested that I should cause immediate inquiry to be made into the truth of these allegations. I accordingly forwarded a copy of the letter to the Mayor of Liverpool, and also copies of one or two similiar communications which I received susequently from the Foreign Office, and requested him to cause immediate inquiry to be made whether the vessels so named were, in the words of the Statute, being "equipped, furnished, fitted out, or armed" in violation of the provisions of the Foreign Enlistment Act, and with a view to be employed in the service of the so-called Confederate States against the Government of the Federal States. I did not suggest the mode in which the inquiry should be conducted, as it is not the practice of the Home Office to dictate to the local authorities of any place by whom an investigation is to be made which devolves on them in fulfilment of their legal obligations. The Mayor informed me that he had placed the matter in the hands of the head constable, and that the head constable had instructed certain members of the detective police to make inquiry into the alleged violation of the law. I really do not know why the detective police should not be employed for that purpose, as they are in endeavouring to detect other alleged violations of the law. No information which I have received leads me to suppose that, as mentioned by the noble Lord, bribery has been resorted to by the officers of police in Liverpool to obtain intelligence; nor has the Mayor, in his different communications to me, intimated that there was any difference of opinion between himself and the Watch Committee as to the mode in which the inquiry should be carried out.

Lord Robert Cecil

THE BUDGET—FINANCIAL STATEMENT.
WAYS AND MEANS.

WAYS AND MEANS *considered* in Committee.

(In the Committee.)

THE CHANCELLOR OF THE EXCHEQUER: Sir, the causes which have during recent years attracted an unusual degree of interest to the annual financial statement are not of such a nature that any well-advised lover of his country should desire their operation to be permanent. They may be summed up in the following words:—The few years which have last passed have been years of unusual pressure upon the resources of the country, and have been, as times of unusual pressure must be, years likewise of unusual anxiety. During the course of the last Session of Parliament that anxiety found its natural and most legitimate method of expression in a Resolution of the House of Commons. In the Resolution to which I refer, Her Majesty's Government found it declared by the House, the proper organ of the sense of the country, especially upon such a subject, that while it was the desire of the House that—I am not now quoting the words, but referring to the spirit of the Resolution—that ample provision should be made for the honour and security of the country, and for the efficiency of the public service, it was likewise the fixed opinion of the House that the burden of taxation was inconvenient, and that efforts ought to be made in that respect by the executive Government to afford relief to the people. Therefore, Sir, the statement which I have now to submit is not merely a statement of the annual account and estimate of Receipt and Expenditure for the past and coming years respectively, but it is likewise, I will presume to say, the answer of the Government to a formal, a deliberate, and, I believe I may add, a unanimous Resolution of the House of Commons.

And, Sir, it is well the people should understand—what, at the time I refer to, Her Majesty's Government, by the mouth of my noble Friend the First Lord of the Treasury, fully acknowledged—that that Resolution was not premature, but, on the contrary, was well founded, and was fully justified by the circumstances of the case. It is well they should understand how rapid, how peculiar, I will venture to say, how exceptional had been, up to a certain epoch, the growth of the public expenditure, and how much it was to be desired—indeed, how needful it had become, in the interests of the nation, that the subject should attract a particular attention. I will advert first to the expenditure of the financial year 1859, the first year subsequent to the Russian war, the accounts of which were not extensively affected by war charges. The expenditure of that year very considerably exceeded the scale of our expenditure before the war; it amounted to £64,664,000: but in the very next year, 1859-60, the expenditure increased to £69,502,000, showing an augmentation of £4,838,000. In the year 1860-1 the amount again rose, and came to £72,842,000, showing an augmentation within two years of no less than £8,178,000. I will refer to the average of the four years from 1859 to 1863, and I take these four years because they are the years to which the general description of large disbursements peculiarly apply. The average charge of these years was £71,195,000 if we include the amount laid out in fortifications, and £70,678,000 if that item be excluded. This increase upon the aggregate public charge is in reality even larger, because it occurred at a time when we had enjoyed a peculiar relief amounting to more than two millions of money from the charge of the National Debt, owing to the lapse of the Long Annuities.

It may perhaps be useful, in bringing this statement and the condition of things which it is intended to illustrate more clearly and fully to the mind of the Committee, if, instead of simply comparing the aggregate expenditure of the country at two periods, I now compare that portion of the expenditure which may be said to be matter of choice on the part of the Legislature; for, Sir, it is plain that a large portion of the public charge does not lie practically in the main within the discretion of Parliament from year to year. We have no option at all as to providing the monies necessary for the payment of the dividends on the National Debt. We allow ourselves but little more liberty with respect to the sums applicable to the discharge of such other public engagements as are placed upon the Consolidated Fund. A third important item of our expenditure—namely, the charge which we incur in the collection of the revenue—has been regulated by its own fixed and ordinary rules, and has not partaken of the remarkable upward movement to which I have referred. The second of these three items, although nearly invariable, it will be convenient to include in the account I am about to present, but the first and the third will be excluded. With these preliminary explanations, I proceed to state briefly to the Committee what, during the period I am now considering, was the growth of that part of our expenditure which may be termed practically optional as to its particular amount; that is to say, of our expenditure after excluding the entire charge of the debt, and a sum of between four and five millions for the collection of the revenue. In other words, we thus arrive at the basis for a comparison of expenditure, so far as it depends upon the state of opinion here and out of doors, and likewise upon our annual Votes.

This portion of the public charge amounted in 1858-9 to £31,621,000; in the year 1860-1 it had risen to £42,125,000. Thus there had been an increase of ten millions and a half, or about 33 per cent in two years only. If next we make our comparison with the year which immediately preceded the Russian war, the result is yet more remarkable, not to say more startling. In the year 1853-4 the optional part of the expenditure of the country—the Committee will understand my meaning in the phrase—was £23,511,000; in the year 1861 it was, as I have said, £42,125,000: thus the increase in the period of no more than seven years was £18,614,000, or more than 80 per cent. Such, Sir, was the state of facts which attracted, and deservedly attracted, the particular notice of the House of Commons during the last Session of Parliament.

Let it not be supposed, Sir, that in adverting to these facts I mean to leave room for the inference that the increase I have named was a causeless increase. Its causes exist, and are well known; indeed, they are subject, I believe, to little controversy or dispute. There were extensive and costly transformations of arms and vessels, which appeared to be required by the progress of military or naval science. There was a great advance of philanthropic views in regard to the condition of our seamen and our soldiers. This advance—this improved state of public sentiment, led to a great and somewhat sudden expenditure, but an expenditure grudged, I believe, by none—at least, as to the principle on which it rested. There was, thirdly, a great extension of our military establishments, having reference in no inconsiderable degree—as must always be the case from the sympathy that now prevails between nation and nation—to a like increase in military establishments abroad, and to the general circumstances of Europe. There was further a desire, warmly and very generally, though perhaps not unanimously, entertained by the public, that the fixed defences of the country should be strengthened and enlarged. And, yet again, there were in 1860 and 1861 direct war charges, which amounted, as will shortly be seen, to a very large sum of money. All these causes of increase in the public expenditure were definite in their character, and easily traceable in their effects; but I should not do full justice to the elucidation of the case if I failed to add, that together with these causes another cause came into operation which is less easy to follow and detect, but which is pretty certain to exercise a powerful influence at periods when, from whatever reason, a vast and sudden increase of public expenditure may occur. I mean, Sir, this—that together with the called-for increase of expenditure there grows up what may be termed a spirit of expenditure, a desire, a tendency prevailing in the country, which, insensibly and unconsciously perhaps, but really, affects the spirit of the people, the spirit of Parliament, the spirit of the public Departments, and perhaps even the spirit of those whose duty it is to submit the Estimates to Parliament, and who are most specially and directly responsible for the disbursements of the State. When this spirit of expenditure is in action, we must expect to find some relaxation of those principles of prudence and rules for thrift which direct and require, that whatever service is to be performed for the public should be executed in the most efficient manner, but likewise at the lowest practicable cost.

I do not, Sir, submit this statement as a confession of misconduct on the part of the Government. All I have to say on the part of the Government, and it may be said without reproach to any other body, or any other Power, is this:—I do not think that in proposing to Parliament the outlay of these vast sums the advisers of the Crown outran in the smallest degree the general state of public feeling, opinion, and conviction. I think, that if it were necessary, it could be proved from the chronicles of the times, and perhaps, in particular, from the Journals of this House, that on many occasions their proposals, instead of having outrun the demands of opinion, rather fell somewhat short of what the public sentiment, if it did not even require, would at least have warranted and sustained.

But, apart from discussion as to causes, the effect of all this has been that the finances of the country have been kept for a period of four years in what may be called a state of tension. I will go one step further: I have spoken thus far without reference to the special part borne by any organ of the State in regard to this expenditure, but I do not hesitate to add the admission that the tension I have described was, for the time, enhanced through the policy which the Government pursued, and which, especially in the year 1860, it induced the House to adopt. We resolved, in the autumn of the year 1859, to treat with France, and finally to contract and simplify the tariff; but the result of remissions of taxation in a period of high expenditure, warranted though they may have been by their causes and their consequences, was undoubtedly to produce an increase of the tension which prevailed and an aggravation of whatever solicitude might have been entertained in regard to the condition of our finances.

Such, then, was the general position of our financial affairs anterior to the state of circumstances which specially belongs to the subject of to-day. I now come to consider the balance sheet of the financial year which has just expired. But in submitting that balance-sheet to the Committee, I must beg its Members to bear in mind the peculiar terms which were used in presenting the Estimates of last year; for I do not think it possible to form a just appreciation of the real condition of the country, or of the extent and elasticity of its resources, without taking into view now, as we took them into view twelve months ago, the particular circumstances of the time. The mere figures of the comparison between one year and another invariably require to undergo much careful analysis before they can become the basis of sound conclusions, and it is especially requisite at such a juncture as the present that careful regard should be had to the main circumstances determining the commercial and material condition of the nation. Last year, Sir, when I submitted the Estimates of Revenue and Expenditure to the House of Commons, I submitted them on the part of my Colleagues, and speaking their sense, not without particular reserve. We were then only able to present Estimates of Income and Charge such as may be said precisely to have balanced one another; and we were compelled to associate with the presentation of that too nicely-balanced statement a reference to particular causes, which, we thought, it was obvious might disturb, and most seriously disturb, the relation of the two sides of the account. The statement of Receipt and Expenditure for the past year, which we have now to invite you to consider, is, in my opinion, a remarkable and hopeful statement; but in order to judge whether it is in reality, and how far it is, remarkable and hopeful, it is absolutely necessary to have regard to the specialities by which the state of the country has been marked. I do not now refer simply to the fact, that during the three last years the harvests have in no one instance been equal to an average yield, important as that fact must be held; but I refer to two causes, both of a marked and special nature, and both of which also, as it happened, have been mentioned in the short conversation which preceded the commencement of the principal business of the evening. There is in the first place the condition of Lancashire and of its cotton manufactures. To Lancashire, up to a recent period, every Englishman has been accustomed to refer, if not with pride, yet with satisfaction and with thankfulness, as among the most remarkable, or perhaps as being absolutely the most remarkable, of all the symbols that could be presented of the power, the progress, and the prosperity of England; and at the moment when I speak we can refer to Lancashire more warmly and more thankfully than ever as regards all the higher aspects of its condition. The lessons concerning it which within the last twelve months we have learned, have, in one point of view, been painful and even bitter lessons. Yet, in other aspects, and in those, too, which most intimately and permanently belong to the future condition and prospects of the country, they have been lessons such as I will venture to say none of us ever hoped to learn; for however sanguine may have been the anticipation of any one among us with regard to the enduring fortitude and patience of the English people, I do not think they can have estimated that power of endurance, that self-command, that cheerful, manly resignation, that true magnanimity in humble life, at a point as high as we now see that it has actually reached. But, Sir, notwithstanding, so far as regards the material condition of Lancashire, beyond all doubt for the time the tale we have to tell is a melancholy tale. So menacing did we consider the state of the case as it stood twelve months ago, that it was then my duty in presenting the Estimates of that year to state frankly to the Committee that we had before us the prospect of an alarming deficiency in the supply of the great material of labour in Lancashire, and that if this deficiency should continue throughout that year, we could not presume to hope that our Estimates would at its close be sustained by the results. Nay, so serious did we think the case, that we could not undertake to measure the amount of short-coming which might possibly follow; we therefore considered it to be useless for us at that time to state an estimate of that amount, or to ask the House to make such provisions as might be adequate to meet the calamity; and we thought it better to wait for the teaching of experience, and to deal with the evil when it should arise. Gloomy as were those anticipations, they were anticipations founded on the supposition that the scarcity of cotton might continue at the point which it had then already reached; but what has been the fact? The scarcity has not only continued at that point, unhappily it has undergone a great enhancement. I will refer to the trustworthy criterion of prices. In the financial statement of last year I mentioned to the Committee the prices which had prevailed during the spring of 1862, in the Liverpool market, for those descriptions of American cotton which are commonly taken as representing the average of the supply from that quarter—namely, the Uplands and the New Orleans. Those prices, which in the spring of 1861 had been from 7*d.* to 8*d.* per pound, had risen in the spring of 1862 to between 1*s.* 1*d.* and 1*s.* 2*d.* per pound; and that was the state of things which we regarded as so formidable in its probable results to the revenue of the country. But that price, high as it was, in the course of the ensuing autumn was nearly doubled; and at this very moment, as I find from the latest quotations, the price of the American cotton required for our manufacture, which in ordinary times is 6*d.* or 7*d.* per pound, stands at 2*s.* and 2*s.* 1*d.* per pound. So that the calamity which had befallen Lancashire, viewed in its material and commercial aspects, has not only continued at the point it had then reached, but has grown to be far more severe. It has attained, without doubt, to the most afflicting stringency. Partial and temporary mitigations there have been—such mitigations, thank God! we have witnessed during the last few weeks; but they are not of a character which would warrant us in cherishing any sanguine hopes of a great further improvement in the immediate future. We have had, then, one of the wealthiest portions of the country, and perhaps the very wealthiest portion of its labouring population, in a condition of unexampled prostration and of grievous suffering; and the balance-sheet which I am about to present to the Committee has been subject to a corresponding amount of disadvantage.

But I also stated that there was a second special cause of depression. It is one which up to the present time has been but partially mentioned in the House of Commons, but one which I think the Committee will agree I could not with propriety pass by in silence on the present occasion. I refer, Sir, to the state of Ireland. I very much doubt whether the attention of the public has been fully awakened to the amount of calamity which during the last few years has befallen that portion of the United Kingdom. The depression under which it labours has, without doubt, been partially balanced by the favourable condition of the linen manufacture; neither is it concentrated and driven to an extremity, like the distress in Lancashire, at a particular point on the surface of the country. It is, on the contrary, generally diffused; its extent is as broad as the area of agricultural industry, and it is exclusively connected with the failure of the crops, being therefore of the nature which affords us the hope that with more favourable seasons it will altogether disappear. It may be a matter of interest to the Committee to receive some information which Her Majesty's Government have obtained with regard to the extent of that failure—I should rather say of those successive failures in Ireland during the last few years. The Irish Government have caused inquiries to be made, and statements have been drawn up, which exhibit in a summary form the principle facts of the case. I need hardly remind English and Scotch Members that for the purpose of such inquiries in Ireland we have the aid of a highly-organized and elaborate system of agricultural statistics administered by public authority. I shall avoid all minute detail, and content myself with presenting to the Committee a single statement; but I must first endeavour to convey a clear view of the basis on which it is founded. The statement embraces the crops of the last three years 1860, 1861, and 1862. The standard of comparison is with the crops of the preceding four years, from 1856 to 1859. Up to 1858 we have the consolation of believing that the condition of Ireland was one of steady and even of remarkable improvement. In the year 1859 that improvement was seriously checked; still I have taken the four years together, from 1856 to 1859, as representing what may be called the average and normal condition of Irish agricultural production. The mode of estimating the crops has been as follows:—The crops of oats, wheat, and potatoes are taken, as the three principal crops. An attempt is then made to estimate the value of the residue of the chief products of the soil, by ascertaining the number of stock in the country from year to year, by valuing them at the price which we know to have ruled for each season respectively, and by assuming that one-third of the total value of the stock existing in the country at any given period represented the annual return from stock. This calculation may be nearly correct, or it may be partially incorrect, but at any rate it seems quite sufficient for the purposes of comparison. We have, then, to put together four items. The oat crop, the wheat crop, the potato crop, and one-third of the estimated value of the live stock in the country. The amount of these four items was for each year from 1856 to 1859, on an average, £39,437,000; in 1860-1 it fell to £34,893,000—a decrease of £4,544,000; in 1861-2 there was a further fall to £29,077,000—a decrease of £10,360,000. In 1862-3, low as was the point previously reached, it descended yet lower, and fell to £27,327,000, from the former average of £39,437,000; thus showing a decrease of somewhat above twelve millions sterling. This amount equals nearly one-half of the total estimated value of the agricultural products of the country, as measured on the principal items or constituents of agricultural wealth. It falls not very far short of the full amount of the established annual valuation of the country, which is £13,400,000. The state of circumstances thus exhibited is one not less remarkable than painful. It may be assumed, as a general rule, that the first effect of pressure on the labouring classes is to tell on the consumption of strong and especially of spirituous liquors. We need not, therefore, wonder that under the circumstances I have named the consumption of home-made spirits in Ireland, which in the year 1861-2 had been 2,463,000 gallons, fell in 1862-3 to 2,292,000, showing a decrease of 171,000 gallons.

Undoubtedly, Sir, the operation of these two special causes, the one the cotton famine of Lancashire, and the other the striking failure of the crops in Ireland, has been to deprive the Exchequer of a very large amount of revenue, which under other circumstances it could not have failed to receive. It is not within my power to offer any close estimate of that amount; but I think it is obvious that we must bear circumstances of so unusual a character in mind, when we have to form a judgment on the condition of the revenue of the country during the past financial year. The expenditure of the year which expired on the 31st of last March was estimated in the preceding April at £70,040,000, and provision was made by Parliament for that amount. When the whole business of Supply had been brought to a conclusion, the amount had been raised to £70,108,000. Such being the estimated expenditure for the year, the actual expenditure was less by £806,000, and came to the sum of £69,302,000. There is very little in this portion of the account which calls for observation. Supplementary Estimates, I am happy to say, there have been none; the excesses belonging to former years, and charged against this one, have been insignificant in amount. The expenditure of the Army has been beyond its Votes by about £200,000; but this excess, as I am informed, is only due to the fact that the Department is more than usually forward in its payments to the Treasury chest on account of disbursements abroad, and will in all likelihood disappear on the final settlement of accounts for the year. The issues for the Navy have been considerably within its Votes. The Miscellaneous expenditure shows an excess of issues also reaching about the same amount of £200,000. This excess is, I believe, entirely due to the change of system which took effect on the 31st March. At that period, for the first time in our financial history, all the services were required to surrender the balances standing to their credit; and I presume there is a natural disposition, with Departments as well as individuals, when a certain day is approaching on which a balance must be surrendered, to take care that that balance shall not be larger than they can help.

I now come to compare the expenditure of 1862-3 with the expenditure of the immediately preceding years. This is a matter of considerable interest, and in order to exhibit it with as much accuracy as possible, I shall take the expenditure of these preceding years respectively, not as it may have chanced to stand on the provisional accounts made up for the 31st of March, but as it stood on the final account when every charge had been brought home and assigned to the period to which it properly belonged; an adjustment which, as I need hardly observe, must always require time, and cannot be effected on the day when the financial year expires. The expenditure of the year 1862-3 was £69,302,000; that of the immediately preceding year was £70,838,000; there was thus a decrease of £1,536,000. The expenditure of 1860-1 was £72,504,000; there was therefore a decrease in 1862-3, as compared with 1860-1, of £3,202,000. The expenditure of 1859-60 was £70,017,000; the expenditure of 1862-3 therefore exhibits a decrease, as compared with 1859-60, of £715,000. But, in point of fact, the decrease of expenditure has been considerably greater than appears on the face of these figures. The reason is that in 1862-3 there was brought to account on both sides, both as revenue and as charge, a sum of about £1,125,000 which had not appeared at all in the accounts of the preceding years. After correcting, therefore, the statement by the deduction of this sum, the real dimunition in the comparative expenditure of last year was as I will now state it. As compared with 1860-1, £2,661,000; as compared with 1861-2, £4,325,000; and as compared with 1859-60, £1,840,000.

I come now to the comparison of the expenditure of 1862-3 with the revenue of the year. The amount of the revenue is known to the Committee, having been published in the ordinary quarterly Return. It is £70,603,000. There is therefore a surplus of revenue beyond expenditure amounting to £1,301,000.

The Committee will, however, be anxious to make the comparison, which is always a matter of interest and importance, between the actual out-turn of the revenue and the estimate which was formed of it beforehand. On the 3rd of April, 1862, I estimated the probable amount of the revenue at £70,190,000. I have already referred to the general reserve I then made with regard to the cotton districts. Independently of that reserve, I also stated that a sum would have to be deducted from the estimated amount of revenue on account of the drawback on hops, which would be intercepted in its way to the Exchequer, if the House should think fit to adopt the proposition I then suggested for the removal of the duty on that article. Drawback is of two descriptions: there is the drawback on export under the operation of the ordinary law, and there is the drawback on stocks in hand remaining in the country, which is sometimes accorded by Parliament at an amount agreed on. Neither of these items admitted of nice estimate, and the latter of the two was matter of arrangement some time after the financial statement had been made. Taking them together, we found reason to think it probable that they would practically dispose of the small surplus we had presented of £140,000. Subject to this correction, the revenue of the country, as estimated beforehand, was £70,050,000. The actual revenue, as I have stated, was £70,603,000; the excess beyond the estimate thus shown, which amounts to £553,000, is, indeed, no very large excess if we consider it absolutely, but constitutes, as I think, a very remarkable result if we measure it with reference to the peculiar circumstances of depression which have affected large portions of the country.

And now, Sir, with respect to the particular branches of the revenue. The Customs exhibit an increase of £484,000. This branch of revenue has been variously affected during the closing months of the year—on the one hand, by an opinion which had gone abroad of a probable change in the duties on tea, or on sugar, or on both; and on the other hand, by a Bill which I had introduced for altering the duties on tobacco. The expectation of change in the duties on tea and sugar was injurious; the effect of the Tobacco Duties Bill was partly to diminish, but partly and in a greater degree to improve the revenue. On the whole, the tendency has been to keep the revenue from Customs somewhat below its legitimate amount, but not, I think, to any material extent.

The revenue from Income Tax produced an excess of £467,000 beyond my estimate. The cause of this excess is to be found in a new assessment of the property of the country, which has never failed, when from time to time it has occurred, to disclose a very considerable increase in the amount on which payment has to be made. [*A laugh.*] I do not now refer to any increase due to the discovery of malpractices, for I am not aware that they vary much from one year to another; but to an increase occasioned by the progression and steady growth of the wealth of the country.

The amount brought to account for payments from China in liquidation of the Indemnity, which I estimated at £170,000, has been £212,000. I might, perhaps, have taken credit even for a larger sum, because there is no doubt that the Treasury chest in China has received, and has applied for the purposes of the public service, further sums of public money since the date of the latest account which has reached us, that date being the 30th of last September. It has, however, been thought best to take no credit beyond the date up to which we have received the account.

The revenue from Stamps shows an excess of £369,000 beyond the estimate, and the head of Miscellaneous receipt shows a similar excess of £266,000. But there is nothing which requires me to dwell upon these or upon some other branches of the revenue; I, therefore, pass to one to which I desire to direct the particular attention of the Committee.

The revenue of Excise shows a large deficiency in comparison with my estimate, and likewise some deficiency, though it is not considerable, as compared with the revenue of the previous year. The apparent deficiency, as compared with my original estimate, is £1,185,000. From this sum, however, we have to deduct the sums paid for hop drawback, which amount, I believe, to £160,000. There still remains, therefore, a deficiency of somewhat over a million in this branch, as compared with the estimate. For practical purposes we may consider this deficiency as divided between the two great articles of malt and spirits. The malt duty, which had been estimated at £5,800,000, produced within the financial year only £5,392,000, showing an apparent deficit of £408,000. In order to comprehend the nature of this deficit, it is necessary to take into view the variation of the seasons. The season of 1861-2 had been not only a very favourable, but a particularly early season. The barley, being in excellent condition, was brought to malting at a very early period; and as the time of receiving the duty depends upon the time when the grain is malted, an unusual proportion of the entire receipt for that season entered into the revenue of the financial year. But the season of 1862-3 was a late season, and in consequence we have received during the financial year a smaller proportion than usual of the entire revenue from malt. In consequence, although the receipt from malt, as I have stated it, falls much short of the estimate, yet the portion of duty from the malting of 1862-3 which is still outstanding, will, as we anticipate, show an improvement upon the revenue of the preceding year. I may, however, observe generally, that the estimate of this important revenue is of necessity more uncertain now, that the payment is more promptly exacted, than it was at the period when very long credit was allowed after the charge had been taken, and when, accordingly, it was known at the period of the financial statement what would be the actual receipt for the coming year. The duty was then charged in one year and received in the year following. It is now, as to a large part of it, both charged and received in the same year.

The revenue from spirits, which was estimated at £10,000,000, has amounted only to £9,394,000, showing a deficiency of £606,000 as compared with the Estimate. On this item, together with the former one, I hope the Committee will fix its particular attention. I can feel no surprise and no disappointment at the present state of the Revenue derived from malt and from spirits. The deficiency under these two heads of receipt is the true representative of the distress which weighs upon the labouring class in Lancashire and in Ireland. In all cases of serious pressure upon that class, economy must be effected somewhere, so soon as means and credit are exhausted. No great economy can usually be effected upon the necessaries of life; it must therefore be effected upon what we may term either its comforts or its luxuries. Within one of these descriptions stimulating liquors must be held to fall. There is no wonder, I think, that we see a deficiency of a million in the receipt of Excise; the true wonder is that we do not see much more of corresponding decrease in other branches of the revenue.

I pass, however, to a more particular consideration of the case of the spirit duty, which deservedly attracts a special interest, on account of the high price to which the duty has, by successive steps, been raised. The assertion has been confidently made—first, that the revenue expected from the augmentation has not been realized; and secondly, that the failure to receive it has been due to an increase of illicit distillation. My reply is this:—It is undoubtedly true that the whole revenue anticipated from the augmented spirit duty has not been realized, but a considerable part of it has been received; and, without doubt, we must have received another considerable portion, had it not been for the distress of Lancashire and of Ireland. The total amount of revenue which we were led to expect from the last augmentation, in 1860, was £1,400,000. Of this, £1,000,000, it was thought, would be from home-made spirits, and £400,000 from foreign and colonial spirits. The latter of these sums, from foreign and colonial spirits, has been received; and the figures I will now give to the Committee with respect to British spirits will, I think, demonstrate, that although we have not received nearly what we expected, we have obtained some part of it. For this purpose it is necessary to take neither the natural nor the financial year with a view to our comparison, but the year ending at the date nearest the time when the new duty was imposed. The new duty was imposed in July 1860. In the year ending June 30, 1860, the receipt from spirit duty appears to have been artificially increased by very large deliveries at the commencement of the year, which took place under a belief that an increase was about to take place. I therefore omit the year ending June 30, 1860, and go back to the year ending June 30, 1859—a year, I may add, of general prosperity. With the receipt from spirit duty for that year I will compare the receipt for each of the three years beginning with July 1, 1860. In the year ending 30th June 1859 the revenue for British spirits amounted to £9,400,000. That was the last year but one of the 8*s*. duty. In the first year of the new duty ending June 30, 1861, it was £9,702,000; in 1862, it was £9,988,000; and in 1863, £9,837,000. It would thus appear, that founding the comparison upon this basis, we have received an augmentation of about £400,000 per annum from British spirits, besides £400,000 more from foreign and colonial spirits; and if this be so, we have, notwithstanding the distress which prevails, received more than half of the revenue which was originally anticipated. I ought not to omit to notice that the figures I have given for the year 1863 are founded upon estimate so far as regards the last quarter of this year, but upon an estimate which may, as we believe, be reasonably relied on.

At the same time, Sir, whatever degree of uncertainty may still hang about the question of fiscal result, the material point after all has always, in the view of the Government, and, I believe, in the view of Parliament, been this — not whether we have failed to receive the whole amount we had anticipated, but whether the failure is due to illicit distillation or is to be ascribed to other causes. This is, as I think, the only question which ought to exercise a practical influence upon the judgment of the Committee. With regard to commodities in general that are consumed by the public, and that are also taxed for the Exchequer, the Legislature proceeds upon the principle that the sum of money which may be required for the purposes of the State should be levied from an area of consumption as extended as possible. I am not aware that we have ever adopted this principle as one applicable to taxation upon ardent spirits. I think the principle of legislation, with respect to spirits, has rather been that we should raise as much money as we can obtain from an area of consumption as small as we can make it; and the only limiting consideration has been, that we ought not to stimulate illicit distillation. The question, therefore, is—whether, owing to the augmentation of the duty upon spirits, illicit distillation has been extended. With regard to that question, I have been careful to welcome information from whatever quarter. From time to time it has been stated to me, either by persons interested in the trade, or by other persons, that illicit distillation not only prevails, but has been largely increased. I do not doubt the sincerity of these allegations, but it has been found almost universally impossible to obtain facts and details in support of them. On the other hand, it is the firm conviction of those who superintend the collection of the Revenue in the three kingdoms, taken together, that illicit distillation has not been augmented, but reduced; and, as far as Ireland is concerned, which is a principal point of danger, the evidence to this effect, founded upon Returns, would appear to be quite conclusive. There is no trade within the country, so far as I am aware, of higher intelligence and respectability than that of the distillers; and I think that even their testimony, though I am far from saying that it is uniform, in some degree concurs with the testimony of the revenue officers throughout the country, and sustains me in expressing the opinion that there has never in recent times been a period when there was so little illicit distillation as during the last three years. We may, therefore, be reassured with respect to any misgiving on this important head, which the state of the revenue from spirits might at first sight suggest; and it remains a matter of lively interest to draw a comparison between the different effects which have been produced by distress, since no one can doubt that distress has had an important influence upon the revenue from Excise and from Customs respectively. We trace the effect of distress wholly or partially in the diminished revenue from malt and spirits. We fail to find any similar diminution in the revenue from tea, from sugar, or from tobacco. The more we examine the figures and the state of facts, the more we observe the comparatively unchecked and prosperous progress of the revenue from Customs, with the very serious check given to the revenue from Excise--the more, I think, we shall be disposed to embrace a conclusion which appears to me to be established by sufficient evidence, which is without doubt of a gratifying character, and which appears absolutely necessary for a full comprehension of the case. I mean, Sir, the conclusion that a change of habits is slowly and gradually, but steadily, making its way among the mass of the people, and that a transition is taking place from the use of the stronger and more inflammatory beverages to the milder and more wholesome drinks.

I proceed now, Sir, to compare the general revenue of the year which has last passed with the revenue of the year which immediately preceded it, and I will endeavour, by some analysis of the figures, to present them to the Committee in what I believe to be, for practical purposes, a really accurate form. I need scarcely observe, with reference to the dry and summary statement of revenue which is published on the last day of the financial year, that it is quite impossible through the figures themselves to convey the needful explanation of the figures, nor can this explanation be adequately given except on the authority and under the responsibility of the executive Government. The public is, therefore, of necessity subject for a time to a good deal of misapprehension with respect to the state of the revenue. One main source of this misapprehension is to be found in those alterations of duties which take place from time to time, and the effect of which cannot be traced upon the annual statements without much care and much information in detail. Another source of it is in the item called Miscellaneous. It is commonly supposed that this item simply consists of certain branches of revenue somewhat minute, which it is not worth while to enumerate with separate names, and which, therefore, are combined under this one head. But, in point of fact, the proper full designation of this head, and the form under which it stands in the regular public accounts is not Miscellaneous Revenue, it is Miscellaneous Receipts. The distinction between receipts and revenue may at first sight appear fanciful, but it is real, and even important. A very small portion of this branch of our income, which has now grown to a considerable amount, consists of revenue at all. During the year just expired only from £200,000 to £300,000 properly could be so designated; all the remaining sums which make up the head of Miscellaneous Receipts depend upon the rules which have been adopted by Parliament with respect to public accounts and the voting of public monies; and they consist partly of repayments, in one form or another, of monies which have been voted by the House, partly of equivalents for those monies, as, for example, in the case of the sums realized by converting into money what are called "old stores." If, therefore, we wish to institute an accurate comparison between the revenues of two successive years, the safe way is to begin by deducting from both accounts what appears under the head Miscellaneous. If the Committee will follow me, bearing in mind what I have now stated, I will endeavour to lay before them the revenue of last year as compared with that of the year preceding; and we are now dealing with a matter of importance, for this comparison will enable us to measure the elasticity of the resources of the country under those circumstances of peculiar depression to which I have referred. The gross revenue for the year 1861-2 was £69,674,000; but if we deduct the Miscellaneous receipt and the China indemnity, the real revenue, in the strictest sense, was £67,927,000. The gross revenue for the year 1862-3 was £70,603,000; but deducting, for comparison, the Miscellaneous receipts, the China indemnity, and a sum paid to the credit of the revenue from Stamps, which did not appear, on either side, in the accounts of the previous year, amounting altogether to £2,213,000, the total revenue of the last year, for the purpose of the comparison, will stand at £68,490,000, against £67,927,000 in the preceding year. But as the figures that appeared in the newspapers were too favourable for the year 1862-3, so the figures I have now stated would be too unfavourable if they were left without any correction; because, in order to obtain a true comparison, I must deduct so much revenue as was received in 1861-2 from sources which were closed in 1862-3. Those sources were three in number. In 1861-2 we received for one quarter's income tax, at the rate of 10*d*., together with arrears, a sum of £350,000, which was lost to the revenue in 1862-3. Again, we had received in 1861-2, on account of paper duty, after deducting the drawback, a net sum of £351,000. Thirdly, we had received in that same year, in the shape of hop duty, a sum of £241,000. These three items, taken together, amount to £942,000, which, for the purposes of this comparison, must be deducted from the revenue of 1861-2. When the deduction has been made, the amounts of revenue as received from the same sources, in the two years respectively, will be £66,985,000 in 1861-2, and £67,790,000 in 1862-3; showing an increase of revenue in the latter year to the amount of £805,000. Now, Sir, this is not of itself a very large or striking augmentation, but it is in my opinion an eminently satisfactory result if considered with due regard to the peculiar circumstances of the time. It is a result which I could not have ventured to dream of anticipating this time twelve months, had I then been aware of the severe pressure which was not only to continue, but indeed to undergo serious aggravation, both in Lancashire and in Ireland.

I will not trouble the Committee by stating in detail what has been the growth of the revenue during the last year as compared with a series of former years since the year 1858. But I will observe generally, that after going through the same process of rectification which has already been adopted in making the comparison between the years 1861-2 and 1862-3, it exhibits an average annual increase of very nearly the same amount as that which I have stated for the last year. In strictness it has been a trifle more, for the average annual increase which has prevailed during the four years from 1858-9 to 1862-3 has reached the sum of about £875,000.

There is, however, one branch of the revenue in 1858-9, as compared with the last year, in relation to which I may still venture to offer the Committee some information, inasmuch as it is material that they should see what has been the effect upon the Customs revenue of the very extensive changes, reductions, and remissions of duty which have since taken place. I find that in 1858-9 the gross revenue from Customs was £24,118,000; deducting charges of collection, which were £1,063,000, the net revenue was £23,055,000. In the year 1860-1 extensive changes were made in the Customs revenue which involved a balance of remissions and reductions over augmentations to the extent of £2,450,000. Now, the gross Customs revenue in 1862-3 amount to £24,034,000. We have to deduct the charges of collection, which amounted to £991,000. The net revenue then stands at £23,043,000, against nearly the same sum, namely, £23,055,000, four years earlier, nearly two millions and a half of duties having been remitted during the interval. In 1859-60, however, the revenue from Customs had been higher.

I now come, Sir, to the estimate of the Expenditure and Revenue for the current financial year. For the current year the charge for Funded and Unfunded Debt, according to the present state of the statutes by which it is governed, is estimated at £26,330,000; the charges on the Consolidated Fund at £1,940,000; the Army Estimates are £15,060,000; the Navy Estimates are £10,736,000; the Estimates for collection of Revenue, £4,721,000; the Miscellaneous Estimates (so far as they have been already presented to the House), £7,692,000. There will be, however, under the latter head some charges dependent on questions not yet finally adjusted, the amount of which I am not yet able to state to the Committee with the same degree of precision. Of these charges the most important part is connected with public buildings; but besides the Miscellaneous Estimates the Packet Estimate has not yet been finally settled. The arrangements with the Galway Company are not yet so far matured as to enable Her Majesty's Government to make a positive proposal, or even to state what course it may be their duty to take with respect to it; and the arrangements with respect to the West India Mail Service are still under consideration. The Committee will observe, therefore, that I cannot now present to them the precise figures which relate to those matters. And I may add, there is a Bill before Parliament, which I hope may become law, and which proposes, for the benefit of the public, to enable us to make a further conversion of stock, now held by the National Debt Commissioners, on behalf of the savings banks, from the form of perpetual into that of terminable annuities. If that Bill shall meet the approval of Parliament, it will eventually add £140,000 to the annual charge of the debt; but for the present year the increase of charge will not exceed £70,000. I have then before me three items of expense which are still uncertain. First, as to Miscellaneous charges, principally for Public Buildings; secondly, as to charge for Funded Debt; thirdly, as to the Packet Service. On account of these three items, including the entire charge of the Packet Service, I add the sum of £1,270,000 to the sum of £7,692,000 which represents the Miscellaneous Estimates already before the House. The two together make £8,962,000, and give us a total of £67,749,000 as the probable or estimated expenditure for the year 1863-4.

I do not, of course, include in the Estimate those extraordinary charges for fortifications which Parliament decided in the year 1860 to meet by a different method of provision.

But, Sir, I must not forget that the statement I am now making forms, in some measure, an answer from the Government to the Resolution adopted by the House last year. I therefore proceed to put this estimate of expenditure in comparison with that of former years. It is less than the actual expenditure for 1862-3 by £1,553,000, and higher than that for 1858-9 by £3,085,000, although the charge for the Debt was then greater by £2,197,000. The estimate of revenue stands as follows:—The Customs revenue estimate is £24,180,000. For the purpose of affording a clear understanding of this account to the Committee, I assume a renewal at the present rates of all taxes which expire this year. In estimating the Customs at £24,180,000, there is taken into account the alteration in the tobacco duties. It is not easy to estimate exactly its effect on the revenue, but I take it at £100,000, which sum is included in the estimate. The estimate for Excise is £17,600,000. The receipts for the Excise last year were less than this amount; and after the statement I have made, with respect to the distress prevailing in certain portions of the country, it will naturally be asked why I anticipate an increase in this branch of the public revenue as compared with the last year, when the actual receipts were £17,155,000. But the receipts last year, before they reached the Exchequer, were subject to various deductions, such as from £150,000 to £160,000 on account of hop drawbacks. Besides, the outstanding portion of the malt duties on the current year is better than the corresponding portion was for the last year; and this, together with certain minor augmentations due to the gradual growth of the licence duties and other duties of Excise, places the estimate for Excise at £17,600,000. The Stamps I take at £9,000,000, Taxes at £3,160,000, the Income Tax at £10,500,000, the Post Office at £3,800,000, the Crown Lands at £300,000, the Miscellaneous at £2,500,000, and the China Indemnity at £450,000. Here, again, it will be asked why so much larger credit is taken for this item than in previous years. The answer to that is twofold. First of all, in the year which has just elapsed, we made a large payment to the merchants in China of nearly £200,000—£192,000, I believe—on account of their claims, and there is no corresponding item of deduction from the receipts of the present year, which will therefore come net to the public service. Again, though I have only taken credit in the account of last year up to the 30th of September, I believe in the present year we shall be able to take credit up to the 31st of December; in fact, £450,000 from this source is an Estimate which I feel perfectly justified in making. All these items together bring up the estimated Revenue for the year 1863-4 to £71,490,000. The estimated Expenditure for the year is £67,749,000; consequently, there is an excess of estimated Income over estimated Expenditure of £3,741,000.

The Committee will, perhaps, incline to the opinion, that when the Government has no impediment remaining in its way to prevent it from proceeding to the agreeable duty of the remission of taxation, it is idle for them to trouble themselves with the consideration of any questions tending to the augmentation of revenue. But, at the same time, in the complicated and extensive financial system of this country, anomalies, great or small, are from time to time brought to light; sometimes from the representations of interested persons, sometimes because they are found to have been anomalies when originally embodied in the law, and sometimes because provisions that were originally altogether unobjectionable have become anomalous, and even mischievous, in consequence of the alteration of circumstances. It is the duty of the Government steadily and continuously, and in some considerable degree without reference to popular pressure, although always paying a due regard to popular opinion, to remove those anomalies upon fitting occasions by judicious proposals to Parliament for their own sake as well as for the sake of the revenue to to be obtained by the change.

The first change in our revenue laws proposed in the present year which has a bearing upon financial matters, though mainly relating to trade, is that which has to do with the tobacco duties, and which has already become law. I have already taken credit for the gain likely to result from that alteration of the law in the Estimate of the Customs revenue which I have laid before the Committee. The next claimant upon our attention is one familiar to the Committee—I mean the duty on chicory. It is not necessary that I should dwell upon it at any length—the state of the case is very simple. There appears to be a very general agreement among persons of authority both in the Revenue Departments and in the commercial world, that as chicory and coffee are used strictly for the same purposes in a combination together which is indistinguishable to the ordinary consumer, they ought to pay the same tax. Then comes the divergence of opinion; because one portion of the world says, "Raise the duties on chicory," and the other says, "Lower the duties on coffee." If that be, as it seems to be, the only alternative, my own inclination is very decidedly to raise the duty on chicory, not only because it tends to greater gain, but for these two very plain reasons:—At the present moment coffee is lightly taxed in proportion to its value, when we compare it with tea or any other article with which it can be compared; and, consequently, if we lower the duty upon coffee, we hazard great part of a very considerable revenue—some £500,000 — without having any hopes of so acting upon prices, or improving the circumstances of consumption, as to give any sensible relief to the people, or of producing any corresponding or even applicable improvement to the revenue. I propose therefore to remove the existing anomaly by raising the duty upon chicory. I propose that the duty on foreign chicory shall be fixed at 26*s*. 6*d*. per cwt., which sum, after a fair allowance for additional waste in the preparation of the article, will, we think, correspond with the present duty of 28*s*. per cwt. on coffee, With respect to chicory grown at home, we propose to fix the duty of Excise, according to precedent, not less than to equity, with a small further allowance. We propose that the duty of Excise shall be 24*s*. 3*d*. per cwt. I may take this opportunity of stating, that while with regard to the other Resolutions which I am about to introduce to the Committee we shall propose to take them on this day week, and after that to introduce a Bill in which they shall be embodied; with regard to the Resolution on the chicory duties I shall take the course usually adopted in such matters, and shall ask the Committee to pass it at once, of course without prejudice to the ultimate judgment of the House on so grave a question, for the single purpose of preventing the release of the article at the present duty to-morrow morning.

There are several other proposals, of no great magnitude, which I shall endeavour to pass over, allotting to each, if I can, little more than a single sentence. It appears to be an evident anomaly in the law, as it is now worded, that strong liquors sold at clubs are sold without any licence. These clubs are, for all purposes we are now considering, in direct competition with coffee-houses and hotels, which pay licence duties. We propose that the clubs shall pay the same rates of licence duties as the occupiers of hotels and coffee-houses; but, of course, effectual provision will be made to prevent any annoying accompaniment—such as interference at the discretion of a magistrate, or liability to the visitations of the police. The question is of little moment as to revenue, but is a question of equality of taxation, and my whole object is to establish that equality. The next proposal I have to submit to the Committee is one of a similar character, and requires only brief explanation. At present, this case not unfrequently arises. A person applies to a justice of the peace for a licence to sell strong liquors. He obtains a licence to sell spirits; and along with his licence to sell spirits he takes out a licence to sell beer, for which he then only pays £1. He afterwards drops the licence to sell spirits, and continues the licence to sell beer at the same price; but every other person wanting to sell beer, and not arriving at it through the medium of a spirit licence, pays £3 6*s*. I therefore propose that a man who arrives at a beer licence through the medium of a spirit licence, but who is a beer-seller, shall pay the same duty as he who takes it out at once without any such process.

I am sorry to detain the Committee with these details; but all persons interested in the financial proposals of the year expect, as a matter of course, that at this season of the year a full statement shall be made of those proposals, and it would not be fair to those parties it I were not to deal with all that affects them in detail. I proceed to mention another case.

A year or two ago we removed a great anomaly, by which no person except a publican was permitted to sell less than a dozen bottles of wine; but there is a similar anomaly still existing, which forbids every one except a publican from selling less than two dozen bottles of beer. I propose to remove that anomaly, and to give an additional licence for selling a less quantity of beer to those persons who are beer-dealers, that is to say, sellers of beer not intended to be consumed on the premises. The Committee may rest assured that this change will be equitable and convenient, nor is it likely to entail any risk of abuse. There is another question which also demands our consideration, and is of considerable interest to the parties concerned. The proprietors of omnibuses have been before the Chancellor of the Exchequer, seeking for a reduction of the duty to which they are liable. Their case really divides itself into two parts. One of their complaints is of the amount of duty they have now to pay; and the other of the undue competition they have to sustain. With respect to the amount of duty they have to pay, it is only a quarter of what the proprietors of public carriages had to pay twenty-five or thirty years ago; and so lately as about eight years ago this House took the

[matter

[H *b*, *page* 224 *b*, *follows*.]

matter into its own hands, and did grant a considerable relief to these parties. This adjustment, recent as it is, may, I think, be held to be a settlement of the question as to amount of duty. I confess it appears to me that the only case they can possibly make at present is that of undue competition. The proprietors of stage carriages in the country complain that carriers, who profess to travel under four miles an hour, and who also carry passengers, pay no duty whatever. It is impossible, as is alleged, to know whether they do travel at four miles an hour or not; but their carriages are not of a character to pay at the same rate as stage coaches; and what I propose is, that all small carriages carrying passengers for hire shall pay half the duty now paid by proprietors of stage carriages; thus combining a general relief in favour of small carriages with the removal of the exemption as regards those small carriages which are said to travel under four miles an hour. The other part of the complaint of the omnibus owners is with respect to the competition of the railways and of the unequal manner in which the railway duty, as now imposed, is found to work. The House is aware that railways are supposed to pay 5 per cent on their passenger receipts. But in 1842 a sort of compact was made between the Government and the railway companies, and it was ratified by the legislation of this House, under which the railway companies undertook the obligation to run a certain number of trains at fares not exceeding one penny per mile, upon the condition of the exemption of those trains from taxation. It may be said that this was a covenant then made between them and the Government, and that if the exemption be discontinued, they are released from the obligation of running the trains. That is so, as far as regards the trains contemplated by the Act of 1844; but that Act did not contemplate the trains which I now have principally in view, and the plan we propose is more favourable to the railway companies than the compact or covenant of 1844. The question whether the legal obligation should be continued is not within my department, and is one upon which I am not prepared to give any strong opinion. But since that time an anomalous state of things has grown up. Although exemptions are, as a general rule, to be strongly condemned, the case of this exemption is peculiar; for at the time when it was granted, in 1844, it appeared that those of the poorer class who had occasion to travel were actually losers by the introduction of railways, and Parliament, in order to apply a remedy to so great an evil, made a special arrangement for exempting trains of a peculiar class. But a system has grown up under the provisions of the Act, as they have been interpreted, which gives to the whole of what is termed excursion traffic an entire exemption from duty, while the regular passenger traffic is liable to a tax of 5 per cent on the receipts. The Government submit most confidently to the House that that is an anomalous and injurious state of things. In the first place, it is wrong, unless for special and strong reasons, to draw a distinction between one kind of traffic and another, and to give a premium to railway companies to cultivate one kind of traffic in preference to another. In the second place, it is not only wrong, but absurd, to give that particular premium in the case of what we term excursion traffic. It, no doubt, is very useful and valuable in its way, but at the same time seems to be attended with considerable inconvenience and considerable danger. Far be it from me to say that Parliament should presume to discourage or repress excursion traffic; but we ought not to stimulate and force it by direct pecuniary encouragement at the expense of the general traffic of the country. The effect of this singularly anomalous arrangement is, that while railways are supposed to pay 5 per cent on their receipts, they only pay between 3 and 3½ per cent; and in the case of some railways, which deal only in a particular kind of traffic, not much above 2 per cent; and so far they may, perhaps, be thought to give a fair subject for complaint to competing interests. What we propose is this — to destroy the exemption altogether, and to commute the payment of 5 per cent with exemptions into a payment of 3½ per cent without exemptions. The result will be nearly the same. It will be slightly in favour of the Treasury; but we shall establish a sound principle instead of an unsound principle, and an equal state of things between rival interests.

There is another small matter which I have to mention. We propose to assimilate the law in Ireland as to charitable legacies to the law of England. Charitable legacies in Ireland at the present moment are insignificant in amount, but they do not pay legacy duties. We propose to repeal that exemption.

This, however, connects itself with a subject of much greater importance, so far, at least, as principle is concerned, to which I desire now to ask the attention of the Committee. I refer to an exemption which is granted by the Income Tax Acts to what are termed "charities," and to corporations, with respect to such part of their income as they shall prove to have been expended for charitable purposes, as the term is construed by the law. I proceed to state to the Committee the origin and grounds of this proposal, which I earnestly hope—nay, I confidently expect, will receive the sanction of the Committee.

It will be remembered that in the year 1859 the Government announced its intention to ask Parliament to extend to corporations the succession duty, which, in that year, was for the first time imposed upon real property and upon settled personalty. We had not time to carry through legislation for the purpose in that Session, but the principle appeared to receive the decided approval of the House. It appeared to be felt that there was no reason in the world why corporate property should enjoy a benefit not enjoyed by the property of individuals, or, in other words, should receive a premium at the expense of the property of individuals; for it must be borne in mind, that in every case exemption means a relief to A at the charge of B. In considering, however, the question of a succession duty for corporations, which have no succession, it became obvious that the form of the tax ought to be commuted, and that it should be an annual duty, instead of a duty recurring only at long intervals; but further the investigation of the subject could not but impress the Government with the view of this remarkable fact. In this country we have levied, during the financial year which has just expired, about fifteen millions of hard money, by direct taxation of various kinds —Income tax, Probate duty, Legacy duty, Succession duty, House tax. Every shilling of this great sum is taken out of the pockets of individuals. Property, held in mortmain, held in the hands of corporate bodies, or under trust for charitable purposes, contributes, as I shall be prepared to show, nothing whatever to this great sum of fifteen millions. I venture, Sir, to say that this state of things is unjust. It is not fair that the taxpayers

of the country, to a very large proportion of whom taxation is, and must be, a serious burden—that the fathers of families, men labouring to support their wives and children, should be taxed at an augmented rate, in order to afford the luxury of exemption to bequests, for what we term charitable purposes; for in the main the property which enjoys this exemption is property which has been devoted to its present purposes, not during the life-time of the donor, but on his deathbed, or by his will, and when it was no longer his to enjoy. We doubt the policy of encouraging, at the charge of the public, particular persons to devise methods of thus disposing of their wealth, which may be attended in some cases with much benefit, in others with very little; but which very generally tend to gain credit and notoriety for the individual himself, which he probably would not otherwise have enjoyed. As for example, sometimes by his name posted up in enormous letters; sometimes by appointing bodies of governors, who may meet together at sumptuous banquets from year to year in the name of charity, and thus periodically glorify some pious and immortal memory of a founder. I cannot now attempt to draw any full or just picture of this subject, nor do I wish to be understood as giving utterance at present to one single word in disparagement of these institutions, except up to the point that they ought not, as I urge, to enjoy that very large amount of positive pecuniary preference, at the cost of the general community, which is allowed to them by the present provisions of the law.

Let me now advert to a point which is of great importance with a view to the just consideration of the case. At the time when the exemption on behalf of charities was first granted, the practice of the State was very different from what it now is. One of the main objects of endowed charities is education; and for education at that period the State made no provision. Another main purpose of these endowed charities is to relieve the poor. At that period the State undertook no expenditure for the poor, apart from local taxation; still less can it be said that the public then undertook any expenditure, directly or indirectly, on account of charities themselves. How stands the case now in these three respects? The Votes which are submitted to this House for the present year, with a view to those purposes, include—First, for Education, £1,111,000; for the Poor Law Board, £227,000; for Universities, £35,000; and for the administration of these charities themselves an item of £18,000, which is money taken from the taxpayer and which by no means represents the total of direct charge on their account. So then the public are now called upon not only to maintain and improve the property of these charities by means of our general taxes and of our commercial legislation, without their making any contribution themselves, but moreover the State is required to bear the charge of costly investigations, and to provide the expense for maintaining considerable establishments in order to assist, facilitate, and cheapen the management of these same charities. There are other points of the case into which I do not intend to enter at large; one is this, that it is hardly possible to construe in a satisfactory manner the meaning of the law as to what are and what are not charities for the purpose of taxation; the law is therefore of necessity applied, not with certainty and precision, but roughly and hand over head as it can best be done. The opinions of Law Officers of the Crown have thrown considerable doubt upon parts of it. If a person leave property for the benefit of the poor of his parish, one would suppose that this, in the sense of the law, must be charity; but no, this it has been ruled is not charity, because it simply goes in aid of the poor rate, and in relief of those who pay it. Other questions of the most perplexed description have arisen, and the the practical difficulties in the administration of the law are hardly to be described. I have stated that we pay at present a sum of £18,000 a year for the maintenance of the Charity Commisssion, an expenditure which I believe to be highly beneficial, in particular to the charities themselves. But, over and above this, the Revenue Department is put to serious expense in the endeavour to execute the law, from the excessive complexity and minuteness of the claims for exemption, and from the difficulties attending their verification. A single institution has property in forty, fifty, nay, it may be, in a hundred different parishes; and on each of these properties are charged severally a multitude of small bequests, into the separate investigation of which it is scarcely possible to enter with a view of ascertaining whether they are for purposes which the law regards as charitable or whether they are not. We propose, therefore, that the exemption of charities generally shall cease to exist, partly on account of the altered practice of the State and the heavy charge it undertakes for charitable purposes, partly on account of the difficulty and confusion encountered in the attempt to give effect to the exemptions, and partly on account of the sound general principle that all property ought to contribute to the taxes of the country, which, if they are justly and wisely imposed, ought not to be regarded as a penalty on property, but as the necessary means of rendering property available for the effective use and enjoyment of the owner.

There are, however, certain portions of the exemption which it may be well to keep alive. I mean particularly that part of it which affects the buildings belonging to hospitals, colleges, and charities of various other descriptions. We do not propose to withdraw this portion of the exemption, and simply on the practical ground, that whereas a main part of our view is to simplify the law, and make it capable of certain and uniform execution, we should impede our own purpose were we to attempt to tax generally buildings not occupied for profits, as it would be extremely difficult to arrive at any equitable principle on which they and the sites they stand upon could be valued. In the case of places of Divine worship we propose to go a step further, and to allow the exemption to continue in favour of the funds devoted to keeping them in repair.

I wish also to refer for a moment to what are termed voluntary subscriptions, and institutions dependent upon them, lest it should be apprehended that they are affected by the proposal of the Government. They stand on a totally different footing from the exempted charities, and they are not charities at all in the eye of the law. No tax would reach them, as there is no person who would be assessed in respect of them. The property of endowed charities will be liable, because it will be taxed at the source; but all income from voluntary subscriptions will remain as it is now, taxed neither more nor less; for in truth it is already taxed in full, as the subscriptions usually form part of incomes which have paid the tax already.

Another reservation appears to us to be required by the justice of the case, and it is as follows:—Whenever there is an individual whose total income is under £100, and who is already in receipt of a portion of that income from a charity, we propose to provide that such portion shall in no case be liable to any abatement on account of income tax, until the interest of such individual shall have determined. For we consider that such a person has acquired a beneficial interest in the grant that he enjoys; and if he were subjected to abatement on account of income tax, we should place him in a worse position than other persons having an equal income, and that in derogation of rights acquired previously to the passing of the enactment we propose. This may be regarded as a matter of detail, but it is one which I have thought it material to explain, at least in general terms.

There is much more to be said on the subject of charities and their exemption; and a good deal of perplexity is involved in some parts of it. I will, however, for the present, forbear to notice many of the points to which I may find occasion to advert on a future opportunity.

I am not able to state with precision the financial result of the proposal we now make. This much, however, we do know, that we make an abatement or repayment of income tax on property amounting to two and half millions in yearly value. We further know that a very considerable amount of real property in various parts of the country is discharged from assessment altogether—a measure, I believe, adopted without express legal authority, but apparently with a view of saving expense in minute investigation, which would otherwise constantly recur. It is, however, probable, indeed, it is almost certain, that in many cases portions of this property have passed from the possession of charities into the hands of private individuals, who now pay no tax upon it; in fact, of a considerable portion of it we have entirely lost sight; but so far as we can estimate the effect of the exemption the loss which it causes can scarcely be less than £100,000 a year. If it be removed, we shall obtain three-fourths of this sum, or £75,000, during the present financial year. The new minor charges to which I previously referred are likely to bring in about £58,000 for the year; the two together make £133,000, which, added to the surplus I before stated of £3,741,000, makes £3,874,000.

I have now, Sir, to state the manner in which we propose to deal with this surplus of estimated income and estimated expenditure. And the first subject which I have to mention is one to which I can scarcely allude without a pang to my self-love: I refer to what is termed the penny charge on goods inwards. It was enacted in 1860, and it is sometimes called a small, sometimes a petty charge, according to the inclination of the person who is describing it. It was originally submitted to the House in the belief, on the part of Government and of their advisers, that it was capable of being framed with great simplicity, and of being levied without entailing any delay or hindrance in the course of trade. I am bound to admit that this expectation, as we soon found, could not altogether be realized: it was requisite, however, to persevere with the proposal for the purpose of obtaining a sum of money necessary in order to enable us to give effect to what the House and the country justly regarded as great improvements in our commercial legislation and administration. I conceive that the great expansion of the trade of the country since those improvements were effected amply shows that this charge has not constituted a capital grievance. Still, I own that an amount of inconvenience is found to attend the operation of it, which is considerable in proportion to the revenue it yields. It may be stated generally that it is liable to that class of objections which attach to *droits de balance*, or, as we call them, nominal duties. We have now, I am happy to say, arrived at a condition of the revenue which enable us to dispense with this particular payment, and I accordingly propose that on and after the 1st of July the penny charge shall cease and determine.

Together with the penny charge inwards, I have to mention another charge of 1*s.* 6*d.* levied on every bill of lading outwards. Both the intention and the operation of the two are altogether distinct. The charge of 1*s.* 6*d.* was imposed mainly with a view to statistical rather than to fiscal objects; on the other hand, there is no delay or obstruction whatever to the course of trade in connection with this charge. We consented last year to refer the consideration of it, together with the former one, to a Select Committee presided over by my hon. Friend the Member for Honiton. That Committee undertook to examine into the value of the statistical information obtained from the bill of lading in connection with this charge; and they reported that all needful statistical information could be obtained without it. We have assented to the reference of this question to the Committee, and we felt that the merchants of this country are themselves the parties most interested in procuring good commercial statistics, and that their authority is accordingly of great weight in such a matter. Under these circumstances, and as the revenue derived is not very important, we have thought it well on the whole to treat this charge in the same manner as the penny inwards, and we therefore propose that from the same date the 1*s.* 6*d.* duty shall disappear.

The total revenue derived from these charges amounts to £191,000. As that revenue will cease on the first of July, we shall lose this revenue for nine months out of the twelve: I must therefore deduct on account of the repeal of these charges £142,000 from the surplus which I have mentioned. There have been times, Sir, in the history of other generations when it has been considered not only warrantable, but highly laudable, for parents to bring their own children to the scaffold or the axe. I now find myself in that predicament. I offer up these children of mine with the greatest cheerfulness and good humour, as far as I am concerned, on the altar of the commerce of my country.

The next subject which I have to submit to the notice of the Committee is one to which I feel anxious to draw its particular attention. It is of greater magnitude than the matters which I have just mentioned; but it is not, at the same time, of such magnitude as to dispose of a very large portion of the surplus at our command. It relates to what may be called the "minor incomes" now liable to the income tax. I must begin by reminding the Committee of the course with respect to it which has been taken at former periods by the Legislature. When Mr. Pitt first introduced the income tax, £60 was the lower limit of the incomes to which the tax began to attach; but it began to attach at that point in a form so mitigated as to be of very little financial value, and we do not propose to return to such a provision in the construction or rather re-construction of the tax. Mr. Pitt fixed the limit upwards at £200, and it was only on incomes at and above that amount that the full force of the tax fell. A very complicated arithmetical series of deductions was submitted by him to Parliament, which provided that the deductions should grow larger and larger, as the incomes became less and less, down to the point fixed. I have cited the authority of Mr. Pitt simply to show that in his view, and in the view of the Parliament of that day, £200 constituted the limit at which the full operation of the tax ought to begin to attach; and likewise that £60 was the sum which as they thought might properly be withdrawn from the scope of the case altogether. Now, Sir, it is undoubtedly true that since the time of Mr. Pitt the wealth of the country has enormously increased, and that with that enormous increase in wealth the relative value of a given pecuniary income of so many pounds sterling has become diminished. An income of £200 a year at the present day gives less consequence and less social standing to its possessor than it did in the time of Mr. Pitt; and an important part of the proposal I am about to make is, that we should fix £200 a year as the limit below which some deduction or favour in some form should attach to incomes liable to the income tax.

At a later period, under the pressure of war, the limit of the full tax was carried down to £150. When Sir Robert Peel revived the tax in 1842, he revived it at that amount, and he granted beneath that point a total exemption; but he framed his measure entertaining the hope of the early extinction of the tax. When, in 1853, the tax was renewed for seven years—and again with a hope of its extinction which proved to be fallacious—the limit of the tax was moved downwards, and fixed at £100 instead of £150. The ground upon which that was done, and I think justly done, by Parliament, was this:—It was shown that no class of the community had benefited more by the general extension of trade and the increase of profits resulting from the imposition of the income tax, and by the direct diminution of protective and other indirect duties, than that class whose incomes ranged between £100 and £150 a year. It was, I may say, then thought to be due in justice to those who had incomes somewhat above £150 per annum that those whose incomes were immediately under that sum should thenceforward make some contribution to the fund by means of which such great benefits, common to all classes, had been realized.

So far as regards the amount of income

at which the application of the income tax commences, in the opinion of the Government it is justly fixed by the present law at the sum of £100. I must, however, state that what I may call the sore place, at any rate the sore place above and beyond all others, in the working of the income tax, is at the point where incomes range from £100 up to £200 per annum. I venture to give this opinion with much confidence, for I have, however unworthily, been the occupant of my present office for a considerable time, and have been, I may venture to say, in a peculiar manner, the confidential recipient of the sorrows and grievances of the tax-paying community. I may add, that the opinion I now express is, I know, shared by the authorities of the Revenue Departments, practically most conversant with the working of the tax. From time to time, I may almost say from day to day, the post brings me complaints of individuals respecting the working of the income tax, and I believe I am stating the case moderately rather than otherwise, when I inform the Committee that among those complaints nineteen out of twenty proceed from persons whose incomes, exceeding £100, fall short of £200 a year. One circumstance which makes the tax particularly galling to this class of taxpayers is, that the charge is more accurately and fully levied in their case than in the case of many wealthier persons assessed in respect of trades and professions. As a general rule, the concerns of those who possess only these smaller incomes are more transparent, so to speak, than the private affairs of their richer fellow-countryman. Every neighbour can see through them; they may be said to live in glass houses; deception, if they were disposed to deceive, would be for them almost wholly impossible. They pay the tax fully and readily, and they see or they surmise that many persons above them in the world, are not and cannot be always brought to account with equal strictness. There is another difficulty in the case; it frequently happens with a considerable portion of the labouring class, and until the period of the distress in Lancashire that portion was much larger than it now is, that the aggregate income of a single family may amount to more than £100 a year, and yet we cannot bring that family under the operation of the tax, because the wages of the father singly, who is the head of it, do not amount to that sum; while, on the other hand, it has been felt by the Legislature that to investigate and ascertain the separate earnings, such as they may be, of the wife and children, would entail an inquisition quite intolerable. This constitutes, in our judgment a strong reason for dealing gently and equitably with taxable incomes between £100 and £200 a year. The two points at which the operation of the tax may be said to pinch more than at any others, are where it falls upon incomes of £100 or a trifle more, or upon incomes of £150 and a little over that amount also. We have endeavoured to frame a proposal which will, in our opinion, go far to meet the justice and equity of the case. I do not speak of justice in the most determinate and rigid sense. What may be called mathematical justice is hardly applicable to this subject. And, indeed, in principle there is no injustice in requiring any man to pay income tax who is able to pay it. Still, there is a wider and less rigid kind of justice which it is the desire of Parliament to administer in fiscal legislation, and which has due regard to considerations of prudence and policy, and to the degree of pressure which can practically be brought to bear on flesh and blood. Our plan, then, is as follows:—Retain the point of £100 a year, as the lowest point at which income shall become taxable at all; adopt the point at £200 a year as the point at which income shall be brought under the full pressure of the tax; remove altogether the distinction at the point of £150; abolish the double rate which now prevails, and in lieu of it have only one rate, but allow every taxable person, whose income ranges between £100 and £200 a year, to make a deduction of £60 from his taxable income. I venture to hold out a strong hope that the effect of this proposal, if adopted by Parliament, will be to mitigate in a remarkable degree the difficulties which are now felt in the application of the tax to the lower incomes, especially at the two critical points of £100 and £150 to which I have referred. I am very desirous that this proposal should be clearly understood, and perhaps I may render it more intelligible if I state what will be its effect upon incomes at various rates which are to have the benefit of it. The figures I am about to give are computed upon the supposition that the new law is to be compared with the old one at the rates of tax now ruling, viz: 9*d.* and 6*d.* in the pound. On an income of £100 the tax is now £2 10*s.*; under the new system it would be £1 10*s.* On an income of £125 it

[would

[I, *page* 225, *follows.*]

would be £2 8*s*. 9*d*., instead of £3 2*s*. 6*d*. as at present; on an income of £150, £3 7*s*. 6*d*., instead of £5 12*s*. 6*d*.; and on an income of £175, £4 6*s*. 3*d*., instead of £6 11*s*. 3*d*. The relief, therefore, as will be seen from these figures, will be most considerable at the points where the inequality is at present greatest. Those who entertain very strong objections to the income tax may, perhaps, think it would be better to retain upon its head all the inequalities with which it is charged. I have, however, always felt, and I continue to feel very strongly, the force of these objections; but, at the same time, I think it is our duty to remove, wherever it is practicable, those inequalities which produce great, and I must say very intelligible, public discontent. I speak the opinion of all who are practically conversant with the working of this branch of taxation when I say that the adoption of this proposal will be a great—I may say almost an immeasurable—boon to those classes whom it concerns.

And now, Sir, as we have got the pick-axe into the fabric of the surplus, and have dislodged from it one or two bricks, we shall find it very easy to complete the bulk of the operation, and to bring the whole—or nearly the whole—of that fabric to the ground.

The subject which I have next to bring under the consideration of the Committee is that which is commonly called the tea *and* sugar—but I prefer to call it the tea *or* sugar—duties.

In the first place, I assume it to be beyond doubt that the question of what we rather loosely, but still intelligibly, call the war duties on tea and sugar, occupies a front place among the questions which, in the present condition of the revenue, must be brought under the view of Parliament.

In the second place, it is, I believe, the view of Parliament, as it is also of Her Majesty's Government, that in a case where we are happily able to offer a reduction of taxation, we should have a mixed and joint regard for the two great descriptions of taxation—the direct and the indirect. Now, it is quite impossible for us to make what I should consider an effectual change with respect to both the tea and the sugar duties. The cost would be too great of reducing at the same time the tea duty to 1*s*., and the sugar duties to the point at which they stood before the Russian war. It appears to us perfectly clear, that whatever we do, we ought not to divide the remission upon either article into two or more parts, but rather to choose one of two subjects, and deal with it effectually. It will be much better, as it seems to us, to make such an alteration as will give a sensible stimulus to trade consumption, and thus, in consequence, a sensible stimulus to revenue, than to dole out and divide into minute proportions, and ineffectual or less effectual amounts, the relief which it is in our power to bestow. Practically, therefore, the question comes to be one of choice between the tea duty and the sugar duty, for reduction of the whole amount, which is in question, upon either. This is I suppose, Sir, the first time in the history of legislation or of mankind, that these two articles have been placed in hostile competition with each other. Nature seems to have ordained that intimate alliance between them which has been satisfactory to the experience of us all. I am truly sorry that it should fall to my lot to propose a severance of their union, even if only in appearance, and if only for a time. I have, however, this consolation, that if we confer a boon on the one, it immediately overflows upon the other; for the old established combination in their use makes it entirely certain, that if we reduce the duty upon sugar, we shall bring about an increased consumption of tea; and if we reduce the duty fron tea, we shall excite a larger demand for sugar. That being the state of the case, let us proceed, Sir, to inquire which of the two has the greater claim to immediate relief. In the first place, there is no difficulty in either case as regards the stocks on which we have to draw, for of both articles we have an abundance. As regards the prices, sugar is for the moment the cheaper of the two, but its cheapness depends, in some degree, on the continuance of a great calamity to mankind—the sanguinary war in America. The special arguments which may be urged in favour of the selection of sugar for reduction appear to me to be these:—First, that nine years ago the duty upon sugar was actually lower than it now is; whereas, with respect to tea, although a date has been fixed by law for its falling to 1*s*., it has never really been below the point at which it actually stands. Secondly, the general trade in sugar is larger and more important than that in tea. The incidental and collateral effects upon commerce, in connection with the reduction of the sugar duties, would be more considerable than those proceeding from a reduction of the tea duties. Turning, on the other hand, to the arguments applicable on behalf of tea, they will be obvious enough to the minds of hon. Members. Some of them are secondary considerations, not wholly unimportant, even if, of themselves, indecisive. Our present relations with China, the existence of our military establishments there, our interest in developing the commerce, and establishing the social order of that great country, are, without doubt, important topics of national consideration, but they can hardly be allowed to turn the scale in a question such as this. There is, however, a negative argument, by no means unimportant, in favour of tea, which is to be derived from certain proceedings now in progress with respect to sugar. The subject of duties upon sugar is one of peculiar complexity in its practical application, more particularly with reference to the scale of drawbacks which it becomes necessary to allow on behalf of refined sugar when exported from the country where it has undergone manufacture. It happens that at the present time, on the proposition of the French Government, most of the countries which possess an important sugar refining trade have agreed to send, and have sent, representatives to Paris, to consider the detailed regulations now in force on the subject. Hitherto, each country has been accustomed to allege against the others that what are called drawbacks are really bounties. It is of great importance to the European trade in this cardinal article, that a common understanding should be arrived at. Of course, nothing will be done in the course of the inquiries in Paris to bind the judgment of the executive Government, much less of the House of Commons; but if legislation on sugar be postponed, we should approach the consideration of the details with much greater advantage, when we have before us the results of the comprehensive, minute, and impartial inquiry which we have reason to expect. But, Sir, perhaps the most important argument for tea, as bearing immediately on the case, is that the present duty on tea is much higher, in relation to value, than the corresponding duty on sugar. I will take, not the prices of tea or sugar at this moment, but the ordinary or average prices. The duty on tea is more than 100 per cent—in other words, it is greater than the usual price of tea in bond—while the duty on sugar is only equal to about half of the usual value of the article. In a question of relative justice in the distribution of relief, this consideration has appeared to the Government to be of the greatest importance. It will also appear, that by the reduction of duty which is contemplated, it is in our power to produce a much more sensible effect on the price of tea than on the price of sugar, and in proportion we may hope to bring about a more considerable increase of consumption, and restoration of revenue. By a reduction of duty also, we can much more considerably lower the price of tea than of sugar. The price of a cwt. of sugar, duty paid, is on an average about 35*s.* If we take off 3*s.*, to reduce the duty to a minimum, it brings the price to 32*s.*; which is a reduction of about 8 per cent. On the other hand, the duty price of a pound of tea is 3*s.*; and if we take off 5*d.*, that reduces it to 2*s.* 7*d.*, or a reduction of about 14 per cent. It will therefore be obvious to the Committee that we have reason to anticipate a more considerable and buoyant effect from the reduction of the duty on tea than on sugar. Guided by these considerations, we have formed the intention to propose to the Committee the reduction of the duty on tea from 1*s.* 5*d.* to 1*s.* per pound. We likewise propose that this reduction shall take effect immediately after the Resolution I am about to lay upon the table shall have been adopted in Committee and by the House. So far as our forms of procedure are concerned, there is no necessity for a Resolution previous to the Bill; but one will be submitted, as offering the simplest mode for obtaining the judgment of the House, and a practical settlement of the question. We intend to submit the Resolution on Thursday next; we shall propose to report it on Friday; and on the subsequent morning the tea duty will, as we hope, be reduced to 1*s.* per pound.

We are of opinion that the revenue from tea should at present be granted only until the 1st of August 1864. It may be important to consider during the next Session, or at an earlier date, whether, according to the practice which formerly prevailed, some one important branch of revenue should in future be voted only from year to year, and whether the branch of revenue to be so voted should not be the duty on tea. When the duty upon sugar comes to be finally settled, the two subjects can be considered together. I am not able to say at what period the question of sugar duty can be dealt with; but with a view to the joint consideration of the two articles in relation to the question I have named, it will be most convenient to renew the tea duty only until August 1864. The Committee need not apprehend that the proposal thus to fix the duty upon tea only for a limited period will have any disturbing or unsettling effect; for it is thoroughly understood by the trade, and by the country, that when the tea duty shall be reduced to 1*s.* per pound the reduction will be, so far as we may presume to look forward into the future, a final measure.

We estimate as follows the financial results of the change:—In 1862-3 we consumed 77,500,000 lb. of tea, which paid a duty of £5,497,000; in 1863-4, if there were to be no change in the law, we should estimate for a consumption of 79,636,000 lb., which would yield a revenue of £5,640,000. The first loss of 5*d.* per pound on that amount, for twelve months, would be £1,659,000. We think, however, we may venture to reckon with safety upon an increased consumption, in the first year after the reduction, of 6,000,000 lb., producing a revenue of £300,000. We shall thus reduce the loss for the entire twelve months to £1,359,000; but a small portion has already been broken off the financial year for which we estimate: on account of this fraction of the year I strike off £59,000, and I reckon, accordingly, on a net loss of £1,300,000—a large sum without doubt, but a sum which I think will be adequately compensated by the benefit we are about to confer on the community.

It may be thought that in a case like this we do not at all require the aid of any ocular demonstration. It has, however, happened that my hon. Friend the Member for Lancaster (Mr. Gregson), apparently mistrusting the intelligence of the Committee, has been good enough, at the close of his long campaigns as leader of the movement for the reduction of the tea duty (and I take this opportunity of offering him my public and cordial congratulations on the triumph he has so justly earned), to forward to me the two parcels which I hold in my hands. Of these the one is labelled "a pennyworth of tea at 1*s.* 5*d*," and the other "a pennyworth at 1*s.*;" and the Committee will readily perceive the considerable difference in their respective bulks. This matter is not without interest, because an idea prevails, that when duties of this kind are reduced, an undue proportion of the benefit is arrested, while on its way to the public, by the merchant and the dealer. It will therefore, I am sure, be a matter of great satisfaction to the Committee to find that my hon. Friend, a man of the highest character and honour, and deservedly possessing the confidence of the whole mercantile world, especially of the East India and China trade, has pledged himself to me personally and individually that in every case the man who shall buy a pennyworth of tea under the new duty will have at least the same increase over what he would have bought under the old duty, as is represented by the large packet which I hold in my right hand, compared with the small packet which I hold in my left hand.

What now remains to be considered is the question of the Income Tax. It will be recollected that my estimate of receipts from the Income Tax for 1863-4, taking the tax at 9*d.* and 7*d.* in the pound, was that the tax would produce, in the course of the financial year, £10,500,000. A reduction of the tax from 9*d.* and 7*d.* to 7*d* and 5*d.*—I am not now taking into account the loss by the change in minor incomes, as I wish to keep that question separate from the question of poundage—would cause a diminution in the year's receipts of £2,350,000, or £1,175,000 for each penny of the 9*d.* That would be the loss upon the tax for the whole year; but the whole of the loss would not be felt in the present year. A careful estimate made by the Board of Inland Revenue shows that the loss in the present year would probably not be more £1,600,000, and that a further sum of £750,000 would stand over till the financial year 1864-5. But there is also to be reckoned the plan which I recently explained to the Committee for the relief of minor incomes. For an entire year the loss from the adoption of that plan would be £400,000; for the actual financial year we may very safely take it at £300,000. It therefore follows that we may reduce the Income Tax 2*d.* in the pound for the whole community, and we may likewise adopt a further plan of relief for minor incomes, at a cost to the revenue in the present year of £1,900,000, with a further prospective charge of £850,000.

And here, Sir, in passing, I cannot refrain from calling the attention of the Committee to a subject of no inconsiderable interest, and reiterating an opinion which I ventured to express in a former Session, but which was then received with some (I admit) not unnatural scepticism—the opinion, namely, that the change in our fiscal arrangements, by which we now collect three-quarters of the Income Tax for the year within the year, in lieu of only one-half as before, is a change of the greatest and most beneficial importance. When we collected only one-half of the tax in the year, the effect was this:—At various periods we legislated in respect to the Income Tax under the pressure of great political and financial necessity, with a view to the events of the year with which we had to deal, and yet we only received within that year one moiety of the sum which we directed to be raised. On the other hand, when we remitted a portion of the tax, one-half, or more than one-half, of the entire remission passed not into the year which we had immediately in view, and for the wants of which we were making provision, but into the year beyond, as to the needs and circumstances of which we had no information before us. By means of the change which brings us in each year three-quarters of the tax belonging to that year, we have got the Income Tax, so to speak, much more in hand. It is, I fear, unavoidable that we should always remain three months behind hand over and above the sums which may be in arrear. Unavoidable, I mean, in England; in Scotland a better arrangement, in some respect better, has been found practicable, and in that kingdom the whole of the tax is received within the year, though at a very late period of the year. So far, however, as England is concerned, by levying three-quarters out of the four, instead of two, the Government is enabled to adjust its financial arrangements with a much closer adaptation than was previously possible to the circumstances of the country and the necessities of the State. With the present system of collection, our total amount of remission being £2,750,000, £1,900,000 of that amount will fall upon the financial year, and £850,000, or less than one-third part, will remain for 1864-5. But under the former system no less than £1,483,000 of the total loss would have stood over to 1864-5, and only £1,267,000 would have been felt in the year now current.

I shall now, with the permission of the Committee, put together the various remissions I have proposed, so as to bring them under one view. The relief upon the small charges—that is, the loss for the current year—will be £143,000. The relief to minor incomes will entail a loss of £300,000. The relief to the consumers of tea will be £1,660,000, but the loss to the revenue for the year will, as we estimate, be only £1,300,000. The loss for the year from a reduction of 2*d.* in the general rate of the Income Tax will be £1,600,000. The total loss for the year will be £3,343,000. But I wish to call particular attention to the fact that a further loss of £898,000, nearly the whole of it due to the Income Tax, but some small part of it to the minor charges on trade, will fall upon the financial year 1864-5. We thus incur a total loss for the present year of £3,343,000; but we ask the House to give its legislative sanction to changes, which between the present year and the next will bring about a loss of £4,241,000. When I add to that total loss to the State the further relief which the consumer will derive from a part of the duty on tea being made up by increased consumption, it appears that the whole amount of remission of taxation which you are to-night asked to take into consideration is £4,601,000.

The effect of these operations upon our estimated surplus will be as follows:—The surplus, as I stated it some time ago, with the addition of some small sums to be derived from intended legislation, amounted to £3,874,000. The several branches of estimated revenue which I stated to the Committee will require to be rectified as follows:—The Customs, instead of £24,180,000, will yield £22,737,000; the Income Tax, instead of £10,500,000, will yield £8,675,000; and to other branches of the Inland Revenue must be added £58,000. The total revenue has been estimated at £71,490,000; from that sum we propose to deduct losses by remission amounting to £3,343,000. The total estimated revenue will therefore stand at £68,147,000. The surplus, before deductions, was £3,874,000; and after withdrawing from it the sum I have named of £3,343,000, it will be reduced to the moderate sum of £531,000. With this moderate surplus Her Majesty's Government do not propose to part; and for many reasons we trust that the House of Commons will support us in resisting any efforts, however well they may be meant, and from whatever quarter they may proceed, with a view to destroy or diminish it. We look to the state of the country, to the balance-sheets of past years, to the scale of our expenditure, and to the condition of the world: — with all this before us, we feel that it would be inconsistent with our duty to acquiesce in the withdrawal of any of the resources which we have retained in order to constitute our surplus, and we confidently and earnestly appeal to the Committee for its unequivocal support against any attempt to wrench it out of our hands.

Now, Sir, with respect to our plan as a whole, it is not, at any rate, one which pretends to originality. The public had anticipated in the main the proposals we were about to make. That has not been owing, so far as I am able to judge (and I can form the judgment with some confidence), to premature disclosures, but simply to the state of the facts. The state of the facts, the bearing of the public interests, and events which had taken place in former years, distinctly indicated, within certain limits, what should be the course of Government, if it sought to do justice to the country, or to obtain the favour of the House of Commons. With regard to the tea duty, for example, in addition to other reasons which weighed with us, one was the prominent position which had been given to the question in a previous discussion in this House at an important political crisis. In 1860 it was the claim of the tea duty which Her Majesty's Government thought themselves bound to weigh carefully against the claim of the duty on paper; and again it was the claim of the tea duty which, in 1861, hon. Gentlemen sitting opposite deemed it their duty, as the strongest claim which could be made, to offer in opposition to the claim of the duty on paper. If there is to be a contest for the honour of ownership in the principal parts of this proposal, it may belong, perhaps, to those who first published them to the world; and I am not aware to whom it could be given with greater credit—for the Government are not disposed to contest the point of honour—than to my right hon. Friend the Member for Cambridge (Mr. Walpole). He last year proposed a Motion which certainly came, at the moment, to an untimely and even a violent death. But it has re-appeared, I trust, under happier circumstances, and it has formed the basis of the plan of the Government in its largest and most important parts. Sir, it is no motive of dissuasion to us, with respect to any financial proposals, that they should have already found favour in other quarters. If we felt bound from regard to the interests of the country to do now as we have done before, to pit in debate our proposals against those of others, and to contend stoutly and resolutely for them, we should not hesitate to adopt that course. But if the time has happily arrived when we are enabled, compatibly with and in obedience to our public duty, to submit to the House plans which have been already declared to be the favourite plans of others, we, so far from being deterred on that account from making ourselves the responsible proposers of those plans, are the better pleased to think that it is in our power, as we hope it may be on the present occasion, to unite in one firm intention the general sentiment of the House, and to secure its approbation, without distinction of section or party, to measures which we think are for the benefit of the country.

Such, Sir, is the state of the case with regard to the plans of the Government, and to any right of authorship in them. But before concluding I must make a further appeal to the indulgence of the Committee with reference to some observations that I submitted at the opening of my statement. On commencing that statement, Sir, I had to make, and I made broadly the admission, not only that for the last four years our finances had been placed in a state of tension, but likewise that the degree of that tension had been somewhat enhanced in consequence of the large remissions of duty which we proposed in 1860, and which were adopted in that year and in 1861. We are now, as I trust, passing out of what I have formerly described in this House as an exceptional period. And standing, I trust, at its close, I desire to state with exactitude to the Committee the two following points—first, I wish to state what has been the general state of our account of revenue and expenditure for the last four years, taken as one account; secondly, I desire, without seeking any revival of controversy, or impugning the opinions or conduct of others, yet respectfully to present to the Committee facts which I think demonstrate that we have been justified by considerations of prudence and policy in asking Parliament on a former occasion, notwithstanding the vast amount of the expenditure and its pressure on our resources, once more to take in hand the prosecution, I may almost say the completion, of the great work of commercial legislation.

And first, Sir, as regards the account of the country for the last four years, I will place it before you in a form which is summary and comprehensive, but which I trust will be found intelligible to every one. The principle on which it is framed is strictly this—I place to the debit of the account everything in the nature of special resource that we have consumed, and I place to the credit of the account all payments that we have made in reduction of the public debt.

First, let me consider what to set down to the debit of the four years. Taking the income and expenditure of these four years as one year, there is a balance of deficit upon them amounting to £1,061,000. Next, the special separate expenditure upon fortifications, for the same period, has been £2,070,000. Thirdly, the malt credit, taken up within these years, and not belonging to them as ordinary Ways and Means, have been £1,972,000. This sum, together with a repayment from Spain of £500,000, amounts to £2,472,000. I must, however, set off against receipts not belonging properly to this period payments which have been made within, but which did not properly belong to it. Omitting any reference to a sum paid for the redemption of the Stade dues, these payments were of two kinds—there were drawbacks on duties abolished, or, in other words, reimbursements to the taxpayers of revenue received in former years, amounting to £795,000. There were charges for the Russian war, and for a former war in China, amounting to £497,000. Adding these together, I obtain a sum of £12,920,000 as the total amount of my set-off. This leaves a balance of special receipts over special payments for the four years amounting to £1,180,000. This sum, therefore, forms the third item to the debit of my account. Fourthly, I must take into view the repayments of advances on account of Public Works as compared with the issues for the like purpose, and I find that the former are in excess of the latter during the four years by a total sum of £2,375,000. Lastly, I must compare the state of the public balance, that is our cash with our bankers, in 1863 and 1859 respectively. At the date of March 31st in each year, I find here for the fifth item on the debit side of the account a decrease in the balance amounting to £526,000; thus the total sum which we have consumed during the four years in order to meet the demands of the Public Service, and which we have not drawn in the regular manner from taxation has been £7,212,000.

Allow me here, as I have had occasion to advert to the state of the balance, to make a remark by way of parenthesis. It is my intention to submit to the House Resolutions which will empower me to pay off in the month of May the million of Exchequer bonds which will fall due at that date. This proposal is in no degree founded upon any such idea as that there is an obligation to liquidate debt of this description at a particular time in preference to other debts, but simply upon the belief that it will be a convenient and profitable operation. More than this, we take into view the state of the country, especially Lancashire, and we shall ask the House to intrust us with power to refund that money, or any part of it, within the year, if need shall arise, but without any serious expectation at the present moment that we shall have occasion to exercise the power we seek.

Well then, Sir, £7,212,000 is the sum which stands at the debit of the special account of the four financial years 1859 to 1863. Turning to the other or credit side of the account, we have from time to time made payments out of the balances for the redemption of debt, amounting in all to £1,883,600; but besides payments of this kind, the law provides us with a machinery silently and continually at work towards the redemption of the debt, in the form of terminable annuities, whether upon lives or for periods of years. Upon analysing the public charge on account of terminable annuities for the last four years, I find that the portion of it which does not represent the mere interest, but represents repayment of capital, may be stated at £5,501,000. Thus, then the total of the sums which we have paid out of the taxes of the country during the four years towards the reduction of debt has been in all £7,384,000; while, on the other hand, the total sum which the same four years have enjoyed for their own uses, though not belonging to their regular income from taxation, has been £7,212,000; in other words, the two sides of the account have been as nearly as possible balanced.

But in order fairly to estimate the operation of these four years several particulars must be borne in mind. In the first place, we had to defray out of the annual income extraordinary charges arising principally from two causes. We had to meet no less than £8,500,000 of direct war expenditure, of which in round numbers £7,000,000, after allowing for half a million of indemnity, were due to the war in China, and nearly a million and a half to the war in New Zealand and to the expenses of the force sent to British North America at the close of 1861. I am not aware that at any previous period of our financial history an amount of charge approaching to this has ever been borne from the ordinary resources of the year. We have, secondly, had to meet heavy expenses for re-construction or transformation in the naval and military departments. It is not easy to ascertain the precise cost of these operations; but if I compare those heads of the Estimates which embrace them for the years 1859-63 with the amounts of the corresponding services before those years, I find an excess—which, as I conceive, nearly represents the truth—of almost eight millions more. Thus we have a total sum of sixteen and a half millions, in round numbers, paid away during the four years for war expenditure, and other purposes of a character highly exceptional.

But, Sir, this is not all, for during those four years there have been brought into operation extensive and important changes in our commercial and fiscal laws, and the Committee will justly expect that after the varied experience of the period I should make a statement to them with regard to the condition of some branches of our trade. A portion at least, I may add, of the facts to which I shall call their attention, appears to me well to deserve particular and careful notice.

The repeal of the paper duty is a measure of which it is very difficult to trace the effects with precision. In point of fact, it is only by a very slow process that the consequence of repealing an Excise duty is usually developed. In the case of glass, soap, and other articles it has been so, and I have no reason to suppose it will be otherwise in regard to paper. But it is remarkable, that although the diminution of the export trade in cotton has necessarily led to a great decrease in the consumption of paper used in that trade for the purpose of packing, which is usually a very large consumption, yet we have the evidence of a considerable increase in the consumption of paper in this country. There is enough of it, I conceive, entirely to justify the faith with which those who urged the repeal of that duty have looked forward to its probable results.

I am surprised, I confess, at the amount of foreign paper which has been imported into this kingdom. Our imports of foreign paper of all descriptions in 1856 were 15,767 cwt. In 1862 they were no less than 193,639 cwt. Those imports form very nearly 20 per cent of what the total manufacture at home had grown to be in the days of the Excise duty. But what is most satisfactory is, that together with this vast increase in the imports of foreign paper there would appear to have been some not inconsiderable increase in the manufacture of British paper. We have no power now, as the House is well aware, of following minutely the amount of paper that is made in this country; but we are able to do two things:—We can first of all follow carefully the amount of British paper which is exported; and next we can register and record the amount of the materials brought into the country for the manufacture of paper. The amount of British paper of all kinds that was exported in 1858 was 115,491 cwt. In 1862, the first year of the repeal of the duty, the amount exported was 149,326 cwt., showing an increase of 34,000 cwt. And here, one word as to the import of rags; and I trust the Committee will not grudge a moment for this point, because it is really tragical, it is almost funereal, to look back upon the dark anticipations once entertained as to the almost total banishment of that valuable article, with which we were threatened, from the markets of this country. In 1856 the import of rags for making paper into this country was 10,287 tons. In 1860 it had risen largely—namely, to 16,154 tons. I am bound, however, to suggest that that increase in 1860 was probably due, in a very great degree, to the anticipations entertained, till about the month of June in that year, that the duty would be repealed. However, in the year 1862, the first full year of the repeal of the paper duty, the import of rags rose again, and reached to 23,943 tons. Thus, then, we had an increase in the export of British paper, and a large increase in the import of foreign rags, out of which British paper was to be made.

Something however which has occurred during the past year with respect to the paper trade may seem to call for notice.

What I am about to quote, I shall quote not in disparagement of the highly intelligent persons by whom the paper trade of this country is carried on, but simply as an illustration, so far as it may be of any force at all, of the operation of Excise duties upon a manufacture into which science materially enters. The British papermaker at the International Exhibition of 1862 was on his own ground; the foreigner had to come here; and it is natural to suppose that the British manufacturer was at least as fully and, at any rate, as favourably represented as the foreigner. At any rate, what was the state of facts in regard to the medals and honourable mentions, delivered, I presume, by a competent and impartial jury? Eight medals, I believe, were awarded to British papermakers, sixteen to French papermakers, and fifteen to Prussian. That appears to me to be a significant and important fact with respect to the operation of Excise duties and restrictions on a manufacture which gives scope for the application of science.

As respects the article of wine, there has been a small increase of receipt, amounting to about £30,000, and the quantity entered for consumption has been increased by 109,000 gallons. The consumption of French wines has somewhat diminished during the year, a result at which I can feel no surprise after the extraordinary increase that had taken place in the year immediately preceding. The consumption of Portuguese wines has likewise diminished, as has the consumption of wines from the Cape. The Spanish wines have fared best during the year, and they exhibit an increase of 290,000 gallons.

I come now, Sir, to consider a subject which is always of great, and which is also at this moment of painful interest. I mean our trade with the United States. It is of great interest, because of its importance to the country; and it is at present of painful interest, because the reduction it has undergone bears melancholy witness to the secondary action of those far greater and more frightful calamities which afflict the continent of North America; and I shall likewise proceed to state the condition of our trade with France, because this is the first occasion of a financial statement, on which I have had it in my power to exhibit one full year of the working of the commercial treaty with France, and of the altered system that it introduced.

The value of British goods exported to the United States in 1859 was £22,553,000. In 1862 it had fallen to £14,398,000, and thus exhibited a decrease of £8,154,000. The value of foreign and colonial goods exported to the United States from this country had, during the same period, increased. In 1859 it had been only £1,864,000. In 1862 it had increased to £4,052,000; the augmentation was no less than £2,188,000, but nearly the whole of it was represented by the single article of cotton wool, which amounted in value to no less than £1,721,000. However, deducting the increase upon our foreign and colonial goods from the decrease upon our export of British goods, there remains an aggregate diminution in our export trade to the United States of about £6,000,000.

I take next the case of our trade with France, and here it will be my pleasant duty to point to a very different state of things. The year 1859 was the last full natural year before the treaty of commerce. In that year the value of British commodities exported to France was £4,754,000. In the year 1860 the treaty was concluded, and it took effect almost wholly as regarded our imports, but on a very few articles as regarded our exports. The value of British goods exported to France in 1860 was £5,250,000, and thus showed an increase of about £500,000. In 1861 the treaty took effect as regarded its provisions relating to the duties upon imports into France. It came into operation late in the year—namely, on the 1st of October. A very large augmentation appeared in our exports, but a part of this was due to the concurrence of a very bad harvest in France with a large supply of foreign corn in the markets of this country. In consequence, we sent a great quantity of corn to France, but in order to a more just calculation I shall not take this article into account. After striking off the sum of £1,750,000 for an excess in the export of corn, I find that in 1861 the value of British goods sent to France rose to £7,145,000. It thus showed an increase of £2,391,000 over what it had been in the last year anterior to the treaty. Then came the year 1862 with the treaty in operation from its beginning to its close. The value of British exports during the year now rose to £9,210,000. It thus showed an increase of £4,456,000. In other words the amount of British goods sent to France had about doubled under the operation of the treaty of commerce.

But the figures I have named by no means set forth the whole extent of the advantage which the trade of England and France has derived from the treaty, for an augmentation of exports till more remarkable took place in foreign and colonial produce, and I need hardly remind the Committee that the foreign and colonial produce which we send to France is something that we have ourselves obtained elsewhere in exchange for British produce. It therefore follows that every increase in the export of foreign and colonial produce from this country constitutes or represents effectively a corresponding increase in the export of British manufactures. The value of foreign and colonial produce sent to France in 1859 was £4,800,000, whereas in 1862 it amounted to no less than £12,614,000. Accordingly, the total amount of exports to France, which in 1859 was £9,561,000, had in 1862 gone up to no less than £21,824,000 In fact, while we had a decrease in the total trade to the United States of £6,618,000, that decrease was a great deal more than made up by the increase in the trade to France, for the augmentation in the French trade was £12,265,000.

It may, perhaps, be interesting to compare the case of our exports in woollens to the two countries respectively. To the United States in 1859 we sent woollens of all descriptions to the value of £4,502,000; in 1862 to the value of £2,711,000, showing a decrease of £1,791,000. To France, on the other hand, we had in 1859 sent woollens to the value of £419,000 ; in 1862 we sent to France woollens to the value of £2,176,000 ; showing an increase of £1,757 ; an increase in that which may be said to have filled up the entire void in our direct trade in woollens to the United States.

The deplorable effects of the cotton famine upon our general trade it is impossible for us to mitigate, so far as I am aware, by any measures of legislation; but in 1861, after the deficient harvest of the preceding year, we were enabled to show the powerful stimulus which had been imparted to the industry of the country through its export trade by means of the reduction and abolition of Customs duties which took place in the Session of 1860 And now once more, in 1863, I am enabled, during the afflicting pressure of the cotton famine, to point to similar and not less remarkable results which, under Providence, we owe to the wise arrangements made with France, through the agency, and owing, in a great degree, to the personal weight and credit, of my hon. Friend the Member for Rochdale.

Now, Sir, I submit these facts to the Committee not without the confidence that they may be held to justify the belief we entertained and acted upon four years ago—this belief, namely, that it was matter of high public moment that we should, even amongst the embarrassments and heavy charges of that period, endeavoured to enlarge the the area of British trade, industry, and enterprise, by a reduction and remission of taxes judiciously selected for the purpose. I admit, that in order to make up for that reduction and remission, we were compelled to impose, for that single year, one additional penny in the pound of Income Tax, which would not otherwise have been required; but I think few can regret that temporary and not very great addition to the Income Tax, when they consider that the effect of the legislation then proposed by the Government has been, in this period of severe trial to the industry of the country, to put in motion, and to keep in motion, not millions only, but perhaps even tens of millions of that industry.

If the Committee can so far extend its patience as to bear with me for a few moments longer, I will now draw their attention to a statement which they will probably receive with interest and surprise.

The Income Tax has now been in operation for a period of nineteen years. It was imposed partly with a view to supply a deficiency in the income of the country as compared with its expenditure, but in a great degree with a view to developing the trade and industry of the people, and thereby of bringing about an increase in the wealth and comfort of all classes of the community. After these nineteen years, and after a succession of different assessments, we are now in a condition to form some judgment as to the additions that have been made during that period to the means and resources of the country. I have made it my study to examine the subject with as much precision and rigour of investigation as its nature and the means at my command would admit. It may be that the statement I am about to submit may be capable of being further sifted in such a manner as to modify in a greater or less degree its results. I do not pretend it is infallible; I am sure it is remarkable; I believe it is substantially correct; at least, I can say that no pains have been spared to make it so.

In order to be as near the truth as possible, I do not compare the entire Income Tax of 1862 with the entire Income Tax of 1843, but I compare the Income Tax of the two periods *minus* that portion of it which only represents income proceeding from public taxation; because it is quite plain, that if we have several millions added to the income of England from the growth of public establishments, that increase, whatever be its character in other respects, does not represent a corresponding addition to the real wealth of the country. Therefore, I take schedule A as representing landed property, railways, mines, &c.; schedule B as representing farming profits; schedule D as representing commerce and professions; and so much only of schedule E as belongs to private establishments. This is the basis or area of taxation upon which I have founded my comparison I exclude Ireland altogether, because Ireland was not taxed in 1842, and its appearance would, therefore, only disturb the computation. I also exclude incomes below £150, for the same reason.

The Income Tax, at 7*d.* in the pound, in the year 1842 3, attaching to Great Britain only, and in Great Britain only to incomes of £150 and upwards, was assessed upon an aggregate amount of income in the schedules I have named reaching £156,000,000. Upon the very same area, with the same limitations, in 1860-1 the amount of assessed income was £221,000,000. Further, I am not aware that there has been any change in the machinery of the tax, or any improvement in the powers of levying the tax, as compared with the powers of escaping it, that will in any way account for the difference. On the contrary, certain concessions and relaxations have from time to time been enacted by the Legislature, which, as far as they go, would rather tell in the opposite direction. The difference, however, amounts to no less than £65,000,000 of annual income, or two-sevenths of the whole annual taxable income of the country within the area described. That is a most remarkable result; but there is a certain feature of that result which, when carefully examined, is yet more remarkable; and that is the accelerated rate of increase in the latter portion of that period. I again invite the attention of the Committee for a few minutes. I compare two periods—one of them before 1853, and the other since 1853, the year when the basis was altered. In ten years from 1842 to 1852 inclusive, the taxable income of the country, as nearly as we can make out, increased by 6 per cent; but in eight years, from 1853 to 1861, the income of the country again increased upon the basis taken by 20 per cent. That is a fact so singular and striking as to seem almost incredible. [Sir JOHN PAKINGTON: Australia!] Australia! Oh, no; I must not at this hour offer to the Committee a dissertation on the true effect of the discoveries of gold; but in passing I may say I grieve to see that in regard to that matter my right hon. Friend is evidently lost in the depths of heresy.

If I may presume, Sir, to refer to the causes of this vast increase of wealth, I would suggest two in particular. First of all the enormous, constant, rapid, and diversified development of mechanical power, and the consequent saving of labour in so many forms, and to so vast an extent, by the extension of machinery; in this, I of course include the modern means of locomotion. But the extension of machinery by steam power and otherwise has, speaking generally, been in active operation, together with the economy of labour it begets, for the last hundred years. There is another cause which has been actively at work during the lifetime of our generation, and which especially belongs to the history of the last twenty years. I mean the wise legislation of Parliament, which has sought for every opportunity of abolishing restrictions upon the application of capital, and the exercise of industry and skill; and has made it a capital object of its policy to give full and free scope to the energies of the British nation. To this special cause appears especially to belong most of what is peculiar in the experience of the period I have named, so far as regards the increase of the national wealth.

Such, Sir, is the state of the case as regards the general progress of accumulation; but, for one, I must say that I should look with some degree of pain, and with much apprehension, upon this extraordinary and almost intoxicating growth, if it were my belief that it is confined to the class of persons who may be described as in easy circumstances. The figures which I have quoted take little or no cognizance of the condition of those who do not pay income tax; or, in other words, sufficiently accurate for general truth, they do not take cognizance of the property of the labouring population, or of the increase of its income. Indirectly, indeed, the mere augmentation of capital is of the utmost advantage to the labouring class, because that augmentation cheapens the commodity which in the whole business of production comes into direct competition with labour. But, besides this, a more direct and a larger benefit has, it may safely be asserted, been conferred upon the mass of the people of the country. It is matter of profound and inestimable consolation to reflect, that while the rich have been growing richer, the poor have become less poor. I will not presume to determine whether the wide interval which separates the extremes of wealth and poverty is less or more wide than it has been in former times. But if we look to the average condition of the British labourer, whether peasant, or miner, or operative, or artisan, we know from varied and indubitable evidence that during the last twenty years such an addition has been made to his means of subsistence as we may almost pronounce to be without example in the history of any country and of any age. And this, Sir, is a result of the causes I have described, upon which it is impossible to look without feelings of the liveliest satisfaction. For it must always be borne in mind, that when we speak of the expenditure of the Government, we speak of that which is taken in great measure out of the earnings of the people, and which forms in no small degree a deduction from the store which is necessary to secure to them a sufficiency, I do not say of the comforts of life, but even of the prime necessaries of food, of clothing, of shelter, and of fuel. Scarcely in any country, scarcely in any period, have the earnings of the labouring community availed to secure to them in these primary respects even sufficiency, much less general abundance. And if we have been enabled by proceedings of ours, taken within these walls, to raise the standard of comfort and to diminish, if not to do away with, the fearful gap which existed half a century ago between the absolute necessities of the labouring man and his means of supplying them, we have accomplished a work for which the name of the Parliaments of this time will be blessed to the latest generation. It was about twenty years ago, when Sir Robert Peel, Prime Minister of this country at the time, referred with the greatest authority to the devouring effects of the Naval and Military Estimates then maintained by the Governments of Europe. I am afraid, Sir, that since the period at which he felt called upon thus to speak, the evil has grown not less, but more intense. In no quarter have those establishments diminished, in few are they stationary, in almost all they have increased. The natural consequence has appeared in the financial condition of almost every country; and speaking generally, it might be said without any gross exaggeration that deficit has become a rule. Nor need I dwell upon the evils political and social, and not financial only, which permanent or even frequent deficit entails. In some countries, for example in France, great efforts have been made to mitigate or retrieve the mischief; but although authority, talent, energy, and skill are known to have been employed for the attainment of the object, it yet remains to be seen in what degree these efforts are likely to succeed Italy, again, to take another instance, with her destinies as a nation still hanging in the balance, appears —probably from the necessities of her position, but not on that account the less unhappily—to be accumulating debt from year to year, with a rapidity which may well make her best and fastest friends tremble for the future. It would be easy to enlarge the catalogue of instances, but, perhaps, I have said enough of finance abroad. But I observe with pleasure that the Finance Minister of France, in a discourse which he recently addressed to the Senate, has spoken in condemnatory terms of what he calls the expenditure of emulation. He expresses the hope that this expenditure, due not to the wants of each country, but to the rivalry of one country with another, is likely to be diminished, and surely it is easy for every right-minded man fervently to re-echo the prayer. I am unable, indeed, to deny that a certain relation must exist between the general expenditure and especially between the defensive and military expenditure of the different countries of Europe. In framing the Estimates of Public Charge for the year, it has of course been the duty of Her Majesty's Government, first and most of all, to keep in view the honour, the interests, and the security of the country; and next to that honour, those interests, and that security, the deliberate judgment given by the House of Commons in the course of the last Session of Parliament. But subject to these considerations, as I trust I may also say both on my own behalf and on that of my colleagues, it is to us matter of additional satisfaction, after reading the eloquent denunciation of the Finance Minister of France, if, while we submit a plan which offers no inconsiderable diminution of the burdens of the people, we can also minister ever so remotely to the adoption of like measures in other lands—if we may hope that a diminished expenditure for England will be construed beyond the Channel as the friendly acceptance of a friendly challenge, and that what we propose, and what Parliament may be pleased to accept, may act as an indirect yet powerful provocative to similar proceedings abroad. Gratifying it must ever be to the advisers of the British Crown that the British people should enjoy an alleviation of their burdens; but, over and above the benefit to them and the satisfaction to us, there will be a further benefit and a further pleasure if we may hope that we are allying ourselves with and confirming such tendencies as may exist elsewhere in behalf of peace, of order, and of civilization, and that we are assisting, in however humble a degree, to allay unhappy jealousies, to strengthen the sentiments of good will, and to bring about a better and more solid harmony among the greatest of the civilized nations of the world.

I now, Sir, place in your hands the first of my Resolutions—that relating to the increase of the duties on Chicory.

Mr. WHITE said, he regarded with great satisfaction the admirable Budget which the Chancellor of the Exchequer had brought before the Committee; and the more that he had showed that he would carry out in office the policy he had advocated in opposition. He had calculated that the Chancellor of the Exchequer would have a surplus of £3,300,000, and that the right hon. Gentleman would be enabled to reduce the duty on tea to 1*s*. He was happy to find that his expectations had been warranted in this respect. He might challenge contradiction when he declared that the history of no country, in ancient or modern times, whether barbarian or civilized, afforded a parallel instance of so enormous an exaction on an import of such general domestic use as their fiscal system had so long levied on tea. It was astonishing that a duty of cent per cent on a staple article like tea had so long continued; it was only custom, which in this country reconciled some people to every abuse, that had led to the toleration of such an unwise and unjust tax. Tea, relatively to its prime cost, still paid to the Exchequer proportionately a higher duty than it had forty years ago; for, in the old bad times of East India monopoly and suicidal protection, the duty on tea was an *ad valorem* one of cent per cent. And had that duty been unalterably fixed from that period to this date, that impost (enormous as it undoubtedly was) on tea would have been far less exorbitant, owing to its diminished prime cost, than the reduced duties which had been levied during the last ten years. The average price of tea during that period, in bond, had, he found, been 1*s*. 4½*d*. per lb.; whilst the import duty thereon had averaged 1*s*. 6½*d*. per lb.; that was 2*d*. per lb. more than its total value laid down here, all expenses in and from China included. It appeared to him that the recent changes in their Customs and Excise duties had diminished the previous relative ratio of contribution by the rich and well-to-do classes, whilst they had augmented the amount paid by the operative and poorer classes. Admitting that the duties on coffee, tea, and sugar had been reduced, yet had not the Excise duty on home-made spirits been nearly quadrupled (from 2*s*. 8*d*. to 10*s*. per gallon) in Ireland, and increased in Scotland from 3*s*. 8*d*. to 10*s*., and raised almost fifty per cent in England—say from 7*s*. 10*d*. to 10*s*. per gallon—and five per cent. added to the malt duty? He need not say what class had paid that increased amount of indirect taxation. Contemporaneously the duties on foreign spirits and wine had been lowered more than fifty per cent, and he need not indicate who were the gainers by those reductions. It was the same class which was also now exempt from the payment of all duties on its foreign silks, lace, gloves—indeed, on almost every exotic article which could minister to its refined tastes or luxurious enjoyment. Notwithstanding our improvement in fiscal knowledge, it could be proved that in our system of indirect taxation the cardinal principle laid down by Adam Smith had been disregarded. Of the sum of £24,000,000 of Customs revenue one-half was now derived from tea and sugar, and a further £11,000,000 from tobacco, foreign spirits, wine, coffee and corn. Thus £23,000,000 out of £24,000,000 Customs duties were drawn from seven articles of general domestic consumption.

In short, the bulk of their Customs revenue was extracted from the hard earnings, if not the necessities, of the poorer classes. Most of the reductions which had been made in the Customs duties benefited the wealthier classes in a much larger degree than the poorer classes; for if the total home consumption of tea last year was 79,000,000 of pounds, one-half would have been consumed by the working classes; and at the average cost in bond of the quality of tea they used, it would be found that at the present rate of duty, namely, 1*s.* 5*d.* per lb., it paid quite 100 per cent on its selling value. From a Return, for the production of which the House was indebted to the justly lamented Sir George Lewis, it appeared that one-eighth of the entire of the earnings of the working classes of this metropolis was spent on tea and sugar. The main portion of the Customs duties were charged on articles of general consumption; and in respect of tea, the duty on which had undergone so many mutations in this country, the Russian Government had acted in a more paternal manner towards their people than the British Government had in respect of the operative classes of the United Kingdom. He believed that the consumption of tea would be so greatly increased by the reduction that the immediate loss to the revenue would not be more than £1,000,000, and in three or four years probably there would be no loss at all. Many among the population of this country never tasted tea at all, although it had become a conventional necessary of life; and among the adult operative class he was informed that the consumption was not above 6½lb. per head, whereas in Australia it was at least 14lb. per head of the whole population. At a duty of 1*s.* the retailers would be able to sell for 2*s.* per lb. a strong, sound tea, incomparably superior to that horrible decoction which thirty or forty years ago, in the time of the East India Company, was supplied to the public under the name of Bohea. The reduction of the duty would lead to a large increase in the use of the better sorts of tea. At least, fifty per cent of the finest teas brought into this country at present were re-exported to the Continent. The ladies who had the government of the tea table—from reminiscences of old times perhaps—were at present uncommonly sparing in the matter of tea, and spooned it out as carefully as if it were an article of the greatest luxury, but he felt convinced that in a few years tea-caddies would become obsolete and would be replaced by tea-chests. From careful inquiries which he had made, and from his own personal knowledge of the empire, he felt convinced that the tea-producing capabilities of China would keep pace with any increased demand, in fact, that they were practically illimitable; and Mr. Fortune, once his fellow-traveller, in his recent work, had stated that Japan also could produce an enormous amount of tea. He was citing from statistics, and he ought not to omit remarking that never were the statistics of the tea trade more favourable than now for the immediate reduction of the duty. For irrespective of the new sources of supply in Japan and India—both of which were opening out so rapidly—they had of tea, at the present time, in stock and afloat, a quantity unprecedented in magnitude. It was about equal to eighteen months' consumption, at the rate of last year. It amounted in stock and afloat to 118,200,000 lb. of tea. He believed that the benefit of this reduction would at once reach the consumer, and that eventually the revenue would not suffer. He did not agree with those who thought that the right hon. Gentleman should have made a larger reduction of the income tax. As long as the middle classes of this country bore so supinely the present extravagant expenditure, he would not assist them to throw the burden of taxation on the shoulders of the poorer classes. But for the inequality of its incidence the Income Tax was a very good one—if, indeed, any tax could be a good one; and he did think that the time had now arrived when, as a permanent tax, it should be placed upon a more equitable footing. The several items of the last revenue Returns showed that a very undue proportion of the national income was drawn from indirect as contrasted with direct taxation. Why, then, should there be an erroneous belief that direct was gaining on indirect taxation? He believed that but for the bad harvests in Ireland, and the collapse of our great national industry in Lancashire, the Chancellor of the Exchequer would have been able to tell them that he had obtained from ten items of Excise duties more than thirty different items of that class produced a few years ago. The time was long passed when it would be seriously contended that the judicious reduction or even the repeal of a tax was equivalent to throwing away a certain amount of revenue. A Return, dated the 13th of May, 1861, showed that while in 1847, 2*s.* 2¼*d.* per pound duty on tea yielded £5,006,494, the 1*s.* 5*d.* duty in the preceding year yielded £5,690,000, or more than £500,000 additional revenue. During those sixteen years the population increased 5 per cent, and the consumption of tea increased 50 per cent—the main increase being in the last ten years, and notwithstanding an augmented value of the commodity caused by two Chinese wars. From 1841 to 1862 the population had only increased 11 per cent, but the total value of imports and exports had increased 300 per cent. In 1841 the imports and exports were valued at £100,000,000, and in 1862 they were valued at more than £300,000,000. In conclusion, he had much pleasure in tendering his humble and hearty thanks to the Chancellor of the Exchequer for the beneficent policy which he had so wisely adopted, at the same time believing, that however highly the right hon. Gentleman might be applauded upon commercial and economical grounds, he deserved far more praise on account of the moral and social consequences resulting from that policy to the benefit of that large portion of his fellow subjects whose interests, under the present limited position of the suffrage, were so imperfectly represented in that House.

Lord ROBERT MONTAGU said, he was not going to imitate the hon. Member for Brighton, in killing a dead dog. The 5*d.* duty on tea had already received its death warrant, and he would not keep it stretched and racked on a bed of pain, but would let it die in peace and quiet. He must, however, advert to two points on which the Chancellor of the Exchequer had enlarged. The right hon. Gentleman had commenced his speech by pronouncing an apology or recantation for what he styled "the great and rapid augmentation" in the expenditure between the year 1859 and the year 1863; that is to say, during the time that Her Majesty's present Government had been in office. The Chancellor of the Exchequer had said, that the expenditure had increased by the enormous amount of £8,000,000. Nay more; as the necessary yearly expenditure had been diminished during that time to the amount of £2,000,000, by the falling-in of the long annuities, the expenditure had in reality been augmented by £10,000,000 during the time that Her Majesty's present Government had been in office. The right hon. Gentleman also stated that what he called the "voluntary expenditure," or that which "depended on the opinion of the country, and the vote of Parliament," had, in two years alone, been increased by the enormous amount of £10,500,000, or 25 per cent. This was not even the whole of the mischief which had been created, for the Chancellor of the Exchequer had admitted that "the taste for expenditure had been stimulated in the country by the greatness of the expenditure itself." Yet, on whom did the right hon. Gentleman lay the blame? Not on Her Majesty's Government, who had expended this money, and during whose lease of power this augmentation had been brought about; he repeated the unconstitutional doctrine of which he was so fond, that the blame was not to attach to the Government, but to the House of Commons, and to the people of England. And what were the grounds on which he based such an assertion? What was the only proof which he used? He said that the sense of the House had been taken last year, on the Motion of the hon. Member for Halifax; and that the House had then justified the course of expenditure by accepting the Amendment of the noble Viscount. Surely the right hon. Gentleman's memory had failed him; surely he had forgotten the facts of the case. On that occasion the noble Viscount rose, and distinctly stated that the issue should not be, whether the expenditure was or was not justifiable, but which of the two parties should be in power. The issue which he distinctly placed before the House was, whether the noble Viscount or the right hon. Member for Buckinghamshire had the greater number of supporters in the House; in other words, which party had been most active in bribing the borough constituencies. This House had, therefore, never expressed any judgment upon the augmentation in the expenditure of the country. The other topic on which the right hon. Gentleman had enlarged was what he had termed "commercial reform;" and he had pretended that he had, in his financial policy, been extending and continuing the policy which Sir Robert Peel had inaugurated in 1842. Yet he (Lord Robert Montagu) must object to such an assumption. The policy of Sir Robert Peel consisted in lessening the burdens on the raw materials of manufacturing industry, and on the various necessaries of life. Yet what had the Chancellor of the Exchequer recently done? He had lessened the duties on claret and champagne. Were these necessaries of life, or were they luxuries? Wine, being an article of luxury, was a very fair subject for taxation, and for maintaining the revenue of the country. Thus, also, the tobacco duties had been decreased within the last month; yet who would deny that tobacco was merely an article of luxury? In fact, the spirit of the alteration of the customs tariff, in accordance with the French treaty, was to lessen the burdens on luxuries, to diminish the taxes which touched the rich, but to leave unaltered the burdens which pressed on the poor, and those which, by falling on raw materials, restricted the amount of production. For instance, the duties had been taken off French gloves; these were used by the rich. The poor always wore gloves which were manufactured in England—namely, dog-skin gloves. He had also removed the duty from French boots; yet the poor wore only the boots which were made in Northamptonshire and the north-western parts of Huntingdonshire. Other articles used only by the rich had also been relieved—namely, French wines and brandy, lace, ribbons, and silk, embroidery and gold brocade, jewels, walking-sticks, and so forth. Yet all this while he had never lessened the taxes which pressed on general consumption; for instance, the malt tax, which was eminently a tax on the raw produce of the country, and affected an article of very general consumption by the poor. The same principle had reappeared in the present Budget in the tax which was to weigh down the poor carriers throughout the country, and in the removal of the exemption of charities from the income tax.

Mr. CRAWFORD said, the statement of the right hon. Gentleman was so simple and precise in its terms that any Member might, without exposing himself to a charge of rashness, venture at once to make a few comments on the changes he had proposed in the financial arrangements of the country. Speaking on behalf of the great commercial community with which he was connected, he was prepared to express his perfect concurrence in the financial scheme which the right hon. Gentleman had propounded on behalf of the Government. In making the tea duties and the income tax the principal subjects for remission, he had undoubtedly taken a course which commended itself to the country at large. There were no two items of taxation which more generally affected that class of the community whose incomes were below £200 a year. He regretted, however, that he had not dealt with the question of sugar; but at the same time he thought he had done right in giving precedence to the tea duties. He trusted, however, that a reduction of the sugar duties at the earliest possible time would not be lost sight of by the Government. The right hon. Gentleman had referred to the effect of the remission in increasing the consumption of tea; but he did not form an estimate of the additional revenue which would be derived from that increased consumption. He was informed, by those well acquainted with the subject, that for every additional pound of tea consumed in consequence of the reduction of duty something like 3½ lb. or 4 lb. of sugar would be used. If therefore, during the ensuing year, there was an increase of 6,000,000 lb. in the consumption of tea, the increase in the duties on sugar at their present scale would amount to about £150,000, which would, *pro tanto*, augment the surplus which the Chancellor of the Exchequer would have to deal with at some future time. He was sure he spoke the sentiments of the great body of his constituents when he said that the abolition of the petty charges and the stamp on bills of lading would be most acceptable to the whole commercial community. He would only again express his approbation of the mode in which the Government had dealt with the surplus of the year.

Mr. VANCE regretted that his hon. and gallant Friend the Member for the Queen's County (Colonel Dunne) had been unable to bring before the House, on Tuesday evening, as he had proposed, the subject of the taxation of Ireland, inasmuch as the discussion which would have taken place with respect to it might have had the effect of inducing the Chancellor of the Exchequer to modify some of the proposals which he had made to the House that evening. He thought that spirits formed one of the best articles for taxation; and if they could by taxation diminish its use among the people, they would greatly promote their morality and prosperity. They ought to fix the duty at as high an amount as they could do without giving rise to the evil of illicit distillation; but he thought the Chancellor of the Exchequer had exceeded that amount. The House would be surprised to hear that in Ireland now the number of gallons of spirits brought to charge in the year was only about half what it was in 1852. In 1852, when the duty was 2*s*. 8*d*. a gallon, 8,200,000 gallons were brought to charge; but in 1862, when the duty was 10*s*, the number was only 4,600,000 gallons. The conclusion inevitably was, that there must be a large amount of illicit distillation in Ireland; and he was confident, that if a more moderate rate of duty than the present were imposed, the Exchequer would obtain a larger revenue from spirits, and illicit distillation would, to a great extent, be suppressed. The duty of 2*s*. 8*d*. might be too low, but he was certain that 10*s*. was too high. In the city he represented, no less than eleven illicit stills had been seized within the last year. The last time he saw Returns on the subject, they showed that illegal distillation was on the increase. There were formerly fifty large distilleries in Ireland, and now there were only eighteen, the difference being made up by illicit stills. Moreover, notwithstanding that there was an apparent diminution in the sale of spirits, there had been an increase in the number of commitments for drunkenness—a significant fact, pointing to the same conclusion. Of course, such a state of things was very demoralizing, and he hoped the Chancellor of the Exchequer would give his attention to the subject.

Mr. SCULLY said, the proposals of the Budget might afford matter of congratulation to Englishmen, or even to Chinamen, such as his hon. Friend the Member for Brighton (Mr. White); but he could not see that they would be of any advantage to Ireland. The Chancellor of the Exchequer had acknowledged that there was great distress in that country—although the Chief Secretary had been denying it ever since he came into office;—but he had not followed up that admission by offering any relief. He doubted whether the mercantile operations of Ireland were sufficiently extensive to derive much benefit from the remission of the petty charges; and as the Irish poor were not in the habit of indulging in libations of tea, they would profit but slightly from the reduction of the duty on that article. He had always held that the opulent classes in Ireland should be taxed as highly as those in England, and for that reason supported the introduction of the income tax, in spite of the objections of his constituents. At the same time, he thought something should be done for the poor. The right hon. Gentleman had omitted Ireland from his calculations as to the increased tax-paying powers of the empire. [The CHANCELLOR of the EXCHEQUER: No.] Then the right hon. Gentleman had not dealt fairly with the Committee, because they were not made to understand that the increase in the produce of the income tax was due to Ireland being brought within its scope. All that the Budget did for Ireland was to impose the income tax on charities which were previously exempt, which was certainly a very Irish mode of giving relief. There had been of late years a great diminution in the value of the wheat, oats, and potatoes of Ireland, and also of the live stock. There was a decrease under the last-named head, between 1859 and 1862, of £4,163,954. Notwithstanding this falling off, the taxation had remained the same, or rather had increased. In 1843, which was a very flourishing year, the taxation of Ireland was only £3,594,647, while in 1858 it had risen to £7,361,073, or very nearly double. He believed that the people of England were ready to do justice to the Irish people; but there was not a particle of sympathy on the part of the oppressive oligarchy of England with the Irish people. It was a delusion to imagine that Ireland was represented in that House. The state of the Irish people proved the contrary. Every poor man in Ireland, who could get out of the country, was ready to leave it to-morrow. He would not expose his countrymen to ridicule by calling them the finest peasantry in the world, but they were the finest race of helots ever placed under despotic rule. From 1846 to 1861, a period of fifteen years, no fewer than 2,208,970 persons had emigrated from Ireland; and from 1841 to 1861 the population of the country had diminished to the extent of 2,410,581. Such a thing could not have occurred in a well-governed country. The truth was that the grievances of Ireland received no attention in that House. He was afraid the time would come when England would regret having allowed so many of the Irish people to emigrate to America to swell the ranks of her enemies there. It was possible that at some future day the American Eagle might avenge the wrongs of Ireland, and then England would be sorry for her neglect and misrule. Why should not such Irishmen as were unable to find employment in their own country be assisted to emigrate, not to the United States, but to some British colony where they would add to the strength and security of the empire? Perhaps a little of the surplus which the Chancellor of the Exchequer anticipated might be made available for such a purpose. A good scheme of emigration, which would not cost the Government a single shilling, and the promotion of arterial drainage in Ireland, were two of the measures which ought to receive immediate attention. There were three ways by which the people of Ireland might be materially benefited by the Government, without entailing any loss upon England—namely, by aiding emigration, by promoting arterial drainage, and by other public works. It was said that would not be political economy, but it would be true political economy. The rents that were paid to the landlords were spent out of Ireland; the enormous taxes that were levied on the Irish people were taken out of the country; and he wanted to have some of those taxes applied to the benefit of the poor of Ireland. The reduction of the income tax would not benefit in the least the classes to whom he referred. Among his constituents there was not one in the hundred who paid income tax. The Irish people were indifferent to what was done in that House, and rightly indifferent. He did not believe if the whole 105 Irish Members were to leave the House to-morrow any of their constituents would trouble themselves about it. The Irish people knew that their representatives had no power in that House; and that if they were united to-morrow upon any point, they would be out-voted by men who knew nothing and cared nothing about Ireland. The opinion of all classes of Irishmen, except those who held place under Government, was that the country was unfairly treated, and the people were deeply discontented. He never knew the feeling of the Irish people against England to be more rancorous than it was at the present moment. Of course, the Government might keep down the people; but the opinions of some of the ablest Englishmen were strongly opposed to the way in which Ireland was treated by this country. Mr. J. Stuart Mill, in his *Political Economy*, said that the land of every country belonged to the people of the country; that landlords had no right in morality or justice to anything but rent or compensation for its use; that if Government would not make the country fit for the people to live in, it was judged and condemned, and that justice required that the actual cultivators of the soil should be enabled to become in Ireland what they became in America, proprietors of the soil which they cultivated. He had given some of the best years of his life to advocating a plan by which he believed the cultivators might be made proprietors, but it had not been taken up. Mr. Justice Byles, one of the soberest judges on the English bench, had, in his able work on *Free Trade Fallacies*, said of Ireland that, notwithstanding all its advantages, no words could describe its condition; no parallel existed or ever had existed; no province of the Roman Empire ever presented anything like it; no negroes in Africa, no slaves in Cuba or South America were worse off than the people of Ireland; and who were responsible? Mr. Justice Byles replied, the common sense of Europe said it, and America repeated it—those who governed Ireland were responsible; it was from the perverse legislation of England that the wretchedness of Ireland proceeded. Such were the opinions of enlightened Englishmen like Mr. J. Stuart Mill and Mr. Justice Byles, and he hoped they would carry with them more weight than his words had done.

Mr. F. S. POWELL (Cambridge) said, the Chancellor of the Exchequer had referred to the patience with which the income tax was borne by some classes in this country; but as he had lately come from his constituents, he wished to state what their feelings with respect to it were. The Chancellor of the Exchequer's language had not done justice to the feelings which were entertained with respect to that tax by many classes in England; and persons who were in the enjoyment of small incomes, whether engaged in trade or members of the professions, would regard the income tax proposals of the Chancellor of the Exchequer as a great boon. The country would, he thought, regret the omission of the fire insurance duty from the list of reductions. He trusted that this tax on prudence would ere long be removed from our financial system. It was, moreover, a tax on legitimate operations of commerce, and acted as a restriction on trade. The tax on charities would be received in some parts of the country with some reserve. Was it to apply to the endowed and grammar schools of England? There were charity estates managed by trustees, in which, after defraying the expenses of management, a changing and not a fixed balance was handed over to the master as his salary. He trusted that in these cases the master would not have to pay the income tax twice over. He could not but believe that the Chancellor of the Exchequer's remarks on charities were conceived in a jocose spirit, that they were made for rhetorical purposes, and that they were not to be regarded as expressing the temper with which he had entered on the investigation of the question. He trusted the House would never do anything to check the flow of that liberality which had done so much for England.

Colonel BARTTELOT said, that the reductions in the income tax and on the tea duties would be a great boon to the whole community. There was, however, one great interest omitted by the Chancellor of the Exchequer in his Budget—the great agricultural interest. The right hon. Gentleman had adverted to the agriculturists of Ireland; but the same remark applied to both countries, and the last three harvests had yielded such a diminished income to the agriculturists that they ought to have received some relief at the right hon. Gentleman's hands. The malt tax pressed most heavily and injuriously on the agricultural interests. He believed, that if it were reduced, the revenue would not decrease, while it would enable the poorer classes to obtain their beer cheap and unadulterated. The farmer would also benefit, because he would be able to grow barley for feeding purposes on inferior soils. The malt tax had been condemned by high authorities, and he trusted that on some future occasion the present Chancellor of the Exchequer, or whoever might be his successor, would be in a position to reduce or repeal the malt tax; and the more so because the result of the war in America had been that the large imports of corn had sent down wheat to so low a price that it could not be grown for the price paid of late by the producer.

Sir FRANCIS CROSSLEY expressed his satisfaction with the Budget. In reference to the remarks of the hon. Member for Cork (Mr. Scully), he begged to inform him that he could speak from practical experience, that under good management and kindly treatment the Irish were a most industrious people, and he would recommend his countrymen to give them more to do at home, in draining and improving their land, which would be the most profitable thing that they could do. It was quite true that the French Treaty removed duties from articles of luxury, but it must be borne in mind that those luxuries had to be paid for by the different manufactures of this country, which gave employment to the industrious classes, and thus effected a double good, first by cheapening the luxuries to the rich, and secondly by giving employment to the poor to pay for them. He did not know what they should have done in Yorkshire and other manufacturing districts if the French Treaty had not happened to come in just at the close of the American trade. He believed that both France and England would prosper from the continual interchange of commodities. He hoped that on a future occasion the sugar and fire insurance duties would come in for readjustment. He could not see why the manufacturer should have to pay a high duty for insuring his stock when the farmer was altogether exempted. He was opposed to similar exemptions in reference to assessed taxes. Why should he have to pay 16*s.* 6*d.* a year for every horse he employed at a factory, whilst he paid nothing for those employed on a farm? With regard to terminable annuities, he thought that they should be used more frequently as a means of reducing the National Debt. Half a million annually spent in such annuities would in a hundred years pay off £10,000,000 of the public debt per annum, and would continue the reduction at that rate so long as that system was adopted.

Mr. P. A. TAYLOR begged, as the representative of a manufacturing population, to express his satisfaction at the reduction of the tea duty; though he should have preferred that the right hon. Gentleman had reduced the sugar duties as well as the tea duties, and left the income tax as it stood. Great as might be the inequalities of the latter impost, indirect taxation was not less unequal. It pressed upon the working classes with the severity of a poll tax—the poor washerwoman for example, being made to pay as much towards the revenue on her cup of tea as the millionaire did for his. One of the worst features of the income tax was that it did not discriminate between incomes derived from business and those derived from land. It was all very well to say that the former ceased to contribute to the Exchequer when it ceased to be earned; but that was no answer to those who maintained that the precariousness of trade and professional incomes required that a distinction should be drawn between them and incomes obtained from such stable and permanent sources as land. The impost ought, if continued, to be re-adjusted so as to cease to be a burden upon the individual and instead become a burden on the property he possessed.

Sir HENRY WILLOUGHBY regretted that the Chancellor of the Exchequer was not then in his place, as the main practical use of discussions like the present was to elicit explanations of the intentions of the Government on points which might have been left in doubt by the Budget speech. Their object then was not so much to enter into all the details of the right hon. Gentleman's scheme, as to ascertain where they really would be that night week. He was glad to hear that the right hon. Gentleman had been able to satisfy himself that there was a *bonâ fide* surplus of £3,874,000. Assuming the existence of that surplus to be a fact, he would not quarrel with the way in which the Chancellor of the Exchequer proposed to dispose of it. He thought it was quite right to get rid of the petty charges on commerce which were a source of vexation rather than of revenue; and, as to the tea duty, part of that was a war tax, which the House was pledged to remit. He thought the Committee had not received sufficient information in reference to the expenditure as well as to the revenue for the year. He agreed most cordially with the right hon Gentleman in wondering at the extraordinary increase which had taken place in the public expenditure; but if the Chancellor of the Exchequer extended his observations a little further back, he would find that increase even more remarkable—so remarkable, indeed, as to render it doubtful whether the House would sanction the present Estimates; but they had already voted away £67,000,000, and it was too late to talk of reduction for this year. Suppose, instead of selecting the last four years, the right hon. Gentleman had taken the last 20, dividing these into periods of five years each. From 1842 to 1847 there were levied from the country over £250,000,000, or at the rate of about £50,000,000 a year. In the next five years the average increased slightly, being about £51,000,000 yearly. Then came the period of the Crimean war, when the amount jumped up to £66,250,000 a year, £331,000,000 being levied from the nation in those five years alone. But it was the period ending in 1862 which should press most heavily upon the conscience of the House, for in those five years the expenditure even of the Crimean war had been exceeded —the aggregate amount levied being £349,000,000, or at the rate very nearly of £70,000,000. Although the reduction to £67,774,000 was something to be thankful for, it was evident that there was no justification in the present circumstances of the country for the continuance of a war expenditure. He desired to know how the Chancellor of the Exchequer got his surplus for this year—for that was the marrow of the whole question? He stated it to be £530,000;—he (Sir H. Willoughby) greatly doubted that there was any margin. The confusion of the accounts was so great that frequently they even deceived that most vigilant branch of the nation—the public press. When such items as "Miscellaneous Revenue" were introduced; amounting last year to upwards of £2,250,000, it was impossible to say exactly of what the revenue for the year consisted. The most superficial observer must at once see that the question of surplus turned on the composition of this Miscellaneous Revenue, which did not arise under any of the ordinary heads of Customs, Excise, Revenue, Stamps, Crown Lands, or anything of that kind, but sprang from items like Chinese ransoms or the sale of old stores. The Committee were aware that large sums, amounting nearly to £1,000,000 were paid by the Indian Government for the purpose of maintaining Indian troops. Could these items be dealt with as revenue? Clearly not. There were also outstanding accounts between India and this country, of which the Committee on the Organization of the British Army gave a most deplorable account. A quarter of a million had been received from the Indian Government on part of these accounts, and there was at least an equal sum due by this country for charges incurred in China. Unless all these points could be satisfactorily explained, the surplus claimed by the right hon. Gentleman vanished into the air.

Mr. POLLARD-URQUHART said, the Chancellor of the Exchequer had not taken into account the natural increase arising from the Customs and Excise duties, from which, in times of ordinary prosperity, a margin of £800,000 might be looked for. In the coming year the consumption of tea and sugar would be stimulated by the alterations announced by the right hon. Gentleman. Under these circumstances he thought the right hon. Gentleman had rather under than overstated his case, and there need be no apprehension of the realization of a substantial surplus. The result of the finance of the last four years, as stated by the right hon. Gentleman, might well make him confident. His policy had been tried under adverse circumstances, and had not been found wanting. Some of his own countrymen had found fault with the Budget, because it did nothing for Ireland, but that was a mistake. Were Irish labourers not interested in the reduction of the duty on tea? And did it make no difference to those of them who were employed in the large ports of this country whether trade was brisk or not?

Mr. LINDSAY was satisfied with the Budget of the right hon. Gentleman upon the whole, but he was not satisfied with his statement in regard to the sugar duties. The merchants of the City of London would not, he was sure, be satisfied with it. The sugar duties were in a most unsatisfactory state at the present moment; and if no other Member raised the question, he would undertake to do so when the Budget came again under consideration on Thursday next.

(1.) *Resolved,*

That, towards raising the Supply granted to Her Majesty, in lieu of the Duties of Customs now charged on the articles undermentioned, the following Duties of Customs shall, on and after the 17th day of April 1863, be charged thereon on importation into Great Britain and Ireland: viz.

Chicory, or any other vegetable matter applicable to the uses of Chicory or Coffee, raw or kiln-dried . . . the cwt. £1 6*s.* 6*d.*

(2.) *Resolved,*

That, towards raising the Supply granted to Her Majesty, there shall be charged and paid for and upon all Chicory, or any other vegetable matter applicable to the uses of Chicory or Coffee, grown in the United Kingdom, for every hundredweight thereof, raw or kiln-dried, the Excise Duty of twenty-four shillings and three pence, and so in proportion for any greater or less quantity than a hundredweight.

In lieu of the Excise Duty now chargeable on Chicory, or such vegetable matter as aforesaid.

House *resumed.*

Resolutions to be reported *To-morrow;* Committee to sit again *To-morrow.*

LISBURN ELECTION.

Letter and Documents respecting withdrawal of Lisburn Election Petition *considered.*

The ATTORNEY GENERAL moved, that the Letter and Documents relating to the withdrawal of the Lisburn Election Petition be referred to the General Committee of Elections, to inquire into the circumstances of the case, and to report to the House. The documents sufficiently showed what the circumstances were that would form the subject of the proposed inquiry. It appeared that a Petition had been presented to the House against the Return of John W. Barbour, Esq., M.P. for the borough of Lisburn, signed by William John Knox and Moses Bullick. A letter, dated yesterday, had been received by Mr. Speaker, from a Mr. M'Cann, of Lisburn, enclosing a document purporting to be signed—and, in fact, signed—by the petitioners, desiring to withdraw the Petition. That document was dated the 24th of March, and M'Cann was the attesting witness. It further appeared that the Speaker, on the 27th of March, received another document, signed by the petitioners Knox and Bullick, and dated the same 24th of March, in which they disclaimed any intention to withdraw the Petition, and alleged that they had signed the letter setting forth that this was their intention under a complete misapprehension as to its nature and object; and that they desired to support the Petition. If the Petitioners had been induced to sign the document in question under a misapprehension as to its real nature, the House would probably be of opinion that there had been no withdrawal of the Petition in any fair and reasonable sense, and that it ought to be allowed to proceed; but that, on the other hand, if they had not been practised upon by M'Cann, but had put their hands to the document knowing what they were about, then the Petition ought to be considered to be withdrawn.

Sir HUGH CAIRNS entirely agreed in the proposition; but there was a question involved which concerned the House that he hoped would not be compromised by this course of action. Here was a gentleman of the name of M'Cann, who had been the agent for the Petitioners, who, whether under a misapprehension or not, signed a letter to the Speaker and the House of Commons, stating that they wished to withdraw their Petition against the Lisburn Election Return; but, before the agent has had the time or the power to present it when signed, the Petitioners go to the agent and say, "We do not want to withdraw the Petition at all, and we desire you to give it back to us." But the agent says, "No, I insist upon carrying it to the House of Commons." And so they wrote a second letter, and took care that that should be in the hands of the Speaker at the same time as the first. He submitted that the Petitioners had a perfect right to do as they had done; and that their first letter therefore did not amount to a withdrawal of the Petition.

Mr. E. P. BOUVERIE said, that although he believed that the course proposed to be adopted was in accordance with the last precedent, he should have preferred that the matter should, as was done in the Norwich case, about ten years ago, have been referred to a small Select Committee, specially appointed, rather than to the General Committee of Elections, more especially as that Committee was to be called upon to pronounce a legal opinion as to whether, under the 8th section of the Act of Parliament, there had been a withdrawal of this Petition.

Motion *agreed to.*

Ordered,

That it be referred to the General Committee of Elections, to inquire into the circumstances under which the Document withdrawing the Petition complaining of an undue Election and Return for the Borough of Lisburn was signed by the Petitioners William John Knox and Moses Bullick; and whether such Document constitutes a withdrawal of such Petition under the Election Petitions Act (1848), and to report their opinion to the House.

ASSURANCES REGISTRATION (IRELAND) BILL.

[Bill 46.] Second Reading.

Order for Second Reading read.

Sir ROBERT PEEL moved the second reading of this Bill, which, he said, was identically the same as that introduced last year by the Solicitor General; and that though it had been before the House eighteen months, no representations had been made to the Government against its provisions, except by the Council of the Incorporated Society of Attorneys and Solicitors in Ireland. He had the highest possible respect for that body, but he thought the interests of the large body of persons, who would be chiefly affected by the Bill, ought to be first considered. Even that Society, however, admitted that the confusion now existing in the Registry Office in Dublin rendered some change absolutely necessary. The Law Officers of the Crown in Ireland were decidedly in favour of the measure; and the Judges of the Irish Landed Estates Court, to whom it had been submitted, said they were of opinion that it would be a valuable improvement in the law, and remove a great cause of delay in the transfer of real property. The immense and increasing amount of arrears in the Registry Office, which could not be attributed to the officials, showed that there was something radically wrong in the present system, which was introduced in the sixth year of the reign of Queen Anne, about 150 years ago. From that time until the present reign various amendments had been made in the law on the subject; but they had failed to place it, as he thought this Bill would do, on a proper footing. The object of the registration of assurances was twofold—first, the protection of the interests of the public; and secondly, the security of individual interests. The first clauses of the present Bill repealed the existing Acts, and consolidated the whole law; the 10th clause placed the Registry office under the Landed Estates Court; and the 37th, which was the most important of all, made the Ordnance Survey of Ireland the basis of the registry. This last provision was comprised in the Act of 1850, which had proved inoperative; but though he was aware that it was opposed, he would not admit that any valid objection existed to it. By having recourse to the Ordnance Survey, they got rid of the difficulty which arose from the same lands being called by a number of different names. It was a subject which he admitted would have been dealt with more efficiently by members of the legal profession; but seeing members of that profession present, he was sure that the questions connected with the measure would be satisfactorily discussed. The object of the measure was to deal with the system, and he thought a great advantage would be derived from simplifying the present complex arrangements; and he was confident that his hon. and learned

Friend the Solicitor General would be able to answer any objections that might be raised against the principle of the measure. The registration of assurances was a most important question, in which the owners of lands were mainly interested. He believed that the Bill would add greatly to the efficiency of this department in Ireland.

Motion made, and Question proposed, "That the Bill be now read a second time."

Colonel DUNNE complained of the late hour at which so important a measure as the present was brought forward, in the absence of so many Irish Members. The Bill was one which would alter the whole law of property in Ireland, and affect most seriously every man of property in that country. The fact was, they had no proper Government in Ireland, and every Bill carried by the right hon. Baronet in regard to that country was opposed by the majority of Irish Members. Every eminent lawyer and man of experience in Ireland was opposed to the principles of this measure. He protested, in the first instance, against conferring upon the Landed Estates Court the registration of deeds, which was, to his mind, a monstrous proposition. The Ordnance Survey had never yet been taken as proof of the boundaries of property in Ireland, and it was most injudicious for the right hon. Gentleman to make it so in his present Bill. Believing that the principle of the measure could not be sufficiently discussed at that hour, and in the absence of so many of the Irish Members, he begged to move the adjournment of the debate.

Mr. FERRAND seconded the Amendment.

Motion made, and Question proposed, "That the Debate be now adjourned."

Mr. GEORGE sympathized with the right hon. Gentleman in the difficulty in which he was placed by the absence from the House of the Irish Law Officers, who would have assisted him in the task of passing the Bill through the House. That was the right hon. Baronet's misfortune, and not his fault. He thought, however, that the matter was being disposed of in a very summary manner by the right hon. Baronet. He protested against the judgment of the Law Officers of the Crown in this country, however eminent, or that of the Judges of the Landed Estates Court in Ireland, being taken as a settlement of so important a question as that involved in the present Bill. This Bill was of the greatest importance, particularly to the landed interest of Ireland. It proposed to transfer the old jurisdiction, established in 1706, to the Judges of the Landed Estates Court. For this no adequate reason had been shown. The present system had worked satisfactorily, and any disarrangement under it had been caused by the pressure of sales under the Landed Estates Court. All the arrears which existed some years ago, and which might have justified interference, had been cleared off, and the present state of the office was most satisfactory. If the Bill had been simply to enable the Treasury to give assistance to the Registrar whenever he needed it, it would have met all the necessities of the case. The Landed Estates Court was established merely to expedite the sale of estates, but it was not a Court for the sale of all estates, and he saw no reason why it should be intrusted with absolute power, control, and authority over the registration of deeds, as was proposed by this Bill. He objected to the adoption of the names of the townlands as on the Ordnance Survey, because they were in many instances inaccurate, and many old names attached to estates which were not the names of the townlands. The Ordnance Survey ought not to be made the basis of registration, and Parliament ought not to alter a system which had been successfully in operation for more than 150 years. The Act of Anne only required a registration of short abstracts of the deeds; but this Bill provided that deeds might be registered as a memorial or at full length, and thus the books would be inconveniently and unnecessarily incumbered. Another glaring defect in the Bill was the requirement to register all secret trusts affecting the property. There was one provision of the Bill to which he objected almost more than to any other; he alluded to that which related to the registration of wills and certificates of intestacy. He certainly thought it was, as a whole, a measure of too much importance to be read a second time without more consideration than could be given to it at a time so nearly approaching midnight.

Mr. SCULLY hoped that the proposition for adjournment would at once be acceded to. He protested against this measure being proceeded with in the absence of so many Members from the sister country.

Sir HUGH CAIRNS hoped the Government would not proceed with this Bill in the absence of the hon. and learned Member for Dublin University (Mr. Whiteside), who was so greatly interested in the question, and who was most anxious to have an opportunity of addressing the House on the Motion for the second reading. The owners of landed property in Ireland were unanimous in opposition to the measure, and had presented petitions against it, protesting against the number and character of the changes which it proposed to introduce, and declaring that they should view its progress through the House with alarm and apprehension. He had even heard, on good authority, that the Bench of Dublin entertained strong objections to the passing of this Bill, which the House had been told was almost identical with the objectionable measure of last Session. It had been said that the Judges of the Landed Estates Courts were in favour of the Bill, but it ought to have been added that they thought they should have all the appointments under the measure. But the Bill did not give them these appointments, and therefore he supposed they did not approve it. There were three most objectionable points in the measure:—The adoption of the Ordnance Survey of Ireland, not as ancillary to registration, but as supplanting the ancient names and denomination of estates; the second, the provisions relating to testacy and intestacy of estates; the third, the substitution for registration of memorials of the registration of the deeds themselves. These were points which would require full consideration; and he hoped the debate would be adjourned.

The SOLICITOR GENERAL said, that at so late an hour the Government had, of course, no alternative but to agree to adjourn the debate, though he thought no valid objection had been stated to the Bill. He must also observe that no less than three times the Bill had been adjourned to suit the convenience of the hon. and learned Member for Dublin University; but if another adjournment was to take place, he must still answer some of the objections taken by hon. Members who had asked for it. The Bill had not been hastily introduced. It had been, in nearly its present shape, a year before the country, without any serious objection being taken to it. Many of its provisions were adopted from an Act which had already received the sanction of Parliament, as long ago as 1850, but which, from accidental circumstances, had never been brought into operation. The necessity for legislation upon the subject had been originally forced upon the attention of the Government, by a Memorial from the Law Society of Dublin in 1860, and by a Motion made in this House, in the same year, by the hon. Member for Dublin (Sir E. Grogan). The Law Society of Dublin then complained of the delay and expense of searches in the Registry Office, increased as they were by an accumulation of many years' arrears of entries and book-keeping, consequent upon an Act passed in 1832. The Government caused careful inquiries to be made into the subject; they had the benefit of two able Reports upon it—one in 1860, from Colonel Leach, of the Ordnance Office; and the other in 1861, from Mr. Lane, an eminent Irish Queen's Counse', who was specially appointed to investigate the state of the Registry. These Reports clearly proved the existence, not only of very great arrears and disorder in the office, caused less by any fault of the officers than by the minute and cumbrous requirements of the system, but also of great defects in the system itself, as prescribed by the statutes, which legislation only could correct. Although differing on some points, both these authorities agreed in pressing the immediate and urgent necessity for reform, and in indicating the main principles on which that reform ought to proceed. Both of them recommended that registration should always take place with reference to certain specified lands; that the names of the townlands, as given in the Ordnance Survey of Ireland, should be always used for the purpose of identifying the lands to be registered; and that the Ordnance Survey should be used as the basis of the Lands Index. The principal point in which they differed was, that Colonel Leach recommended the adoption of the townland division as the basis of the registration itself in the books of the office; while Mr. Lane proposed to make a new and wholly artificial division, by cutting up the Ordnance map into sheets, of equal size, and using each such sheet as the divisional unit. The subject was again carefully considered, in 1862, by a Committee of the Law Society of Dublin, nominated expressly for that purpose; and their Report, with certain Amendments, was adopted by the Council on the 19th of February. That Report was altogether in favour of Colonel Leach's plan; and upon the plan, so approved by the Council of the Dublin Law Society, the present Bill was founded. The Government had reason to believe that in introducing it they were taking a step which would be acceptable to most of those who, in Ireland, had given serious attention to the subject. The leading features of the Bill were—the confirmation of defective memorials already registered; the abolition of unnecessary formal requirements; the simplification of the entire system of registry; the establishment of a direct connection between the Registry Office and the Landed Estates Court, the great Conveyancing Court of Ireland; and the adoption of the Ordnance Survey and of the townland division, as the basis of the Lands Index. These principles, down to the time when the Bill was introduced, had been advocated with little variation by every authority which could be referred to on the subject. He had already spoken of Colonel Leach's and Mr. Lane's Reports, and the Report of the Council of the Dublin Law Society; he might also refer to a much earlier Report of Colonel Larcom; who, in the year 1851, wrote thus—

> "It is first necessary to consider, in regard to lands, what space or denomination shall be used in the index of names. Clearly, it ought to be the smallest space which pervades the whole country, and has a fixed recognised name or boundary. If farms, or even fields, fulfilled these conditions, they would be the best; but there can be no fixity in the boundary or name either of a farm or field; both are liable to change, and are changing rapidly. The townlands, however, possess all these requisites. Their boundaries can only be altered by Act of Parliament;" (this was not quite accurate, for it might also be done by Order in Council;) "they are recognised and used in all public transactions and assessments for county purposes, and various other public objects; and the Ordnance Survey is the authority on which their boundaries and designations rest. They are of unequal extent; but average only about 330 acres; the larger are most commonly situated in waste and mountain districts, the smaller in the neighbourhood of towns. They are also very commonly conterminous with the boundaries of property, and are very frequently sold entire."

In the Reports of the English Commissions to inquire into the Registration of Title, the importance of the Irish Ordnance survey, for the purposes of the registry, was also strongly recognised; and, in the Act of 1850, as well as in the present measure, it was made the basis of the whole system of registration. In 1855, the Commission on the Incumbered Estates Court, of which the hon. and learned Member for Belfast (Sir Hugh Cairns) was himself a Member, and which included the present Lord Chancellor, and Sir John Romilly, and also six of the most eminent Irish lawyers, expressed its strong approval of the principles of the Act of 1850. They said—

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> "The system of registration in Ireland affords peculiar facilities for perpetuating and extenting the principle of giving Parliamentary title; which will be greatly increased when the Act 13 & 14 *Vict.*, c. 72, for the better Registration of Assurances, shall have been brought into operation."

The principles of the present Bill were the same; and although the objections which had been suggested, no doubt, deserved careful consideration, they all went to matters of detail, which might properly be considered in Committee. Indeed, down to the present moment, no really serious intention to oppose the measure had been publicly expressed in any quarter. The petition, lately presented from the Law Society of Dublin (the same body whose Council last year reported so strongly in favour of the Bill) did not, even now, express any decided or positive objection to it; it merely suggested, that several of the proposed changes were important and required careful consideration, and for that reason asked, not that the Bill should be rejected, but that it should be referred to a Select Committee. Well, those points would, of course, receive that careful consideration which the Law Society desired, and they could be considered quite as advantageously in a Committee of the Whole House, as in a Select Committee. With respect to the principal points which had been made the subject of objection by those who had spoken that evening, and particularly by the hon. Member for Belfast (Sir Hugh Cairns), there was some misapprehension. It seemed to be supposed, that because the property comprised in each assurance was to be identified for the purpose of registration by the Ordnance names of the townlands in which it was situated, therefore titles would be placed in jeopardy, unless the same Ordnance names were used in the deeds themselves. But this was quite a mistake. The validity and operation of the deeds would be the same, by whatever denominations the townlands might be described in them. Nothing would be necessary, except, that when the Ordnance names were not used in the deeds or in the memorial, some person acquainted with the lands should make an affidavit, showing in which of the townlands, as marked and named on the Ordnance map, the lands were situate. It was not too much to expect that the parties interested would be able to identify their own lands upon those maps which were universally known and used for all public and local purposes. Exception had also been taken to the clauses which provided for the registration of wills, and certificates of intestacy. This was represented as something entirely new in principle. The fact, however, was, not only that similar clauses were contained in the Act of 1850, which had already received the sanction of Parliament, and which was only not in force because certain things on which the commencement of its operation depended had never been done by the Treasury, but provisions exactly the same in principle were contained in the English Registry Acts for Middlesex and for the three Ridings of Yorkshire. Under all those Acts, unless a will was registered within six months, if the testator died in England, or within three years, if he died abroad (some further time being allowed in cases of litigation), any registered conveyance of the heir-at-law, for valuable consideration, would take precedence of, and prevail against, the title of the devisee. The only novel feature, common to the present Bill and to the Act of 1850, consisted in the certificate of intestacy. But this was a provision merely for the greater safeguard and security of devisees, and not one to their disadvantage; for, while under the English Acts the simple omission to register the will would give priority to all registered titles created for value by the heir-at-law, under these provisions it would not do so, unless some *primâ facie* evidence of intestacy, resulting from unsuccessful searches for, and inquiries after, testamentary papers could be produced to the court which was to grant the certificate of intestacy ; and the certificate itself, after registration, would always be revocable, in the event of any will being subsequently discovered. He would not detain the House by dwelling upon any further matters of detail; he hoped he had said enough to prove that there were good reasons for reading the Bill a second time; and he trusted that in its further progress it would be fairly and candidly considered, with a view to its improvement, if necessary, and that hon. Members from Ireland would not, by their manner of dealing with such a subject as this, lay themselves open to the reproach of offering a blind and indiscriminate opposition to measures which the Government introduced only to meet a general and acknowledged want, repeatedly pressed upon their notice, and with a sincere and simple view to the benefit of the country.

Sir ROBERT PEEL said, with regard to the absence of the hon. and learned Member for the University of Dublin (Mr. Whiteside), it was very hard that this Bill, having been adjourned upon three separate occasions in order to suit the convenience of the hon. and learned Gentleman, the Government should now be blamed for attempting to proceed with it in his absence. He hoped the House would read the Bill a second time.

Question put, and *agreed to ;* Debate adjourned till *Monday* next.

THAMES CONSERVANCY.

NOMINATION OF COMMITTEE.

On Motion of Mr. Hutt, the Members following were named of the Select Committee on Thames Conservancy :—

Mr. Hutt, The Lord Mayor of London, Sir John Hanmer, Mr. Western Wood, Mr. Joseph Ewart, Mr. Alderman Salomons, Mr. Longfield, Mr. Locke, Mr. Cave, Mr. Somes, Mr. Richard Hodgson, Mr. Lindsay, Mr. Blackburn, and Mr. Shafto.

Sir JOHN SHELLEY objected to the constitution of the Committee, on the ground that the City of London had four representatives on it, and especially opposed the appointment of Mr. Cubitt, the late Lord Mayor, who was Chairman of the Conservancy Board, and who ought rather to be examined as a witness than to sit as a judge.

Mr. CRAWFORD suggested that it would be better for all concerned, and for Mr. Cubitt himself, in consequence of the personal interest he had in the matter, that that hon. Gentleman should not be put on the Committee.

Mr. HUTT defended the proposition made by him, and considered it was right and fair towards the City of London that he should put on the Committee the Lord Mayor and Mr. Cubitt. He had perfect confidence in the honour and integrity of Mr. Cubitt, and considered that all the Gentlemen named by him were fit persons to put on the Committee. If it were the wish of the House that another name should be substituted for that of Mr. Cubitt, he would not object.

On Motion, "That Mr. Cubitt be one other Member of the said Committee,"

SIR JOHN SHELLEY objected.

On Question, *agreed to.*

Mr. Cubitt to be one other Member of the said Committee.

House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Friday, April 17, 1863

MINUTES.]—*Sat First in Parliament*—The Lord Monson, after the death of his Father.

PUBLIC BILLS—*First Reading*—London, &c., Diocese (No. 68); Local Government Act (1858) Amendment (No. 69).

Committee—Courts of the Church of Scotland (No. 65).

Report—Courts of the Church of Scotland (No. 65).

GREECE.—EXPLANATION.

THE EARL OF MALMESBURY: My Lords, before proceeding with the business of the evening, I wish to call the attention of the Government to a subject respecting which I wrote this morning to Earl Russell, asking him to be present this evening to hear my remarks; but, as the noble Earl is not able to be present here to-night in consequence of his attendance at the funeral of Sir George Lewis, perhaps the noble Earl opposite (Earl Granville) will answer the observations I have to make. I understand that in the two leading newspapers of to-day—that is, papers representing two parties—there appears what I consider to be a misrepresentation of Earl Russell's answer to me last night. I allude to the final answer, after he had spoken, and after my noble Friend had spoken. The report in *The Times* is—"Earl Russell (whose reply was very indistinct) was understood to say, I think what I stated was, that the King of Denmark consented; and that if Prince Christian and his son should consent, we had no objection." "We" would, of course, mean the English Government, and I suppose that is a misprint; but in a leader of *The Times* it is inferred, in the course of an argument, that Earl Russell stated that he obtained the consent of Prince Christian and his son, as well as the consent of the King of Denmark, previous to communicating with the Greek Government. The *Standard*

Mr. Hutt

says—"Earl Russell said that previous to the election of Prince William to the Greek throne, the King of Denmark, Prince Christian, and Prince William had intimated that no objection existed on their part." What I understood, and what my noble Friends behind me understood, the noble Earl to say was this:—That previously to any communication with the Greek Government, Lord Russell had consulted the King of Denmark, and that the King of Denmark said he had no objection to the candidature of Prince William, provided his father, Prince Christian, and Prince William did not object; but that the noble Earl did not say that he had obtained the consent of Prince Christian and Prince William. I believe I am right in saying that was the sense in which the words of the noble Earl were understood, and I should be glad if my noble Friend opposite would state what was his impression of what was said.

EARL GRANVILLE: I believe what my noble Friend intended to say, and what he did say, was not exactly that he had obtained the consent of Prince Christian and Prince William, but that the instruction to Mr. Elliot was not sent until an intimation had been received from the Court of Copenhagen that the King had no objection to Prince William accepting the throne of Greece, if the Prince and his father, Prince Christian, agreed to the proposal.

UNITED STATES OF THE IONIAN ISLANDS—REMOVAL OF JUDGES.

ADDRESS FOR CORRESPONDENCE.

LORD CHELMSFORD, in rising to call attention to the removal of two of the Judges of the Supreme Council of Justice of the Ionian Islands, and to move an Address for papers relative to the subject, said, though many months had elapsed since the occurrence of the transaction in question, he was desirous of bringing the subject under discussion, because the consequences of the removal attached, and would continue to attach, to the persons affected by it, and would probably have an injurious effect upon the Supreme Court of Judicature of the Ionian Islands. The abandonment of the Protectorate of the Islands, which, from the conversation of last night, he might be allowed to take for granted had been decided upon, might, in some degree, deprive this question of its importance; but whenever the tie which united us to those Islands should be severed, it must be the wish of all not to leave behind us the recollection of having sanctioned any act of injustice, or of having approved of anything calculated to impair the efficiency of a Court pronounced by high authority to be one of the best and soundest parts of the Ionian institutions. The statement which he had to make related to two of the Judges of the Supreme Council, men of high character, and of great legal attainments, who had, for many years, faithfully performed their judicial functions, without the least suggestion of misconduct or incapacity. These gentlemen had been abruptly removed from the bench, in the month of September last, without any reason alleged, without even the slight courtesy of a previous warning, the first intimation of their dismissal having reached them through the columns of the Government *Gazette*, which announced the appointment of their successors, and the whole affair being so timed—whether intentionally or not was immaterial—that no complaint on the subject could possibly be heard in the British Parliament until many months had elapsed after the event. In order to make the matter understood, it would be necessary to trespass on their Lordships' attention with a short explanation of the peculiar character of the Ionian Constitution, as far as regarded the appointment to and removal from offices. The body intrusted with those functions was the Senate, the Executive of the Ionian States. The Senate was composed of a President and five Senators, all appointed by the Lord High Commissioner. No condition was annexed to the choice of President, except that he must be a natural-born noble of the Ionian Islands. He was appointed for a period of two years and a half, but was capable of re-appointment. As head of the Senate, the President had the initiative in all their proceedings, and had the privilege of a double vote. The five Senators were chosen, three of them by the Lord High Commissioner, out of the Legislative Assembly, and with regard to two there was scarcely any restriction upon his choice. Therefore, it was not too much to say, that with the power of the initiative possessed by the President, with his double vote, and with the votes of the two selected Senators, the Lord High Commissioner practically exercised complete control over the acts of the Senate. The Supreme Council of Justice, to which the attention of the House was to be particularly directed, consisted of four Judges. Two of them were appointed by the protecting Power, and were generally English subjects sent out from this country; the two others were Ionian subjects, chosen by the Senate, with the approbation of the Lord High Commissioner. All the offices in the Islands, including the judicial, continued only during the existence of Parliament, which was chosen for a maximum term of five years. But with regard to the Judges, the constitutional charter provided, that though their term of office had expired, they should perform their duties until removed or re-appointed by the proper authority. It might appear extraordinary, that when the new constitution of the Islands was framed, no better security was provided for the administration of justice, and that the Judges should hold their offices by such a precarious tenure. The explanation might be found in the circumstances of the times. He might say it without offence, because it was matter of history, that at that period the character of the Ionian tribunals was not above suspicion, and it seemed to have been considered expedient that the Executive should have in reserve the power of removing Judges whose corruption might be notorious, but the legal proof of it extremely difficult. Happily, that state of things had passed away. By the introduction of English Judges, bringing with them English maxims and principles of justice, the character of the Court had been so elevated as to entitle his right hon. Friend (Mr. Gladstone), in the course of the important mission which he fulfilled during the Administration of his noble Friend (the Earl of Derby), to report that "the British as well as the Ionian Judges of this high Court are regarded with confidence and favour by the community at large." But this vicious theory of judicial appointment was corrected by practice. From the time of the passing of the constitutional charter, on the 2nd of May 1817, until the present day, as far as he had heard, there had been only one instance of the summary removal of any Judge of the Supreme Court. This occurred under the Lord High Commissionership of Lord Nugent, in 1834, when one of the English and the two Ionian Judges were removed. An appeal was made to the Secretary of State by the English Judge, and he was immediately reinstated; the Ionian Judges did not appeal, and, of course, there was no reversal of their dismissal. He believed that Sir Henry Ward, when Lord High Commissioner, had made rather a sweeping removal of the Judges of the inferior courts; but that had no bearing upon the question, which referred entirely to the Judges of the Supreme Court. He believed he was entitled to say that practically they might consider that they held their offices during good behaviour. There were other circumstances which might contribute to this impression. Pension Acts had been passed from time to time, and in the first, which applied to the Judges alone, the preamble recited that it was important to secure the permanence and stability of the judicial body; and accordingly the Legislature provided a pension for them, the minimum term of service to entitle them to it being twelve years. That was a pretty good indication of the opinion of the Legislature that, practically, the Judges were not liable to summary removal at the expiration of every five years. Subsequent Pension Acts ware passed applying to other offices as well as that of the Judges, and the Judges were compelled to contribute out of their salaries to those pension funds, the minimum term of service to entitle them to a pension being ten years. The attention of Mr. Gladstone, when Lord High Commissioner Extraordinary, was directed to this subject. The right hon. Gentleman was struck with the precarious independence of the Judges, and recommended to Her Majesty's Government, that, on the one hand, their salaries should be fixed by a permanent Act; and that, on the other, they should not be removed except upon the address of both Chambers. Whether the proceedings to which he desired to call their Lordships' attention were in the spirit of this recommendation, and were consistent with the usual practice or the just expectations of the Judges, their Lordships would have an opportunity of judging by the facts he was about to bring before them. They related to the removal in September last of two Judges of the Supreme Court, Sir Giorgio Marcoran, who had been a public servant for nearly fifty years, and Sir Anastasio Xidian, who had been in the public service for thirty-five years. They had been Members of the Supreme Council of Justice—Sir Giorgio Marcoran for twenty and Sir Anastasio Xidian for twelve or thirteen years. Sir Giorgio Marcoran was about seventy years of age, and in four or five months he would have been entitled to retire upon the highest scale of pension. Both these Judges were held in the highest estimation by the inhabitants of the Ionian Islands, and by their colleagues in office. The Chief Judge of the Supreme Court, Sir Patrick Colquhoun, bore the highest testimony to the character and efficiency of these gentlemen, and two retired English Judges of the Court, now in this country, Sir James Reid and Mr. Blair, had written to him since he had given notice of his intention to bring the subject before their Lordships, to express their high appreciation of the talents, knowledge, and integrity of these gentlemen. These were the Judges of the Supreme Court, who in September last, without any notice, were dismissed from the bench. As he understood, the ordinary course in re-appointing the Judges of the Supreme Court was this—a week or ten days after the assembling of a new Parliament warrants were issued for the re-appointment of these functionaries. In the present case, the warrants ought to have been issued in March in last year; but month after month elapsed and they were not forthcoming, nor was it until the Chief Justice remonstrated with the Lord High Commissioner on the delay that he was told it was not the Lord High Commissioner's intention to issue the warrants until after the Assembly had risen. The Lord High Commissioner, however, expressed a high opinion of the character of these Judges, expressing his satisfaction at the harmony with which the Judges of the Supreme Court seemed to be acting together. He granted leave of absence to Sir Anastasio Xidian, at the same time requesting him to hold himself in readiness to return to the Supreme Court if anything arose which should render his presence necessary. He was afraid he must come to the conclusion that at this very time the Lord High Commissioner had made up his mind to remove these two Judges, because some delay took place in the departure of Sir Anastasio Xidian, and he was accidentally in the Island when an announcement appeared in the *Gazette*, by which he and his colleague were superseded and their successors appointed. Of their successors he would only say that they were both men of less experience than the Judges they displaced; it was rather unfortunate, too, that one of these gentlemen was a member of the Senate, which removed the two Judges in question and appointed their successors. There was a hardship as to the time of their removal. It was the intention of Sir Giorgio Marcoran to have resigned his seat on the bench in a few months, when, as he had stated, he would have received the highest scale of pension. He now found himself discarded, and would only receive the pension which he might have claimed seven years ago, had he then retired, although he had contributed to the Pension Fund during the whole of that interval. Sir Anastasio Xidian had been in like manner entitled four years and a half ago to the pension he would now receive. These gentlemen naturally felt themselves disgraced in the eyes of their fellow-countrymen by their sudden dismissal, and they appealed to the Duke of Newcastle, but their appeal had been rejected. He was satisfied that all the circumstances could not have been communicated to the noble Duke, or else that there was something behind which had not been brought to his (Lord Chelmsford's) knowledge, and which, if known, would give an entirely different complexion to the case. It was said that a perfectly legal right existed to remove these two Judges; but it was impossible such a course could be perfectly legal, unless from the notion of legality were removed all sense of equity and justice. His noble Friend (the Duke of Newcastle) said, that under existing circumstances, their removal was conducive to the public advantage. His noble Friend was, of course, aware of the nature of the existing circumstances; but they had never been communicated to the Judges who were removed, and he (Lord Chelmsford) could not conceive any public advantage which could outweigh the inconvenience and disadvantage of shaking the independence of the Judges of the Supreme Court, and of introducing a sense of insecurity into all the tribunals throughout the Islands. He did not believe that any allegation of misconduct would be charged against the Judges, because the noble Duke, on the application to him being renewed, said that he still adhered to his former determination, but he sent a letter to the Lord High Commissioner, in which he expressed apprehension lest the Judges should imagine that their long service had not been duly appreciated by Her Majesty's Government. This was but a scant acknowledgment of long and faithful service, and the only appreciation of that service by the Government, of which they were aware, was the sanction given to their dismissal. If there were any charge against these two Judges, they were at least entitled to know it; and if, without any accusation, they had been sacrificed to a political necessity, they might at least have been spared for a few months, until they attained that term of service which would have given them the pension to which they were equitably entitled. Even now, under the constitution, he believed the noble Duke had power to retrace the steps which had been taken, and to reinstate the Judges. He did not expect him to adopt any such course, nor would it, perhaps, be at all desirable; but he thought it would be quite possible for the noble Duke to give instructions to the Lord High Commissioner to advise the Legislative Assembly to supplement the pensions of these removed Judges by a vote. It was very possible—it was even extremely probable—that the Legislative Assembly would not agree to that proposal; but, at all events, it would be satisfactory to those gentlemen to know that their services had been properly appreciated, and that in their removal from office they lay under no stigma. Unless the noble Duke was able to introduce circumstances with which he was not acquainted, he thought he was entitled to ask, at his hands, for an explicit avowal that there had been no misconduct on the part of these Judges, who would thus be freed from unfavourable suspicion, and would not, for the remainder of their lives, be disgraced in the eyes of their countrymen. The noble and learned Lord concluded by *moving*—

> "That an humble Address be presented to Her Majesty for, Copies or Extracts of Correspondence and Papers on the Subject of the Removal of Two of the Judges of the Supreme Council of Justice of the United States of the Ionian Islands."

THE DUKE OF NEWCASTLE said, he was glad, though somewhat surprised, that his noble and learned Friend should have confined his observations entirely to one point—namely, the reasons why the Judges had not been re-appointed. At the outset of his speech, and still more distinctly at its close, his noble and learned Friend admitted that the act was perfectly legal; whereas he was fully aware, from the instructions which he received from the persons most interested, it had been denied by those gentlemen that the transaction was legal. The gist of the complaint made by the Judges was that their removal was inconsistent, not merely with the practice, but with the letter of the constitution; and they distinctly asserted that the article which had reference to the re-appointment of public officers was inapplicable to the case of Judges. Had that point been raised, he should have been prepared to show that by the constitution of the Ionian Islands the Judges were removable, or rather that their non-reappointment at the end of the quinquennial period was distinctly contemplated. On that point the law was clear. The noble and learned Lord, however, admitting the legality of their removal from office, deprecated this particular provision in the constitution of the Ionian Islands as being calculated to render the Supreme Court of Jurisdiction less worthy of the confidence of the people, and as being a rule which probably had its origin in corrupt times and had fallen into desuetude. Whatever might have been the origin of the provision—whether it had grown out of any mistrust of the honesty or integrity of the Judges of that court—it had certainly continued in full operation, and he should be able to show that in its exercise by successive Secretaries of State down to the present time there had been no distinction between the Judges of the Supreme Court and any other Judges. The rule had not fallen into desuetude, for, as he could show by reference to the official records, at the end of every quinquennial period there had been instances of the non-reappointment of some or other of the Judges of the Ionian Islands, although not in every case of Judges of the Supreme Court. But to draw a distinction on ground of principle between these and other Judges would be as absurd as to say that the Acts of William III. and George III. in this country applied only to the Chief Justices of each court, and not to the Puisne Judges. He was not defending the principle of quinquennial appointments, which were, perhaps, if not a consequence, at any rate an accompaniment, of some of the evils attendant on the present constitution of the Ionian Islands. But the subject had been repeatedly brought forward and discussed at the instance of successive Lord High Commissioners and Secretaries of State. In the year 1838 there was a despatch from Sir Howard Douglas to Lord Glenelg which said—

> "It was further recommended that the Judges should hold their appointment for life. By Article 13, chap. 1 (which treats of the general organization) all appointments terminate at the end of a quinquennium, or upon a dissolution—a rule to which the Judges form no exception; and the change now proposed, if your Lordship sees expedient to approve it, might be effected either by inserting an excepting clause in favour of the Judges in the Article above cited, or by adding a declaratory article to the like effect in the present chapter on the judicial organization."

Lord Glenelg, in replying to Sir Howard Douglas, said—

> "The proposal of rendering the appointments of the Judges co-extensive with their lives, or rather with their good behaviour, appears to me to raise a doubtful question of considerable importance. The great principle of judicial independence is so universally acknowledged as the basis of government that any reasoning in its support would be superfluous. But that principle, as it is established in this country and in other free States, is qualified and protected from abuse by other principles of at least equal importance. Such especially are:—1st, the right of the representatives of the people to address the Crown for the removal of any Judge for imputed misconduct; 2nd, the right of the public at large freely to discuss the judicial administration; and 3rd, the right of a supreme tribunal, exempt from all reasonable suspicion of prejudice, to receive and to decide upon impeachments of the Judges. In countries where there is no popular representation, no freedom of the press, and no supreme tribunal commanding public confidence for the trial of impeachments, the independent tenure of the judicial office might not improbably create an arbitrary power much more formidable than any of which it could prevent or punish the abuse. It is a part of a general system of a free Constitutional Government; and when isolated and detached from other free institutions, would lose much of its value, and would probably undergo an entire change in its essential character. For these reasons I am not satisfied of the prudence of this part of the limited reform recommended, and I trust that so much of the measure will not be proposed for Her Majesty's sanction in any formal manner, until you shall have fully considered the objections to which it appears liable, and have reported the view which you may ultimately take of those objections."

On receipt of that despatch Sir Howard Douglas wrote to Lord Glenelg, stating that the proposition for appointing the Judges for life would be rescinded in accordance with his Lordship's opinions, in which he entirely concurred. Sir Howard Douglas was not the only Lord High Commissioner who had approached this subject. Mr. Stuart Mackenzie proposed several alterations; and Lord Stanley, the Secretary of State, in communicating with him, referred to the Bill for extending the commission of the Judges for life, and expressed his disapproval of its provisions. The noble Lord directed the withdrawal of that Bill, the object of which was to abrogate the 13th section of the constitution, and to make the Judges hold their offices for life, and it was withdrawn. This state of things continued until the time when he was first appointed to the Colonial Office, ten years ago, when he found in the office a despatch addressed to his predecessor by Sir Henry Ward, then Lord High Commissioner, stating that it was probable that a complaint would be made that certain Judges had not been re-appointed. Such a complaint was received from a Dr. Manessi, and that, like the present one, was founded on an allegation that the omission to appointment was an entirely unconstitutional act. He desired Sir Henry Ward to send him a list of all cases which had occurred since the commencement of the British Protectorate, in which Judges had not been re-appointed at the end of the quinquennium; and, in reply, he received a list which had been presented and laid before Parliament. [Lord CHELMSFORD: Of Judges of the Supreme Court?] There were cases of Judges of the Supreme Court not being re-appointed, but his argument was, that no distinction could be drawn between the Judges of one court and another. In the Parliament of the year 1823 thirty-eight Judges were removed; in the third Parliament, nineteen; in the fourth, twenty-six; in the fifth Parliament, eight; in the sixth, thirteen; in the seventh, eighteen; in the eighth, thirteen; in the ninth, eleven; and in the tenth Parliament, in which the case to which he had just been referring arose, sixteen. In the despatch which enclosed this list Sir Henry Ward stated, that with reference to the last two Parliaments during which he had been Lord High Commissioner, he had distinguished cases of transfer and promotion from absolute removals, but that with reference to the previous Parliaments he had not been able to obtain information on which to make this distinction. In the ninth Parliament, of the eleven who were not re-appointed seven were absolutely removed, and not merely transferred; in the tenth Parliament there were four new appointments, the remainder of the sixteen were cases of transfer or resignation of Judges. His noble and learned Friend (Lord Chelmsford) had said that there was no instance of the removal of a Judge of the Supreme Court except that to which he had referred. Of course, as there were but four Judges of that court, the number of such cases must be small, and he was only surprised that there were so many as there were. There was one on the 1st March, 1823; one in March, 1833; three in 1834, two Ionians and one Englishman; one in 1839; one in 1840; and one in 1850. His noble and learned Friend contended that one of the Judges would have been entitled to receive an increase of pension if he had remained in office five months longer. The actual time was ten months; but would it, he would ask, be desirable that the gentleman in question should be left in office for the time with a view simply to qualifying him for obtaining a larger pension? Such a course of proceeding would not, he felt assured, be tolerated in this country. His noble and learned Friend was, he thought, in dealing with the question, too much inclined to arrive at a conclusion upon it by the light of English experience and practice. There was, however, the widest difference between the position of Judges in the Ionian Islands and in this country. In England we were accustomed not to regard Judges as politicians—in fact, they generally ceased to be so the moment they occupied seats on the bench, and under no circumstances were they partisans. The very opposite was the case in the Ionian Islands—these Judges were not merely politicians, but partisans and leaders of parties; they were also subject to the greatest influence by local ties and relations, and it was clear, therefore, that it was a matter of great delicacy for either House of Parliament to raise a question in such a case as the present with respect to the judgment and discretion of the Lord High Commissioner. He must add that he himself had been placed by the speech of his noble and learned Friend in a very awkward position, so far as it urged upon him the necessity of assigning reasons for the removal of the two gentlemen to whom he referred. Their Lordships need not be alarmed lest he should be going to state—and he was sure that they would not believe him capable of insinuating what he would not state—anything that would reflect upon the moral character of those gentlemen; but he had stated fairly that which he believed in the despatch to which the noble and learned Lord had called attention. It was said, indeed, that he had given scant praise to the Judges; it was by no means his intention to do otherwise—it was to scant praise that he considered them entitled. He admitted their high talents; but it was fair to say that the Senate had formed a strong opinion to the effect that it would be conducive to the ends of justice that they should be removed. In that opinion the Lord High Commissioner concurred, and he himself had felt it to be his duty to come to the same conclusion. It was not expedient, he might add, that the exercise of such powers, high and arbitrary as they were, as were committed to the Lord High Commissioner, should be looked upon merely as it operated in the punishment of an individual, to the exclusion of the consideration that it might be called for in the due fulfilment of a public trust; and if the Lord High Commissioner thought the removal of the gentlemen in question would confer a benefit on the community, he was entitled to give his assent to the adoption of a course specifically provided by the constitution. In the great empire of India a case occurred where one of the highest Judges was removed. The power of removal was exercised because it was conducive to the public interests; but no personal stigma necessarily attached to the person removed. An Order in Council for the removal was made, but the Judge was anxious to resign, with a view of practising at the Calcutta bar, and as it was felt that he had done nothing at variance with high moral character, a subsequent Order in Council was made reversing the first, and the gentleman did retire from the judgeship, and did resume his practice at the bar of Calcutta. It might be deduced from this example, that in the removal of Judges the condition of the people ought to be the first consideration, and that the fact of removal did not necessarily reflect any stigma on the character of the Judge. The abstract principle of the Ionian Constitution was that the Judges ceased to be Judges at the end of five years, and that their re-appointment was absolutely necessary, if they were to continue their functions. If the non-reappointment was at variance with the usual practice, it was in accordance with the constitution. The administration of justice was complained of, and it was felt by himself and by the Lord High Commissioner that a change was necessary, with a view to creating confidence in the minds of the people. He did not deny that, in one sense, political reasons had influence in the decision. Neither that House nor the general public in England were very capable of dealing with questions affecting the Ionian Islands. They very little understood the character of the people, or the constitution under which they lived. The general impression was that the Ionians were a turbulent, violent people, always struggling against any existing authority. He believed that such was by no means the case. They were an amiable and docile people. They were easily led, but unfortunately also very easily misled; and they were a people who had been led, to their own great detriment, by a body of demagogues who had influenced their minds for their own party purposes. Administrative corruption was interwoven with all the traditions of the country and engrained in the very character of the people. But with whom had this corruption originated, and for what purposes had it been followed? No doubt there were separate bodies of demagogues, but he did not hesitate to say—strange as it might seem to some of their Lordships, and disagreeable as it might sound to some who listened to him—that the worst demagogues, and those who had misled the people the most, were those who professed to be fast friends of the protectorate of England. So long as they could fatten upon the protection, so long they continued to be the fast friends of England; but if any attempt were made to deprive them of the fruits of corruption—to deprive them of the means of misleading the people and obtaining power for impure and unfair purposes—they would identify themselves in practice and principle with those to whose opinions and views they were apparently most diametrically opposed. It was necessary to break up such a system before any good could be effected. These two Judges were not the only persons removed. Another gentleman was removed who occupied the position of Secretary of the Senate; and although he was surprised that his noble Friend had never alluded to his name, his removal stood upon almost identical grounds; and observations which applied to the one case would apply to the other except so far as the administration of justice was concerned. Last night it was admitted on both sides the House that in no respect were these Islands possessions of England, but that they were a trust confided to this country by Europe; and he thought their Lordships ought to consider what effect such discussions as these would have upon the Ionian people. It was said that the Judges had a right to know the reasons for their removal. To the best of his belief those gentlemen had never asked for the reasons. Any step taken, either by the Government or by the Lord High Commissioner, was usually attacked and impugned: the press in the Ionian Islands was one of the freeest in the world, and was by no means unwilling to exercise its licence in reference to any act of the Government. But what had been the case in reference to these two Judges? Why, no complaint whatever had been made throughout the Islands of the act of the Lord High Commissioner. The only Ionian from whom he had had any communication on this subject was a relation of one of these gentlemen, and the Lord High Commissioner stated that he had received no remonstrances whatever. Letters and articles, some not very fair and some absolutely false, had been printed in the English papers greatly condemning the course which had been taken; and although they had been translated into a Greek paper published at Trieste, so general was the acquiescence in the propriety of the change that the Ionian papers had not in any instance reprinted those articles. These gentlemen had had an opportunity of making their case known through the Ionian press and in other ways; but they had not done so. Instead of taking the course which had always been taken when any complaint was to be made, they had preferred to appeal to their Lordships' House, the authority of which on other occasions they had always repudiated. This very circumstance showed that the measure of the Lord High Commissioner was a proper one. Not only, however, was it a proper one, but he believed that it was wise and salutary; and he was convinced that if the negotiations which had been commenced with regard to the cession of the Ionian Islands should from any cause fail, we should reap the advantage of it in the greater confidence which would be created among the Ionian people, and in the conviction which would be felt that we were actuated solely by a desire for their good government.

THE EARL OF DERBY: My Lords, I am not surprised that the noble Duke has expressed himself as being under considerable difficulty in arguing the case that has been brought forward, because I am quite sure that in taking the line of argument he has followed, he has been doing the greatest possible violence as to his own feelings and to his own constitutional principles. The noble Duke has expressed surprise that my noble and learned Friend should have confined himself to the simple question of the removal of these Judges, under the circumstances of hardship that he has explained, and that my noble and learned Friend did not mix up with that case that of another gentleman, the Secretary of the Senate, who was dismissed at the same time, without any reason assigned. I think that all your Lordships will see that with the object which my noble and learned Friend had in view, it would have been inexpedient and unwise to have mixed up two cases which, although they both involve considerable hardship to individuals, and a considerable stretch of arbitrary power on the part of the Government, stand upon an entirely different footing. The question which my noble and learned Friend raised, and which it is most important that the House should calmly and dispassionately consider, was this—whether the course which has been pursued with regard to these two Judges of the Supreme Court has not been one which violates maxims which this House, at all events, regards with the highest veneration. As to the Secretary of the Senate, he is a political officer, and was very probably dismissed for political causes—and possibly quite rightly dismissed, because although the Government may have been perfectly satisfied with his ability and integrity, they may have found, that from political causes they were unable to transmit business with him amicably. But a person of that kind was upon a totally different footing from that occupied by the highest Judges in the land—men, the very basis of whose authority and influence is that they are politically independent and irremovable from any political cause whatever, or upon any ground of public convenience or reputed public interest; and I must confess much surprise to have heard the noble Duke rather argue in favour of the doctrine that in the Ionian Islands it is for the public advantage that the Lord High Commissioner should, for reasons independent of their character, ability, and honesty, and even on political considerations, dismiss the Judges from their offices; that it is right and proper that he should exercise his power in the matter; and that the Secretary of State should sanction and approve the course which has been pursued. I say that this is entirely at variance, I know, with the feelings and disposition of the noble Duke and with principles that have been laid down by him with regard to the Judges of the colonial superior courts. I hope that I shall not, upon using the words "colonial courts," receive the entirely gratuitous information that the Ionian Islands are not a British colony; but if they are not a British colony, they are a place with regard to which judicial independence, and purity, and judicial separation of the Judges from the politics of the day should be even more carefully and more rigorously maintained than in the colonies themselves; and for this reason, that the Lord High Commissioner, who exercises so large a power there, has over the Legislature of the Ionian Islands a much greater power than any Governor deputed by the Crown to exercise a delegated authority has over the legislature of his colony. I cannot see why we should not apply to the Ionian Islands as rigorously as to any other colony the principle of the political independence of the judicial bench. I believe that I have the good fortune to be able to refer to a very recent case which occurred in one of the colonies, and to cite the sound principle laid down by the noble Duke himself. I believe that the case I am about to cite occurred in one of our Australian colonies last year or the year before. A Judge of the Supreme Court laid down a certain doctrine, in consequence of which the whole colony was thrown into the greatest possible embarrassment; he refused to acknowledge as valid an Act of the Local Legislature until it had received the Royal Assent. I rather infer, from the correspondence, that the noble Duke's opinion was, and my own impression is, that the learned Judge had taken an erroneous view of his duties, and that he had proclaimed as illegal and of no force in law an Act which was perfectly valid and authoritative. But be that as it may, the refusal of the Judge to recognise the validity of the Act led to so much dissatisfaction and discontent that an Address was presented by the Legislature of the colony, praying for the dismissal of the Judge. The noble Duke had, I have no doubt, no inconsiderable amount of anxiety. I have no doubt he examined into the case most carefully and most conscientiously—and this was the view which he took of it in his despatch to Sir Dominic Daly—

> "I hold the practical independence of the superior courts of a colony to be . . . . . among the links which bind together the colonial empire of Great Britain. It is of vital importance, not only to the colonies, but to all those who have dealings with them of whatever kind, and to the Imperial Government itself, that these courts should exercise their functions in entire independence, not only of the local Executive, but of the popular feelings which are, from time to time, reflected in the Legislature, or of any political party which may happen to be in the ascendant. And I consider that the principal guarantee of this independence is to be found in the assurance that a Judge once appointed will not be displaced without the strongest reasonable concurrence of an authority wholly removed from all local or temporary influences. By the existing law of South Australia, I consider such an authority to be intrusted, and very properly intrusted, to Her Majesty, acting on the advice of Her Ministers in Great Britain; and I hold, that in dismissing a Judge in compliance with Addresses from a local Legislature, and in conformity with that law, the Queen is not performing a mere ministerial act, but adopting a grave responsibility which Her Majesty cannot be advised to incur without being satisfied that the dismissal is necessary and proper."

The noble Duke laid down in that document the vital importance of the political independence of the Judges of the superior courts, and of the responsibility of the Secretary of State if he sanctioned an Act of the local Legislature founded upon political considerations; and I am not surprised that the noble Duke did feel himself in a condition of considerable difficulty when, in answer to the calm, temperate, and well-reasoned statement of my noble and learned Friend, he had to vindicate before your Lordships an exercise of high-handed authority such as is seldom experienced in the administration of affairs in this country. The noble Duke took great pains to argue that which my noble and learned Friend admitted—that according to the theory and constitution of the Ionian Islands it is in the power of the Lord High Commissioner—that is to say, acting through the Senate—to dismiss a Judge of the Supreme Court from his office. But in such a case it is necessary to go somewhat further than the mere theory and letter of the Constitution; we must give some weight to the practice of the Constitution, and to the way in which it has, at least since 1842, when the temporary arrangement as to the Judges was superseded by a permanent Act, been dealt with. Since that period, even although there may be a technical right to dismiss a Judge without reason assigned, that course has not been pursued, except in one instance, with regard to Judges of the Supreme Court. I venture to say there has been no case during recent times—at all events, no case since 1834—in which there has been a dismissal or non-reappointment of any Judge of the Supreme Court; and I do not understand the principle on which the noble Duke asserts that the Judges of the Supreme Court, a tribunal universally esteemed and respected, are on the same footing as the inferior Judges of the petty courts. I do not wish to reflect on the merits of our police magistrates in this country; but will any man say that because they are Judges of inferior courts therefore they stand on the same footing as the Judges of the Court of Queen's Bench or the Court of Exchequer? There is a broad, plain, palpable distinction between the two—a distinction which the noble Duke is able fully to appreciate, although for the sake of his argument he felt it desirable to confound them. I was surprised to hear the noble Duke state, among the instances of Judges dismissed or superseded, four gentlemen whose dismissal the memorial represents as not having been approved of by the Secretary of State for the Colonies, and who, as the memorial alleges, were restored to their offices, and continued to exercise their duties up to the present time, with the exception of one who died a year ago, and another who declined office and took a pension.

THE DUKE OF NEWCASTLE said, this assertion was incorrect with regard to three of these persons.

THE EARL OF DERBY: Is it incorrect to say that two of them now holding office were reappointed?

THE DUKE OF NEWCASTLE: They were not restored at the time, but have been reappointed since. They have been restored; but not in consequence of my disapproval of the conduct of Sir Henry Ward.

THE EARL OF DERBY: The question seems narrowed to this point:—According to the letter of the Constitution these Judges were certainly removable, but according to the practice of the Constitution they were practically irremovable They are contributors to a pension list, but they have not a right to receive a pension until after the expiration of twelve years. The fact of the establishment of that pension list, to which the Judges are forced contributors, is to my mind conclusive evidence that it was not intended that the Judges should go out of office at the end of the period of five years. I have heard with some surprise and more regret the course which the noble Duke thought proper to pursue with regard to those distinguished Judges to whom their colleagues have borne the highest testimony for their zeal and faithful discharge of their duties. These are the gentlemen who, for some political reason—which even the noble Duke expressly declares ought not to be taken into consideration with regard to the Judges of the Supreme Court—upon some suggestion, some insinuation, with no charge made against them, no offer to allow them to vindicate themselves if there was a charge—are dismissed at a moment's warning, without the slightest amount of courtesy, and who actually learn their dismissal by reading in the *Gazette* the appointment of their successors. The noble Duke urges that at the end of the quinquennial period the Judges are liable to be superseded. Will he deny that the strongest remonstrances against the unparalleled delay which occurred in issuing the necessary warrant were addressed to the Lord High Commissioner, not by the two Judges themselves, but by the English Judges, their colleagues, who were naturally indignant at the course pursued? And what was the motive for the delay? It was found convenient that the warrant should not be issued till the Ionian Parliament had separated, and that led to a delay of three months, and then it was convenient that there should be no supersession till the English Parliament had risen, which led to a delay of two months longer, and consequently they had no opportunity of appealing to either the Ionian Parliament or the Parliament of Great Britain.

THE DUKE OF NEWCASTLE: It is within my personal knowledge that the cause had no connection with the prorogation of the English Parliament. Besides, the Constitution gives the appeal, not to the English Parliament, but to the Secretary of State.

THE EARL OF DERBY: It is true that the appeal is to the Secretary of State in the first instance; but every British subject has the right of appeal from the decision of a Secretary of State to the British Parliament; and it is desirable that such appeal should be resorted to with the least possible delay. The noble Duke vindicates the dismissal of these most highly respected Judges on the ground that it was for the public advantage; from which we may infer that the political opinions of the Judges were not in accordance with those of the higher authorities; nay, rather more, that they considered them persons of dangerous tendency. But, if they were dangerous persons, why was it, that up to the last moment, they were kept in ignorance of their supersession? Up to the last moment Sir George Marcoran and Sir Anastasio Xidian were praised, lauded, pressed by the Lord High Commissioner, on obtaining leave of absence, to be away as short a time as possible, lest important business should arise; and yet, before that very leave of absence had expired, the same Lord High Commissioner who so praised and so lauded them, so entreated their early return to their duties, had determined on their dismissal, and was laying before the Secretary of State his opinion that they were dangerous persons. Is it possible to reconcile with any ordinary justice—I do not deny the technical right of the supersession—this keeping of the dismissal hanging over their heads without notice, to the last moment? I think, at all events, it was a straining of the powers of the Lord High Commissioner so to remove them without making a charge—without giving them an opportunity of defence. That is a course which it is impossible to vindicate, either by the spirit of the Ionian Constitution, or, still more, by the rules which prevail in this country. The noble Duke had offered something like an insinuation against these gentlemen, in what he said upon the remark of my noble and learned Friend upon the habitual corruption of officials in the Ionian Islands. But my noble and learned Friend alluded to the state of things which existed forty years since, and congratulated himself and the country that the period had long gone by. There was a constant train of evidence showing, that during the whole of the time these Judges sat on the bench there had not been the slightest imputation against their personal integrity, their ability, and the manner in which they discharged their duties. It is rather hard, then, that a dismissal, given without the slightest cause being assigned, to men of high character, should be palliated by the fact that forty years ago there was a suspicion of foul practice in the courts. If the Judges had been guilty of violation of duty, or suffered themselves to be led away from their duties as Judges—if they were dangerous men—if, by their conduct, they had caused well-founded discontent—it was due to them—it was due to justice itself—that the charge should have been early made against them, and that they should have had an opportunity of being heard in their own defence, and not dismissed in the first place, without the slightest cause assigned; nay, with the highest laudation of their demeanour as Judges. And now, after their dismissal, the Secretary of State, in Parliament, vindicates the course taken by the Lord High Commissioner, by insinuating against them charges which have never been brought forward so that they might have an opportunity of vindicating themselves. I hope the noble Duke will not adhere to his determination of withholding the correspondence asked for. I do not ask for the correspondence between the Lord High Commissioner and the Senate, nor that between the Commissioner and those by whom he has been led or misled; but I say that we have a right to know the ground assigned by the Lord High Commissioner for a most unusual and high-handed stretch of power, and what are the grounds on which the Secretary of State is prepared to accept and adopt an Act which, I contend, the Queen could not adopt, even as a ministerial act, without being satisfied that the grounds of dismissal were just. I am perfectly satisfied, on the statement of my noble and learned Friend, and the statement of the Secretary of State, to leave the case of these gentlemen to the decision of the Parliament and the country. But, before I sit down, allow me to add one thing. We are now about to withdraw our protectorate from the Ionian Islands. Let not the last act done with regard to those islands be one which will cast suspicion upon our respect for the independence of the judicial bench, or our respect for the integrity of the judicial character; and let it not be said that we have ventured to adopt an arbitrary course with respect to the Supreme Court of States confided to our protection, a course which we never should have ventured to apply to any place which is, properly speaking, a portion of Her Majesty's dominions.

The Duke of NEWCASTLE explained that he had been quite misapprehended. He was quite prepared to give the papers, provided the usual words, "Copies or Extracts," were attached; and if the papers when produced did not give all the information that was required, it would be for Parliament to call for further particulars. The law of the Australian Colonies was on precisely the same footing as that of England with respect to the apointment of the Chief Justices and Puisne Judges; and the distinction which he had attempted to draw between the case of the Australian and Ionian Judges was, that what applied to one case could not apply to another, where the law was different. So far as political considerations entered into the removal of the Judges, it was not, as the noble Earl seemed to suppose, because the political opinions of the Judges were at variance with those of the Lord High Commissioner that they were removed, but it was because the Judges had mixed themselves with the politics of the country at all. He entirely agreed with the Lord High Commissioner, that Judges should keep as clear of politics as possible.

THE LORD CHANCELLOR said, he had not intended to take any part in the discussion, but he thought what had occurred rendered it right that he should say a few words upon a subject so interesting and important. He was happy to think that the subject had been introduced by the noble and learned Lord (Lord Chelmsford) in a speech as temperate as it was clear; and he was followed by the noble Earl in a speech full of that eloquence and ardour which distinguished his addresses on all occasions. But throughout the whole of those speeches words had been used and appeals made to sentiments and feelings which were very dear to the English mind, which were associated with all that we held sacred and important, but which, in his opinion, were beside the subject before the House. The noble and learned Lord said frequently, and the noble Earl also repeated the phrase, that those Judges had been removed, dismissed, superseded under circumstances involving great hardship, if not oppression, and had been condemned without the opportunity of being heard. The independence of the Judges was a matter about which every Englishman felt most jealous. But that feeling must not be carried too far. The feeling which we had with regard to our Constitution must not be carried along with us in the consideration of the circumstances applicable to other countries. But first, what were the facts? Why, those Judges had not been removed at all. It was incorrect to say that they had been either removed or dismissed. It had been admitted in one instance by the noble and learned Lord, that strictly speaking, they had not been removed; but through the whole of his argument, and through the address of the noble Earl, the appeal to the House was made altogether upon the grounds of the removal, which was assumed without any foundation at all. The Constitution of the Ionian Islands was of this nature—that two of the Judges should be appointed by the Senate, with the approbation of the Lord High Commissioner, and they were appointed for a period of five years. Now, the arguments applicable to the irremovability of Judges were wholly inapplicable in the case of a people who started with this principle—that to their mind and according to their notion of Government, it was right and desirable that the Judges should have a temporary tenure of office, and not a permanent appointment. Originally, Judges were appointed in this country *durante bene placito;* now they were appointed *quamdiu se bene gesserint.* But in the Ionian Islands they were appointed for a fixed and definite term. He quite admitted that a Judge appointed *durante bene placito* ought not to be dismissed unless a reason were given for his dismissal. If, however, the Judges held their offices under a Constitution which contemplated their appointment as temporary and definite, it would be an error to judge the action of that Constitution by prejudices and professions derived from the existence of a different state of things. Their Lordships were, in fact, asked to try the propriety of an Act of the Ionian Senate, which declined to re-appoint these gentlemen: the Lord High Commissioner approved that act of the Senate; and the Secretary of State, for reasons of State, approved the Act of the Lord High Commissioner. Their Lordships had heard the impassioned appeal of the noble Earl (the Earl of Derby), but he (the Lord Chancellor) must protest against this question being considered according to the constitutional views of this country. Could their Lordships be engaged in a more idle speculation than to apply and transfer English principles to a Constitution of a different kind? First of all, it would be necessary to condemn the Ionian Senate; and how was that body to be brought to their Lordships' bar? The Senate deemed it proper, and for the welfare of their country, that these gentlemen should not be re-appointed. They had run out their term of office, and it was left to the discretion of the Senate whether or not to re-appoint them. The noble Earl had appealed to the practice of the Ionian Senate, which had not failed to re-appoint the Judges for the last twenty-four years. But if, after so long an interval, the Senate came to an opposite conclusion, ought not their Lordships rather to give them credit for having exercised their right prudently and wisely? No doubt their Lordships—and he did not deny that such were his own feelings—would like to see a change in the Ionian judicature in regard to the dismissal of Judges, but it would be necessary, for this purpose, to alter the Constitution of the Ionian Islands; but so long as the power and privilege existed, their Lordships were not entitled to forbid the Senate to exercise their right. His noble Friend (the Duke of Newcastle) had asked—and he thought the circumstance ought to be conclusive—who had complained of this act of the Senate? Had there been a single complaint, except from the two gentlemen concerned? What their Lordships wanted to know was the cause which rendered it expedient for the Senate, the Lord High Commissioner, and the Secretary of State, in the first place, to take this step, and then to approve it. His noble Friend laboured under this difficulty:—That if he told their Lordships all the arguments and circumstances which led the Senate to act as they did, he might possibly heap upon these gentlemen a severe sentence of condemnation. The noble Duke had taken the better and more merciful part of stating that they had not been removed for any judicial fault or imputation on their moral character, but that they had been removed because they felt it their duty to act under the influence of certain political principles, which were felt by those who had charge of the Government of the Ionian Islands to be incompatible with the tranquillity of the country. Their Lordships, he repeated, had no right to deal with this question on the principles of the English Constitution when it was the Ionian Constitution under which the act had been done. They ought rather to give credit to the Ionian Senate for having exercised their judgment, not wilfully or perversely, but wisely and to the best of their ability. If their Lordships took any other view of this matter, their interference would be of a very mischievous character.

Earl GREY said, he had listened to this debate with great regret, and this regret had been much increased by the speech to which he had just listened. He held that the principle of the administration of justice by Judges independent alike of popular clamour and executive power was at the very root of all good government. That principle was not less applicable to the Ionian Islands than to Great Britain. Their Lordships had been told that these two Judges had not been removed, but that they held their places only for a time. The Lord Chancellor had answered the argument that the practice had been the other way by hinting that the Ionian Senate had doubtless now, after twenty-four years, found a reason for getting rid of these Judges. That argument was, to his mind, very equivocal and unsatisfactory. While in office he himself had occasion to recommend to Her Majesty that Judges should be removed, but he regarded the principle of judicial independence as of such extreme importance that he never took that step without referring the questions connected with the conduct of the Judge to the Judicial Committee of the Privy Council. In a particular case, one of the most distinguished Governors at that time in the service of the Crown complained, and with great reason, of the conduct of a Judge; and because the Crown refused to exercise its extreme prerogative in dismissing that Judge he resigned his office. Although the loss to the public service at the time was serious, he (Earl Grey) incurred it rather than depart from the principle that the conduct of a judicial functionary ought, in the first instance, to be thoroughly investigated before the Committee of the Privy Council. Technically and legally, the effect of not re-appointing these Ionian Judges was the same as if they had been removed. The noble Duke (the Duke of Newcastle) said that their removal was of greater importance to the people of the Ionian Islands than the maintenance of the ordinary course of justice, the measure being, in fact, essential for that purpose. Unless it was capable of being thoroughly substantiated, this was a grave accusation to bring against two high functionaries. In former times there had been inefficient Judges in this country; but it had always been held better to submit to temporary inconvenience than to violate the great principle of judicial independence by the arbitrary removal of individuals. It had been hinted that these judges were removed for political partisanship. That, if established, was a sufficient ground for the action of the Government, and it would have been a very proper course for the Lord High Commissioner to warn them, that if they presumed to act as partisans, the legal power of the Crown would be exerted to its fullest extent for their removal. But it was quite another thing to withhold all information, to refuse to state the grounds for not re-appointing them, to bring forward no direct charge in

Parliament, but to make insinuations which, if they had any meaning whatever, meant that they had been guilty of political misconduct. He knew something of the difficulties of government in the Ionian Islands, and he believed that the greatest service which England had it in her power to render to that dependency was to teach the people of those Islands, not only by precept but by example, respect for those high constitutional principles which were observed and respected in this country. The system of intrigue and corruption which had prevailed so deeply in the Ionian Islands could not be met by having recourse to similar artifices. British authority must take its stand on high constitutional principles; and if the Government could not be successfully administered from that level, the responsibility would rest on those who opposed it. A temporary exercise of the power of the Crown, not descending to intrigue, and avoiding any extraordinary and arbitrary use of the authority vested in the protecting Power, a straightforward and simple adherence to great principles of government, would, he was convinced, afford the best means of bringing about improvements in the state of the Ionian Islands. In the course which had been taken this wholesome rule of action had been departed from, and he had heard with regret the defence urged by men in the high position of the noble Duke and the noble and learned Lord on the Woolsack.

Motion *agreed to.*

House adjourned at Eight o'clock,
to Monday next, a quarter
before Four o'clock.

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HOUSE OF COMMONS,

Friday, April 17, 1863.

MINUTES.] — Supply—*considered* in Committee.

Ways and Means—Resolutions (April 16) *reported.*

Public Bills—*Committee*—English Church Services in Wales (*Lords*) [Bill 53].

Considered as amended — Gardens in Towns Protection (*Lords*) [Bill 50].

Third Reading—Telegraphs [Bill 78], *re-committed:* Office of Secretary at War Abolition [Bill 72], and *passed;* Oaths Relief in Criminal Proceedings (Scotland) [Bill 74], and *passed.*

WEST HARTLEPOOL HARBOUR AND RAILWAY BILL.

THIRD READING.

Order for Third Reading read.

Mr. ROEBUCK said, that last year he had presented a Petition from a gentleman named Coleman in reference to the affairs of the company, in which he stated that the chairman (Mr. Jackson) had imposed, not only upon the public, but upon the House. Power had been given to the company, under certain circumstances, to borrow £700,000. The chairman, had, however, employed his ingenuity to induce the public to lend two million and some odd hundred thousand pounds. When he brought the matter forward, he asked the House to grant a Select Committee to inquire into the allegations of Mr. Coleman's Petition. But the hon. Member for South Durham (Mr. Farrer) then got up and said he was the personal friend of the chairman of the company, that that chairman was a perfectly honourable man, and that he (Mr. Farrer) was ready to vouch for it that the allegations in the Petition were untrue. Now, those allegations had been proved to be true before a Committee of the House, and he (Mr. Roebuck) defied the hon. Member to deny that assertion. It also appeared that an agreement between Mr. Coleman and the company had been drawn up by the brother of the hon. Member for South Durham. That agreement, a copy of which he (Mr. Roebuck) held in his hand, clearly showed that Mr. Coleman was not in any way amenable to the assertions made by the hon. Gentleman to whom he alluded. At a recent meeting of the company, a report of the directors was read, in which it was stated—

> "The Directors are, however, happy to report that Mr. Coleman's suit in Chancery has been terminated by an arrangement between him and the late Directors, and the Board concurs in the following statement, which forms part of the arrangement:—
>
> "The defendants (the company) admit that the proceedings of Mr Coleman have not been taken by him from any motive of private gain, and that the charges made by him in his Bill in Chancery have been supported by the evidence, and that the institution of these proceedings was not in violation of any antecedent contract or engagement by him, and that they have been calculated to place the affairs of the company on the present sound and legal basis."

He (Mr. Roebuck) thought it would have been graceful on the part of the Member for South Durham (Mr. Farrer), who had twitted him with his conduct in presenting the Petition, if, after the allegations in that Petition were proved to be true, he had risen and admitted the fact. The Bill before them was the result of the proceedings of the chairman. On the part of the company, that gentleman, had issued debenture stock, as it was imagined under the sanction of an Act of Parliament, and by the Bill it was intended to deprive the holders of that stock of the preferential right to which they were entitled, and to place all demands against the company on a footing of perfect equality. The subject was one of great importance in the country, many people having invested large sums of money in debenture stocks. The Bill, however, was the first step in the business of repudiation, which ought to be carefully watched by the House. He had nothing further to say except that the allegations in the Petition he had presented had been shown to be true, that the assertions of the hon. Member (Mr. Farrer) in respect to those allegations had turned out to be incorrect, and that no apology had been made for the incorrectness of those assertions.

Mr. FARRER said, he was surprised that the hon. and learned Gentleman had taken that opportunity of making a personal attack on himself, without giving him the slightest notice that it was the intention of the hon. and learned Gentleman to impugn his conduct before the House. He was, however, prepared to reply to the attack which had been made upon him. The hon. and learned Gentleman imputed to him (Mr. Farrer), as a fault, that his brother had been instrumental in drawing up the agreement between Mr. Coleman and the company. He was no lawyer, and he need hardly say he did not interfere in any way with his brother's professional affairs. Further, he denied that when he spoke upon the Petition presented by the hon. and learned Gentleman, he had made any attack upon him. All he then stated was that the grounds upon which the Petition was framed were not such as to require the intervention of the House, in the shape of a Select Committee. With reference to the document quoted by the hon. Gentleman (Mr Roebuck), he must remind the House that it did not admit that all the allegations of Mr. Coleman were correct. Moreover, he understood that the report of the directors, which had been quoted, was not agreed to unanimously by the boards. He (Mr. Farrer) had never disputed that Mr. Jackson's proceedings had been very irregular; but what he had said had been based on sound documentary evidence, which he should be glad to show the hon. and learned Member. He trusted the House would throw no impediment in the way of the passing the Bill, which was calculated to remove great difficulties, to repair much irregularity, and to place on a sound and firm basis the affairs of a large and thriving company, who were adopting the most strenuous measures for the development of the resources of a highly important district. The port of Hartlepool stood upon its own merits, and it was therefore unnecessary for him to defend its interests. In conclusion, he apologized to the House for occupying their attention in a matter personal to himself.

Mr. PEASE said, he was prepared to defend the integrity of both the hon. Members opposite, each of whom he believed to be influenced by the most honourable motives in the matter, and to be justified in the course he had taken, from the impressions under which he acted. Although some of the provisions of the Bill were of an unusual character, the circumstances under which they were framed were also unusual. He trusted, therefore, that no opposition would be thrown in the way of the passing of the Bill, which was calculated to prevent much litigation, and be a great boon to the bondholders.

Bill read 3°, and *passed.*

DOCK AND VICTUALLING CRAFT.

QUESTION.

Mr. FERRAND said, he wished to ask the Secretary to the Admiralty whether the Board intend to comply with the Memorial of the Masters of Dock and Victualling Craft for increase of pay, or to restore the pensions to their widows.

Lord CLARENCE PAGET replied, that the question of pay of the Masters of Dock and Victualling Craft was fully entered into in 1857, and it was not the intention of the Admiralty to re-open it; but he might state for the information of the hon. Gentleman that it had been in serious contemplation by the Admiralty to do away with the masters of the craft altogether, and to substitute for them warrant officers and seamen of the Royal Navy, who might be called upon to serve their country in case of war.

Mr. FERRAND: The noble Lord has not answered the latter part of the Question.

Lord CLARENCE PAGET: It is not the intention of the Admiralty to restore the pensions.

FISHERY CONVENTION WITH FRANCE.

QUESTION.

Mr. BENTINCK said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether any, and if any, what steps have been taken by the Government for the re-adjustment of such articles in the Convention with France of 1843 as appear to bear hardly upon our fishermen; and whether it is true that our fishing vessels frequent certain Ports in France for the sale of oysters; and whether the Convention of 1843 is not in contradiction with the Treaty of Commerce of 1860 on that point?

Mr. LAYARD said, he was happy to inform his hon Friend who had taken so great an interest in this subject that the Government had great hopes that some arrangement would shortly be made with the French Government for the settlement of a matter which had been so long under discussion. He could not, of course, inform his hon. Friend of the steps which were being taken, but they entertained a sanguine hope that some settlement would be arrived at. As regarded the other part of the Question, it was true that, in the early part of last year, the French Government allowed English fishing vessels to sell their fish and oysters in the French ports, and they asked the English Government to allow the French fishermen the same privileges in this country. Our Government were disposed to do so; but it was found that they could not do so without the sanction of Parliament. Consequently they were obliged to refuse the permission, and thereupon the French Government withdrew the permission before extended to the English fishing vessels. Her Majesty's Government, however, entertain hopes that in a short time arrangements will be entered into for enabling the fishing boats of each country to sell their fish in the ports of the other. As regarded the third Question, it was true that there was an apparent contradiction in the articles of the two Treaties; but the contradiction was more apparent than real, the French Government not considering fishing vessels to come under the article of the Convention of 1843, but making a distinction between vessels engaged in fishing, and vessels engaged in trade. They made a distinction between vessels engaged in trading in salt fish, and vessels engaged in the capture of fish.

THE GREEK THRONE.

QUESTION.

Mr. BAILLIE COCHRANE said, he would beg to ask, Whether the Under Secretary of State for Foreign Affairs will lay on the table of the House the precise words of the Telegram or the Despatch which authorized Mr. Elliot, on the 29th of March, to give information to the National Assembly which led to the unanimous Election of Prince William of Denmark to the Throne of Greece?

Mr. LAYARD said, in reply, that, for obvious reasons, telegrams were never published; and, with respect to despatches, it would be most inconvenient at the present moment, while negotiations were going on, to lay fragmentary papers on the table of the House.

AFFAIRS OF CHINA.—QUESTION.

Colonel SYKES said, he rose to ask the Under Secretary of State for Foreign Affairs, Whether the bodies of the officers, British subjects, attached to Ward's Chinese levies, and killed at the attack upon Tai-tsaing, were recovered; whether it is true, as stated in the Shanghai newspapers, that two pieces of Her Majesty's ordnance were lost at the attack upon Tai-tsaing, which were lent by General Staveley to Ward's levies; and whether Officers of Her Majesty's 31st and 67th Foot, of the Marine Light Infantry, and an Officer of the Royal Engineers, were present at the attack upon Tai-tsaing, which is beyond the thirty-mile radius from Shanghai?

Mr. LAYARD, in reply, said, he was afraid he could not give his hon. and gallant Friend very full answers to his Questions. It was only that morning that he (Mr. Layard) had received an account of what had taken place, contained in articles from files of the same papers as his hon. and gallant Friend had been consulting. It appeared that an attack had been made by what was called "Ward's Force" on a walled town without the thirty-mile radius, on the authority of a Chinese officer, and against the urgent advice of General Staveley. General Staveley appeared to have allowed Captain Holland to accompany the force, fearing that disasters might arise. With regard to the recovery of the bodies of British officers, he had no information on the subject. Two guns appeared to have been lost, but he (Mr. Layard) was not aware that they belonged to Her Majesty, or whether they had been lent to Ward's force for the purpose of the expedition. Captain Holland was the only officer, he believed, attached to Her Majesty's forces who had accompanied the expedition; but he could not answer his hon. and gallant Friend's Questions so fully as he could wish.

THE CASE OF THE "PETERHOFF."

QUESTION.

Mr. BENTINCK said, he wished to ask the hon. Member for London, Whether the statement which appeared that day in the City Article of *The Times*, with respect to the proceedings of a deputation received on Thursday by Earl Russell, in relation to the seizure of the *Peterhoff*, and other English vessels, by American cruisers is a correct statement; and also whether a certain document, purporting to be a letter from Mr. Adams to Admiral Dupont, which was quoted in *The Times* as having been read to Lord Russell, is correctly given?

Mr. CRAWFORD replied that the statement which appeared in the City Article of *The Times*, of what took place at the Foreign Office on Thursday, was in terms strictly correct, and that the letter published in the same newspaper as a copy of one read by himself to Lord Russell, and purporting to be from Mr. Adams, the American Minister, to Admiral Dupont, commanding a Federal squadron in the Gulf of Mexico, was, he believed, also in terms strictly correct, though he had not compared it with the original. He wished to add, that he was not a party to the publication of the proceedings of the deputation.

SUPPLY.

Order for Committee read.

Return relative to the British Museum [presented 14th April] *referred.*

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. Layard

HARBOURS OF REFUGE.

RESOLUTION.

Sir FREDERIC SMITH said, he trusted he should meet with the indulgence of the House while he called attention to the important subject of Harbours of Refuge. It would be in the recollection of the House that a few years before 1857 there was great loss of life and property by shipwreck upon our coasts, which led to the appointment of a Select Committee of this House to investigate the question. That Committee, presided over by that talented man the late Mr. Wilson, sat for a considerable period, and examined a great number of witnesses. It was re-appointed in the following year, and consisted of nearly the same Members. Both in 1857 and in 1858 the Committee took great pains to discharge properly the duty intrusted to it. In 1857 the Committee sat ten days; in 1858, thirteen days; and altogether 8,000 questions were asked and answered. The Report was drawn up by Mr. Wilson in the most able manner, and concurred in by the Members of the Committee, and, he believed, had received the sanction of the House. To a few passages of that Report he wished to draw the attention of the House. At page 10, paragraph 12, there was an important passage. The Committee there stated that they would proceed to consider the evidence as to the important financial questions which had arisen in the course of the inquiry. The estimated cost of the proposed improvements had been stated as not exceeding £2,000,000, or a sum which, spread over ten years, would be at the rate of £200,000 per annum. The Committee submitted that that was a comparatively small amount for works having for their object the diminution of the dangers of the navigation on our coast, which involved an annual loss of 800 lives and £1,500,000 worth of property. They did not assert that the whole of that loss would be obviated by the proposed works, although a considerable proportion of it would no doubt be so; but they said that the loss of property from shipwreck constituted a real abstraction from the national wealth of the country; so that if the execution of these works only prevented 30 per cent of it, the whole outlay required for them would be less than the saving effected by them in four years. The saving of human life by means of these works would, in all probability, bear a larger proportion to the total present loss than in the case of property. After a very lengthened inquiry in 1857 and 1858, the Committee recommended that a Royal Commission should be sent to investigate particular localities along the coast with a view to select the best sites for these works. On that recommendation a Royal Commission was accordingly appointed, and among its Members was that distinguished officer Admiral Sir James Hope, who viewed the question not only with the feelings of a seaman anxious to save the lives of sailors, but of a statesman desirous of throwing as light a burden as possible upon the country. Sir James Hope was the Chairman of the Commission. It had also amongst its Members Admiral Washington, the hydrographer of the navy, who knew more of the coasts of Great Britain than any other man living; and Captain Sullivan, of the Royal Navy, who occupied an important post at the Board of Trade, and of whom he felt sure that the right hon. President could not speak in too high terms. There was also Mr. Coode, the eminent civil engineer, now and for some years past in charge of the works of the harbour of Portland; the hon. Member for Sunderland, a skilful sailor and a large shipowner, was also a Commissioner, as well as Captain Vetch, of the Royal Engineers, in charge of the Harbour Department of the Admiralty, and himself (Sir Frederic Smith). The investigation was conducted with the view to discover, not the greatest number of places at which such works could be carried out, but the fewest consistently with the great object in view, and with a wise principle of economy. It occupied eight or nine months In the concluding paragraph of their Report the Committee of 1858 said, they could not too earnestly press upon the House of Commons their strong conviction as to the necessity, upon national grounds, of these works being undertaken at as early a period as possible, and placed under some system which should secure their steady and speedy progress. After referring to the large increase in the foreign and coasting trade of the kingdom during the last fifteen years, the Report went on to say that the construction of the works which the Committee ventured to recommend was absolutely indispensable to the development of our commerce, and that there was no object for which the public money could be more usefully or more profitably employed, having regard to the future welfare of the nation. In June 1860 the hon. Member for Sunderland (Mr. Lindsay) brought forward a very important Motion on that subject, which was very ably argued. The words of the Motion were—

> "That in the opinion of this House it is the duty of Her Majesty's Government to adopt, at the earliest period possible, the necessary measures to carry into effect the recommendations of the Commissioners appointed in 1858 to inquire into the formation of Harbours of Refuge on the Coasts of Great Britain and Ireland."

Although it was opposed by the right hon. Gentleman the President of the Board of Trade, the hon. Member for Montrose, and the noble Viscount at the head of the Government, it was carried by a majority of 17. The proposition involved the outlay of £4,000,000. What he (Sir Frederic Smith) now recommended involved not more than £200,000, and never had such a sum been more beneficially expended. The Commission had made their Report, which had been for some time before the House. Its recommendations were very brief. The Commission recommended that something should be done quickly. Its first proposition was, that a harbour should be formed at Wick. It was proposed that Government should contribute £125,000 in constructing that harbour, on condition that the locality should raise an equal amount for its completion. Peterhead, also, was to have £100,000, on the condition that the locality subscribed £200,000. But he had not heard that that sum was raised, and therefore he did not include Peterhead in his present proposal. He should be happy, however, to adopt the Amendment of the hon. Member for Portsmouth, and to include Peterhead, if there was any chance of the money being subscribed. The Commission brought forward two harbours on the Irish coast—Carlingford and Waterford—for each of which £50,000 was asked. He now only asked one-half, as he did not expect to get the full amount, and he had selected Waterford as the harbour on which the money should be spent. Douglas, in the Isle of Man, was to have £50,000 on condition that the locality raised a similar sum. No such sum had been raised on the spot; Douglas was not therefore on his list. The Commission recommended that St. Ives should have £400,000. No one could doubt the great advantage of having a harbour there, and he believed the sum proposed would execute the works. But he was not prepared to ask that sum on the present occasion. Padstow was very important, especially for the coasting trade. The inhabitants had laid out a certain sum of money in cutting off a portion of the bluff headland called Stippers, which took the true wind from vessels entering the harbour. If the Government would spend £40,000 more in the removal of a further portion of the bluff point, vessels of large size could enter the harbour in safety, and the many shipwrecks which occurred along that inhospitable coast would be avoided. As the harbour was examined with great care, and as it was a question of executing certain definite works for a certain definite sum, there was no danger that the estimate of £40,000 would be exceeded. It was recommended that the Tyne should have £260,000, provided £750,000 could be raised in that district; but that sum had not been subscribed, therefore the proposition was abandoned. The sum of £100,000 had already been borrowed from the Exchequer Loan Commissioners, but that was not enough to make the Tyne a harbour of refuge. The full sum proposed would be necessary, and for that amount he was confident an excellent harbour could be constructed. No doubt in this case, as in all tidal harbours, there was a danger of a bar being formed in time, at its entrance; but according to the late Mr. Walker's plan the piers were to be projected so far out to seaward that no inconvenience could be felt from it for a great many years. It was proposed that Hartlepool should have £500,000 if the inhabitants supplied as much; but he had not heard that such was the case, therefore he did not recommend this sum to be granted. Lastly, it was proposed that £800,000 should be laid out on Filey. His hon. and gallant Friend the Member for Wakefield (Sir John Hay) had an Amendment on the paper that Filey should be added to his Resolution. All he could say was, that if he saw the least chance of carrying that Amendment, he should be most ready to accede to it. He believed Filey to be a most important point. A harbour of refuge was much required there, and he had no doubt a harbour of refuge would be constructed at Filey at no very distant period. Not unfrequently as many as 800 vessels were clustered round Flamborough Head at one time; and when a gale came on, those vessels had to run for the nearest port, some of the laden ships often foundering in the course of the run.

Sir Frederic Smith

Filey was the last of the places which the Commission proposed should be provided with a refuge harbour. With respect to Padstow, he had received a letter from a gentleman well known in that place, informing him that £40,000 would be ample to complete the necessary works, and that contracts could be obtained within that amount. The writer added that the only additional feature in the case of Padstow, since the issue of the Report of the Royal Commission, was the great increase in the number of foreign vessels seeking shelter in that harbour, and especially of French vessels, which were nearly ten times as many as they were formerly. The neighbourhood of Padstow, and, indeed, almost from the Land's End to Hartland Point, was an iron-bound coast, with no refuge whatever for the passing trade. The trade of the port itself was in a great degree provided for by means of local funds, a portion of Stipper Point, as already stated, having been cut away, so that vessels were enabled to carry in the true wind, and thus avoid, as formerly had been too often the case, being driven on the "Doom Bar" Sand, where shipwreck was their inevitable fate. What was now proposed would give a certain refuge for the whole of the coasting trade and a great proportion of the passing trade making for the Bristol Channel, and many lives would be saved. It might be argued by the President of the Board of Trade that the sum required, being so small, should be subscribed in the neighbourhood. But how unreasonable it would be to expect this. Why should the locality be taxed, not for its own mere benefit, but for the general commerce of the country? So far as the local wants existed, they had been supplied by local subscriptions, and all that was now asked for was to extend, by means of a Parliamentary grant, and for general purposes, the improvement so well begun by the commercial men and others of Padstow. Here there could be no fear of the estimates being exceeded. The House would hardly believe that from 1850 to 1860 no fewer than 300 lives were lost on this part of the coast, the greater portion of which would, he believed, have been saved, had previously the small sum now asked for been laid out in the manner proposed at this harbour. The case of Wick was a strong one. The harbour there, as proposed by the Commissioners, would have been one of great capacity, with good anchorage, consisting of two breakwaters, with an opening 500 feet wide to admit the entrance of large vessels. There was a very large number of vessels passed along that coast; but from the Orkneys to the Firth of Forth there was not a single harbour for them to run into. There should be a harbour at Wick or Peterhead; but, as he had said, he feared the money required could not be found at the latter place. At Wick more than 10,000 men were employed at the fisheries. It was true that some small projecting piers were about to be constructed for the benefit of the fishing vessels, but those piers would effectually prevent the formation of any harbour capable of being of use to large vessels. He contended that £125,000 was not a large sum to expend for so important a purpose as the construction of a harbour which should be accessible to all classes of vessels. Supposing that the country should be at war with any northern Power, where would their cruisers obtain stores and coals, or effect repairs? They must run through the Pentland Firth, where strong north-east winds might be blowing, or they must run for the Orkneys. And let them imagine this country at war with America; then they would find American cruisers and privateers coming through the Pentland Firth and capturing their traders with impunity; whereas, if they had a harbour at Wick, they would always have a man-of-war attached to the station, ready to protect their commerce. He considered a harbour at Wick, therefore, an object of great national importance. A harbour on the east coast was absolutely necessary for the preservation of lives and property. The loss of life was not diminishing, for he found that in 1856, 1,163 lives were lost on our coasts; in 1857, 1,145; in 1858, 1,156; in 1859, 1,416; in 1860, 1,379; and in 1861, 1,494. It was said that such a thing as an old, worn-out collier, like a dead donkey, was never heard of, and it was these old colliers that were supposed to founder; but an official Report which had been issued showed that the loss was not in proportion to the age of the vessel The loss of life upon our coast was enormous, the means of saving life were comparatively easy, and he thought it was only an act of common humanity to adopt those means. It had been said, that if you built harbours of refuge, you must provide for their defence; but in his opinion, if it was necessary to defend them rather than any other points of the coast, a two or three gun battery would be amply sufficient. Harbours of refuge at Wick, Waterford, and Padstow would cost a comparatively small sum, and would give in England, Scotland, and Ireland some additional chance of saving the lives of our seamen. He was sure that he need say little about the importance of such an object. As respects Waterford, it should be remembered that the approach was free from danger; there was a bold shore and a clean bottom; the entrance was wide, and the harbour offered a large area of sheltered anchorage within; but, as at Carlingford, a flat, having only thirteen feet of water over it, obstructed the entrance at low water. If once this could be dredged away, the cost of which would not exceed £50,000, it was fair to presume the scour of the daily ebb and flow of the tide would keep the passage clear. Looking at the many advantages this harbour offered at the south-eastern angle of Ireland and near the entrance of St. George's Channel, it seemed most desirable that these advantages should be turned to account; and this was the opinion, not only of the Select Committee, but also of the Royal Commissioners. In very early life he himself had been wrecked, and the impression on his mind of what he then saw had never left him. He felt most deeply for sailors when exposed to dangers in a position in which there was no refuge at hand; and he appealed to the sympathy and the commercial instincts of his right hon. Friend the President of the Board of Trade on behalf of these poor men, to the humanity of the Chancellor of the Exchequer, and to the patriotism of the noble Lord at the head of the Government. He was sure that such an appeal would not be made in vain, and he thought that he might safely leave the cause of the mariners of England to the humanity and kind feeling of the hon. Members of the British House of Commons. The hon. and gallant Member then moved his Amendment.

Mr. KENDALL said, he rose to second the Motion. Perhaps, as a Cornishman, his advocacy of the claims of Padstow might be received with some suspicion, but he contended that a special case could be made out in favour of that place. Padstow was one of the life harbours recommended by the Commissioners; it was situated on an iron-bound coast, where for a distance of sixty miles no other shelter could be found, and life and property to a lamentable extent had been lost there. The local authorities had already expended £2,000 upon improving the harbour, and they were willing to spend £2,000 more to meet the Government grant. On the score of humanity, and also, he would add, on that of economy, he contended that it would be desirable to carry out the recommendations of the Commission; but if these could not be carried out to the full—if the Government were of opinion that they could not carry out all that was desirable—he would ask the right hon. Gentleman the President of the Board of Trade to make a beginning at Padstow, where the most could be accomplished for the least amount of money, and particularly as the local authorities had shown a disposition not only to help themselves, but also to assist others.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, so much of the Report of the Commissioners on Harbours of Refuge as applies to Waterford, Wick, and Padstow, be carried into effect,"

—instead thereof.

Sir JOHN HAY said, he had given notice of a Motion to include the harbour of Filey in the proposition before the House; but the proposal of the hon. and gallant Officer (Sir Frederic Smith), being in the nature of an Amendment on the Motion to go into Supply, he understood he could not, by the rules of the House, move an Amendment on the Amendment.

Mr. SPEAKER: The proposal of the hon. and gallant Member for Chatham is an Amendment on the Motion that I do leave the chair. The hon. and gallant Member for Wakefield cannot therefore at this time submit his Amendment to the House. But if the proposal of the hon. and gallant Member for Chatham be adopted, it will then become a substantive Motion, on which it will be competent to the hon. and gallant Member for Wakefield to move an Amendment.

Mr. PAULL said, that his hon. and gallant Friend was desirous to have the word "Filey" added to the Motion, and in the event of the proposition of the hon. and gallant Officer (Sir Frederic Smith) being carried, he understood it would be then competent for his hon. and gallant Friend to move that Filey should be included; but if his hon. and gallant Friend should then address the House, he would not be entitled to make such a Motion.

Mr. SPEAKER: The original Motion was that I do leave the chair, on which an Amendment was moved by the hon. and gallant Officer (Sir Frederic Smith). The Question I shall have to put is, that the words proposed to be left out by the Amendment stand part of the Question. If the House shall decide that they shall not form part of the Question, the Amendment of the hon. and gallant Officer (Sir Frederic Smith) will become the Main Question, and it will be for the House then to determine whether the word "Filey" shall become part of it.

Sir JOHN HAY said, he did not mean to interfere with the proposal of his hon. and gallant Friend the Member for Chatham. He only wished that Filey should be added to the number of places in which harbours of refuge were to be constructed. His hon. and gallant Friend had selected the three harbours set forth in his Motion, not because they were superior to others in point of efficiency, but because they were inferior in point of expenditure to other harbours spoken of by the Commissioners. As a naval officer he was anxious to draw attention to the necessity, in justice to the commerce of the country, of improving the harbour of Filey. From the Humber to the Forth there was no harbour of refuge along the north-east coast, and the numerous vessels engaged in the Baltic trade had in times of distress to anchor at Filey. From evidence taken by the Commissioners it appeared that on the 7th of February 1858 there were 100 sail at anchor there, that in consequence of a sudden change of wind to the south-south-east they were obliged to put to sea, and that many of them were lost in consequence of being obliged to do so. There had been as many as 1,300 sail there at one time, and it frequently happened that there were 700. A sum of about £800,000 would complete what nature had partially accomplished, and make Filey a good harbour of refuge. In his opinion, what was being done at Alderney and Spithead was as nothing compared with what would be effected for the commerce of the country by making Filey a safe harbour of refuge. It was for those reasons that he had placed his Amendment on the Notice Paper; but after having stated his opinion upon the subject to the House, he would leave it to one of the Members for Yorkshire to press that Amendment if he should think proper.

Mr. BEECROFT said, the whole subject was of great national importance, while the necessity for a harbour of refuge at Filey had been long felt in the north of England. The whole of the north-east coast, from the Frith of Forth to Flamborough Head, was in an unsheltered condition; there not being during its whole length a harbour into which vessels could run at low water; and yet there passed by that coast 45 per cent of the coasting trade of England, and 32 per cent of the entire shipping trade of the country. He was sure the country would not begrudge the money necessary for the work in question.

Sir JAMES ELPHINSTONE said, that as one of the Commissioners on Harbours of Refuge, and a person who was well acquainted with the coast, he begged to corroborate most strongly what had been said by the last two speakers, as to the expediency of creating a harbour of refuge at Filey. He believed that was the point along the whole coast at which it was most desirable that such a work should be constructed. He had seen as many as 500 or 600 ships together off Flamborough Head. On the north-east coast the changes of wind were sudden; and when the wind veered round to the south-east, the vessels were driven on shore in clusters. Ships were also forced into streams and thus came into collision, and therefore it was necessary to have harbours of refuge. In one gale as many as fifty vessels had been lost off that coast. It was melancholy to think that as many efficient seamen as would form the crews of one or two line-of-battle ships were lost there annually. He had given notice of his intention to move that Peterhead should be added to the list of ports to which the hon. and gallant Member for Chatham had directed attention. It was a salient point, to which the Archangel and the north country trade converged; and although at the north of Scotland they might not see a square-rigged vessel, such vessels were continually passing in streams north and south. He would press the noble Lord at the head of the Government to give the subject immediate consideration; for it was not a light thing that after a Committee had sat for two Sessions, and been followed by a Commission, the Report of the latter should be allowed to remain a dead letter, whilst they were carrying on at other places works of more than questionable utility.

Mr. BLAKE said, he would not have risen but for an observation which had fallen from the hon. and gallant Member for Devonport (Sir John Hay) early in the debate, to the effect that Sir Frederic Smith had advocated the harbours of Waterford, Wick, and Padstow, not so much on account of the necessity which existed for harbours of refuge at those places, but because the cost of constructing the works would be less than at other places. Now, as far as Waterford was concerned, he could state that there was ample ground for the Motion that had been made on the merits alone, because there was no port in the United Kingdom which could afford greater advantages to the shipping interest. On Imperial grounds, therefore, and on these alone, he was prepared to advocate the claim of Waterford. In doing so he wished it to be understood that he was not speaking in the interests of his own constituents, because, so far as they were concerned, they would derive but small advantage from the conversion of their port into a harbour of refuge. The harbour in its present condition was sufficient for their local purposes, for there was an ample draught of water for all ships trading to and from it. But a large number of vessels coming from or going to foreign countries had been wrecked in its immediate neighbourhood. But that he was unwilling to detain the House, he could give them a long and sad list of shipping casualties which had occurred within the last four or five years. He had made it his business to investigate some of those disasters, and the captains of wrecked ships had assured him that had they been aware of the condition of the bar they would have preferred to have beaten about the coast rather than to have attempted the harbour. Some years ago the Minister of the Crown, in replying to a Motion similar to that now under discussion, had said that shipowners could, in a great degree, protect themselves by insurance, but there was a species of loss which could not be insured, and that was human life, and life too of the most valuable description. It was only within the last couple of winters that the crews of two fine vessels, numbering some five and twenty persons, were wrecked off the coast of Waterford; and on inquiry he had found that the casualties had occurred from the want of those works the construction of which the hon. and gallant Member for Chatham (Sir F. Smith) had advocated. An hon. Member in the course of the debate had said that preference should be given to those places the inhabitants of which were prepared to help themselves; but if this were to be used as an argument, he could say that no locality was prepared to do more than Waterford. The authorities of the port were now about to take advantage of the admirable Bill introduced by the President of the Board of Trade, and were about to avail themselves of its provisions to construct dry docks, which would cost a sum of £40,000. Now, if a harbour of refuge were made at Waterford, large vessels could come in and refit, which it was impossible for them now to do. Vessels requiring aid of that sort were obliged to repair to a great distance. In addition to this argument, it should be borne in mind, that between Kingstown and Queenstown (or the Cove of Cork) there was not at present a single place in which a vessel in distress could put in. There was another reason why Waterford should be converted into a harbour of refuge, and that was, that the captains of ocean-bound steamers were directed by their owners to take the southern passage in winter; besides which fully three-fourths of the vessels passing up and down the Irish Channel had to pass by the harbour of Waterford. He had no hesitation in saying, no stronger case could be made out than that in favour of Waterford, and he believed that the expenditure of £50,000 would be productive of ten times more advantage as compared with any other harbour in the Empire.

Mr. GRANT DUFF said, he thought that the hon. and gallant Member for Chatham had exercised a wise discretion in limiting his Resolution to the three ports named in it. No doubt, a harbour of refuge at Wick would do a great deal of good, but he thought it would be better to postpone a grant, as it would open up many questions which were not ripe for decision. As to Peterhead, the Commissioners recommended that the Government should advance £100,000, if the locality raised £200,000; but it was utterly impossible to raise that sum in that part of Aberdeenshire, so that the proposal of the Commissioners must remain a dead letter. Before the Committee and before the Commissioners a strong case was made out for a harbour of refuge, and a still stronger case for a naval station, at Peterhead; and

he hoped that on some future occasion, when the Chancellor of the Exchequer had a surplus, the Board of Trade would consider whether they could not, by advancing a larger sum of money than was proposed by the Commission to Peterhead, confer a great benefit on the north of Scotland, and upon the trade of the North Sea.

Viscount BURY said, that whilst other places had been trying to get large grants, Wick had been helping itself; and, by the aid of a loan from the Exchequer Loan Commissioners, it proposed to build a pier for the accommodation of the large herring fleet which gathered there during the fishing season; but the pier would not make it a harbour of refuge for large vessels. It was for his right hon. Friend the President of the Board of Trade to consider whether it would not be best at once to form a complete harbour of refuge for all sorts of craft, and to provide public money for the purpose.

Mr. LIDDELL said, there was an inherent inconvenience in dealing with large subjects piecemeal, but there was sometimes the advantage that an opportunity was afforded of getting in the thin end of the wedge. He had always regarded the construction of harbours of refuge in the light of a national insurance against national loss; though the first consideration undoubtedly was the saving of life, which no amount of insurance could effect. But the necessity for insurance against the loss of property increased with the trade of the country, and the means of paying the policy of such insurance were provided by the growth of wealth. The Government, however, had always declared it was not in a position to pay the premium for that insurance. But, if the principle were conceded, it must necessarily be first applied to those places at which the greatest losses of life and property occurred, and it would not be difficult to show that the places now named did not at all answer that description, but it was because he wished to see the principle established that he should give his vote in favour of the Resolution. It was immaterial to trouble themselves with the mode in which the expenditure was to be met; if the principle was right and the House adopted it, the Executive would find the means of carrying it out. He believed that the principle was right; and that as these works would afford security to shipping in the future, the means ought to be provided by loan, as in the case of fortifications, which were intended to provide against the uncertain contingencies of war, whilst harbours of refuge were to provide against the certain contingencies of storms. If the House sanctioned the principle of protecting our shores by military works, the same principle, he maintained, applied to affording security against natural occurrences. No doubt, the moment they moved in the matter each locality would urge its claims; but he wished to treat the subject as a national question. There was a principle involved, and it was because he wished to see it adopted, in however small a degree, that he should support the Resolution.

MR. MILNER GIBSON said, he hardly knew, judging from the speeches which had been delivered, to what principle the House would pledge itself if they agreed to the Motion before them. The hon. Gentleman who had just sat down intended to vote for the Motion, not on its merits, but because he wanted to sanction some general principle implying that every harbour in the kingdom was to be entitled to draw upon the public funds for the purpose of improving and encouraging its trade. That really was a large and novel principle, and one which the English people, who were distinguished for the great undertakings they had successfully carried out by private and independent effort, had not been accustomed to act upon. He did not mean to say that in no case should the public money be advanced, but he was not prepared to give in his adhesion to the general principle promulgated in this debate. What the hon. Baronet the Member for Portsmouth (Sir James Elphinstone) wanted was to carry out the recommendations of the Commissioners with regard to Peterhead. But the Commissioners did not recommend Peterhead as a life harbour of refuge, they merely recommended that some improvements should be made. The hon. Baronet had asked them to pledge themselves to vote public money for Peterhead, but he had not given any assurance that the people of Peterhead were willing to carry out their part of the arrangement recommended by the Commissioners, who proposed that Peterhead should find £200,000 and the State £100,000. If he went to the Chancellor of the Exchequer and asked for £100,000, the right hon. Gentleman would refer to those recommendations, and ask if the people of Peterhead were ready with £200,000. It appeared, indeed, from the statement of their own representative, that the people of Peterhead had no desire to embark in any such expenditure.

MR. GRANT DUFF explained that what he had said was, that the locality could not raise £200,000, and wanted the State to give a larger sum than £100,000.

MR. MILNER GIBSON said, he must remind the hon. Member that what the Government were desired to go upon was the recommendation of the Commissioners—namely, that the State should give £100,000 if Peterhead would find £200,000. He next came to Filey. He would admit, that if a large sum were to be expended on the eastern coast of England, there was a strong case to be made out in favour of Filey; but the effect of a harbour of refuge there in the saving of life and property would, perhaps, not be so great as was generally supposed. The whole annual loss of life, from 1856 to 1860, inclusive, between Flamborough Head and the Fern Islands, from causes which would be affected by harbours of refuge, was about fifteen. No doubt a harbour at Filey might be the means of saving a certain portion—how many he could not tell—of those fifteen lives; but it would involve a large grant of money, no aid could be expected from the place itself, and he doubted whether they would be justified in voting £800,000, probably £1,000,000, for such a purpose. The real question now before the House was whether they should pledge themselves to vote money for Waterford, Wick, and Padstow. Some improvements might be made at Waterford, and it was proposed that the entrance to the harbour should be dredged. He believed that at low water spring tides there was never less than thirteen feet of water there—a very fair draught for the coasters and small trading vessels that were likely to be compelled to seek refuge at Waterford. But it must be remembered that not far from Waterford there was the fine natural harbour of Cork, in which vessels of any size could find refuge when unable to keep out at sea. The improvement of Padstow harbour could have little or no effect in reducing the loss of life and property on our coasts. From 1856 to 1860 not more than one life and a fraction per annum would probably have been saved by a harbour of refuge at Padstow, excluding certain cases of wreck of which the circumstances are unknown, and one case where forty lives were lost by a mistake in navigation. He had no doubt that the merchants and traders of Padstow would look after their own harbour, and he could hardly imagine that they had given their sanction to a demand for public money. Excluding one particular case I have referred to, in which a large number of people were lost in one vessel, the annual loss of life from shipwreck in the neighbourhood of Padstow was only one and a fraction from the year 1856 to the year 1860. These figures showed what exaggerated notions were entertained of the saving of life and property which would be effected by the construction of harbours of refuge. It was a mistake to suppose that the Government had neglected the recommendations of the Commissioners; on the contrary, they had adopted the most important and most beneficial parts of them. By supporting a Bill promoted by the hon. Member for St. Ives they had given facilities for the making of harbours, while their own Harbours Bill enabled the managing bodies of harbours to carry out improvements by borrowing money at a moderate rate of interest and upon easy terms as to repayment. Since the Harbours Bill was passed no less a sum than £600,000 had been either advanced or promised. By that means they stimulated private enterprise, and many improvements were now in progress which would never have been commenced but for the encouragement afforded by the Bill of the hon. Member for St. Ives, and the facilities held out for borrowing money to be laid out upon harbours. Loans had been made for such works at Falmouth, the Tyne, the Wear, Leith, and other places. [Sir Frederic Smith: These are not harbours of refuge, but harbours of commerce.] The case of the Tyne was surely that of a harbour of refuge, and it had had a very large advance. As to the case of Wick, the noble Lord the Member for that borough (Viscount Bury) had told them that the inhabitants were inclined to help themselves. During the last Session they obtained, after a struggle before the Committee, a private Bill to make a new harbour at Wick, and the harbour authorities were then asking an advance of £60,000 from the Public Works Loan Commissioners for the construction of the proposed works. The hon. and gallant Member's Motion might induce the Wick people to suspend their own operations and wait for the action of the Government, and its adoption would be extremely bad policy. It would be far better to leave them to make their own harbour under their own local Act, if they could get their advance from the Loan Commission, which they no doubt would do by giving satisfactory security for its repayment. [Sir Frederic Smith: That is not a harbour of refuge.] He must contend, from what had fallen from the noble Lord the Member for Wick, that it was a harbour of refuge calculated to prevent the loss of life, as far at all events as the Wick fishermen were concerned. The fishermen said, that when they went to sea, and were caught in a sudden gale, they had no shelter to run to; and it was to supply that want that the local authorities of Wick were bestirring themselves. With regard to shipping generally, all he could say was that the Scotch shipowners had never expressed any desire to have a harbour of refuge at Wick; the only persons who had expressed such a desire were the inhabitants of Wick themselves. The hon. and gallant Gentleman was in error in saying that no sailor would approve what was being done by the Wick people. Their plan was approved by the Admiralty. He trusted, therefore, that the House would not damp private energy by voting sums for these works out of the money raised by the general taxes. If the representatives of different places were to come there and ask for grants of the public funds, he knew not where the system was to end. If they gave to one, others would present themselves with just as good a case, and the whole time of the House would be occupied in settling the pretensions of rival claimants upon the national purse. In fact, they would see a general scramble taking place for the public money. In resisting this Motion, he was sure he should receive the support of his right hon. Friend the Chancellor of the Exchequer, who would probably view it as a design against his surplus, which he was determined to defend and keep if he could. If the proposal were pressed, he hoped the House would reject it.

Mr. BENTINCK said, that one attribute appeared to be an essential part of political, or rather official existence—namely, that action was always to be postponed if attempted to be forced upon an official personage; and he was bound to say that the right hon. Gentleman (Mr. Milner Gibson) had fenced with the subject in a manner worthy of his position. But he (Mr. Bentinck) thought the question one of so much importance that the House would hardly be satisfied with the line taken by the right hon. Gentleman. It seemed to him, after the Report of two Committees and one Commission upon the necessity for action, that the time had come when action ought to emanate from the Government of the day, and he would like to have heard from his right hon. Friend that such was his intention; but as he had announced that he had no such intention, he (Mr. Bentinck) would state very briefly to the House the grounds upon which he thought that the country had a claim upon the Government for assistance in this matter, though he admitted, at the same time, that he was not prepared to support the view of his hon. and gallant Friend the Member for Chatham. It was impossible to conceive that a great mercantile country like this, with such an extent of seaboard and commerce, could go on from year to year making no attempt whatever to remedy the deficiency of harbours of refuge. Now, it had been his opinion for many years that there was a way in which Government could contribute the most efficient kind of assistance possible for the construction of works of this kind, without directly contributing any money. It had always appeared to him that the proper mode of dealing with the question, involving the only chance they would ever have of commencing and completing the construction of harbours of refuge, would be by a local contribution of money, and by a contribution on the part of Government of convict labour. For years the term "convict labour" had been a mere farce. No such thing as labour had been exacted from convicts. A certain amount of recreation had been forced upon them for the benefit of their health; that was all. But he had always thought convict labour ought to be utilized to the extent of making our convicts self-supporting. The Secretary of State for the Home Department was not now in his place; but he might express a hope, that as one result of the Report of the Commission which was now sitting, they might see convict labour enforced and applied to such an extent in this direction as would greatly facilitate the construction of such important national works as harbours of refuge. His own belief, however, was, that to deal with the subject in the manner now proposed would rather be to frustrate the object which his hon. and gallant Friend had in view. He was therefore prepared to give his vote in opposition to the Motion.

SIR JOHN PAKINGTON said, he had heard the speech of the President of the Board of Trade with very great regret. Its tone was not creditable to the Government, and ought not to be satisfactory to the House. Any one not knowing the history of the question, and who heard the speech of the right hon. Gentleman, would be led to believe that the Motion was the first that had ever been made in the House upon the subject. The right hon. Gentleman seemed to forget the history of the question, that it originated with the former Government of the noble Viscount, and the constant advocate of it was the late lamented Mr. Wilson, acting in the name of and as a Member of the Government of the noble Lord. It was Mr. Wilson who presided over the Committee which sat two Sessions upon the matter. When the Government of the Earl of Derby succeeded that of the noble Viscount, he (Sir John Pakington) had not taken his seat many days before Mr. Wilson urged upon him not to neglect the Report of that Committee. It became his duty to appoint a Commission to inquire into the matter. The House had before it not only the Report of the Committee presided over by Mr. Wilson, but also the Report of the Commission presided over by Sir James Hope, and nothing could be stronger than their recommendations that funds should be granted for the construction of those harbours of refuge which were required for the protection of commerce and the property and lives of their fellow-subjects. Well, after the speech they had heard from the right hon. Gentleman, he must say that he was rather tired of hearing this question pooh-poohed, postponed, and adjourned *sine die*, and he felt bound to appeal from that evasive speech to the noble Lord at the head of the Goverment, and to ask him distinctly whether they were to go on year after year with this important matter unattended to and the recommendation of his own Government set aside. He trusted the noble Viscount would be able to hold out some hope that the recommendations both of the Committee and Commission would receive some attention from the Government. At the same time, he would venture to take the liberty of suggesting to his hon. and gallant Friend a doubt whether it would be prudent to take the sense of the House on a Motion so very limited in its character, when the subject ought really to be considered as a national question. He also thought the occasion somewhat inopportune for attempting to make an inroad on the surplus of £500,000 which the Chancellor of the Exchequer only on the previous night expressed so strongly and on such fair grounds his determination to keep intact after making very large concessions. He would suggest to his hon. and gallant Friend that a Motion of the kind ought to be made at an earlier period of the Session; so that if it was the pleasure of the House it should pass, the Chancellor of the Exchequer would be able to arrange his financial scheme accordingly. He hoped he would not press the proposal to a division, and that the Government would hold out some hope that the financial arrangements of future years would be shaped with a view to carrying out these improvements.

Colonel SYKES said, he thought it better to do little rather than nothing at all. The only way of ultimately accomplishing their object was to proceed gradually, bit by bit. It was vain to look for contributions from the poor fishermen of Wick; but there were other resources besides the Exchequer. The House had granted millions on loan. Why not transfer the balance of the money granted for fortifications to that object, which was infinitely more worthy of the humanity and patriotism of the House? A large sum was also annually expended in the manufacture of arms, and in experiments of means for taking away human life. He thought a diminution might be made in that expenditure, and the sum saved might well be applied to the more humane object of saving life.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

ELECTRIC LIGHT AND LIGHTHOUSES.

PAPERS MOVED FOR.

Lord LOVAINE said, he rose to move for Copy of the Reports to the Trinity House of the South Foreland, Varne, and Dungeness Light Keepers; and of all Reports from Professor Faraday subsequent to that of the 5th day of July, 1862, upon the Electric Light now in operation at Dungeness; and to ask the President of the Board of Trade, whether it is the intention of the Trinity House to include the use of the Electric Light in the alterations contemplated at Portland? It was difficult to exaggerate the importance of the subject, as it involved the lives of thousands and the safety of an immense amount of property. In consequence of the requirements of the Board of Trade, the danger of mistaking the lights from ships in shallow waters for the lights from the ordinary lighthouses on shore, was very great, and had frequently led to most lamentable results. The electric light was an invention which had been for some time tried at Dungeness with the utmost success. It was a light which could not by possibility be mistaken for any other light. It possessed a brilliancy and power of penetration beyond all other lights, and it could be seen at an infinitely greater distance than the ordinary light. The testimony of the commanders of mail and other packets in the habit of crossing the Channel several times each week was decisive in support of the superior advantages of the electric light. Captain Smithett, of the *Prince Frederick William*, said he thought it would be a great boon to the seafaring part of the community if the electric light were generally adopted in all lighthouses. Professor Faraday likewise bore testimony to the immense advantages of the electric light as a guide to travellers, over the ordinary oil or other lights. When employed as a stationary light, it was twice as powerful as the ordinary revolving light, and eight times as powerful as the ordinary stationary reflector; and, used as a revolver, it would be fifty-five times more powerful than the ordinary light. In the face of these facts he had been astonished to hear that the Trinity House had actually sought the sanction of the Board of Trade to an expenditure of £10,000 at Portland for the old oil lamps, wholly ignoring the existence of the electric light, which had been in use for two years, without accident and with the best results. Remembering the number of wrecks which take place upon our coast, and the loss of life which accompanied them, he hoped that any partial saving which it was thought might be effected would not be allowed to stand in the way of the adoption of this light. But, in reality, he was informed that the cost of its adoption at Portland would not exceed one-half of what was proposed to be expended there by the Trinity House under the old system. He believed that the Dutch had preceded us, not in the use of the light, for it had been in the possession of the Trinity House for four years and a half, and had been used here for two years and a half, but in the adoption of the light; and he thought it was matter of reproach to a great maritime nation like England that a little country like Holland should be the first to adopt such an invention. Holland had not only invited the inventor to put up a light of this description, but had allowed him to build a new tower for its more efficient trial. He might be told there were financial reasons against its adoption; but he must remind Her Majesty's Government that frugality might degenerate into parsimony, and caution become something like cowardice. There were matters in which the withholding of the necessary funds was a positive crime. In conclusion, he might be excused for mentioning to the House an anecdote as illustrative of what seafaring men thought of this light. The inventor of the electric light was showing it at the Exhibition during the last year. One day, whilst he was standing talking to the Secretary of the Trinity House, a rough-looking seaman came up to him, and having used certain expletives which he would not then repeat, said, "Why the —— did you take this light down from the South Foreland?" The inventor said, "Here is the Secretary of the Trinity House, who commanded it to be taken down." The seaman then remarked, "The Trinity House are a pack of fools. What do they know about what is wanting as a good light? It is we who sail the seas who really know what is wanted." It was that invention that was much required for the maritime service. He hoped the matter would, without delay, receive the attention of the Government.

Colonel CLIFFORD said, he rose to second the Motion. He was happy to find it was not necessary to make any attack upon the surplus of the Chancellor of the Exchequer, or to ask for any public money to effect the important improvement so highly recommended by the best authorities on the subject. The cost attendant upon the adoption of the electric light would be very slight, and could be defrayed altogether out of the ample funds in the possession of the Trinity House. It was merely a question as to what sort of lighthouse they should put up. Nor could the trial of the invention scarcely be said to be new, because it had been in actual operation under the superintendence of the Trinity House, who had kept the old apparatus by them in case the electric light worked imperfectly—a contingency, however, which did not arise. As the noble Lord had stated, the Dutch, who were not accustomed to take the lead in these matters, had anticipated this country; for they had erected a light at Scheveling, and had built an iron tower for the purpose at the Texel. Then, again, Spain was not considered a very precipitate country; but he could speak from his own knowledge that the Spanish lighthouses were better than the English; and they had not a single light so vivid as that at Ceuta, near Gibraltar. He hoped the right hon. Gentleman would stimulate the Trinity Board into action in this matter.

Mr. MILNER GIBSON said, that although the noble Lord was not at liberty, by the forms of the House, to move for the papers, he should have no objection to lay them on the table. Among them was the most recent Report of Professor Faraday to the Trinity House upon the electric light, as also the Reports of the lightkeepers of Dungeness, where the light was in use. As to the Question put to him, the Trinity House some time since suggested that it would be desirable to make improvements in the lighthouses at Portland. It was necessary, under the Act of Parliament, that all expenditure should be sanctioned by the Board of Trade. When they were asked to sanction new oil lights at Portland, they replied that as the electric light was under trial, and was considered by many scientific men to be a great improvement, they thought it desirable to defer the expenditure till further experiments were made. That was the position in which the matter stood. They did not think that sufficient time had elapsed to justify entire reliance on the electric light as a mode of illuminating lighthouses. As to intensity, every one admitted that its brilliancy was much greater than that of any other light. He believed the noble Lord (Lord Lovaine) did not exaggerate when he stated that it was eight times as powerful as the strongest dioptric oil light, both being fixed lights. Another advantage possessed by it was that at sea it was perfectly distinguishable from other lights, and in such places as Dungeness, where vessels came up to anchor, it was of importance to be able to distinguish clearly the lighthouse from ship and other lights. But a most essential matter, in the illumination of lighthouses, was that there should be certainty. It was not sufficient that there should be a brilliant light; it was necessary to have a light that could always be depended upon and that would not fail. If the light went out suddenly, it might produce disastrous results. It was to test that point particularly that further inquiry was wanted. The electric light had been used for nine months at Dungeness, and during that time it had occasionally gone out for a moment or two, but he believed that occurred from want of attention on the part of the person in charge. The electric light required constant attention. Then came the question of expense. There were some places where the advantage of a good strong light was so great as to justify any expense, but there were other places where an inferior light would answer all useful purposes. That was an important consideration, because the cost of the lights in lighthouses was borne by the merchant shipping. The Government would not be justified for any fancy or caprice, or because they admired an improvement, in imposing on that interest a greater charge than was necessary to supply good lights. Within a very recent period, considerable reductions had been effected in the tolls paid by ships. A shipowner who formerly paid £100 in tolls had now to pay only £40. That was a great financial improvement; but it must be recollected that reduction was not possible without a due regard to economy in management. He did not wish to be understood as saying a word to discourage this most important invention. On the contrary, he should be very glad to afford every opportunity in his power for giving it a fair trial, and nothing had reached him to make him suppose that the Trinity Board were not actuated by a similar feeling.

Mr. BENTINCK said, he could not concur in the last observation made by his right hon. Friend. He believed that the trial of the electric light had been impeded by the action of the Trinity Board; and he was of opinion that Board annually wasted ten times the amount that would be sufficient to pay for the production of the electric light in every lighthouse in the kingdom.

Lord LOVAINE explained that he had not charged the Trinity Board with impeding the trial. What he said was, that the delays which had occurred called for a fuller explanation than had hitherto been given on the part of that Board.

SEWAGE OF TOWNS.—OBSERVATIONS.

Mr. BRADY rose to call the attention of the House to the Reports of the Royal Commission appointed to inquire into the best mode of utilizing the sewage of towns, and apply it to beneficial and profitable uses; and to move a Resolution declaring the inexpediency of granting any further public money for the use of the Commission. He said:—The question which I wish to bring under the consideration of the House is of vast importance to every gentleman in England possessing an acre of land, and to the people. I may be told, as I have been, that if we utilize the sewage of certain of our cities and towns, if even we utilize the sewage of all our cities and towns, yet there would be certain districts which would not be benefited, those districts being beyond the area that could be irrigated by the sewage of our towns. To all such objections my answer is, that if by the utilization of sewage we permanently increase the supplies of manure, we must necessarily lessen the price, thus leaving a larger margin of profit to the farmer, whilst, at the same time, we shall increase the produce of the soil, and thus not only benefit the owners and occupiers of the soil, but also the people. I shall not go into the past history of this great social question, as I presume hon. Members are familiar with it. I shall confine my observations to the proceedings of the Royal Commission, and the evidence taken before a Committee of this House last Session. In the year 1857 the Government, in its laudable anxiety to solve the question of sewage utilization, appointed a Royal Commission. The warrant, under which the Commissioners were empowered to act, clearly and distinctly defined the special duties to be performed by the Commission—namely, "to inquire into the best mode of distributing the sewage of towns, and apply it to beneficial and profitable uses." I think the House will agree with me that the duties of the Commission were hereby clearly and distinctly defined, and that the Government deserved the thanks of the country for appointing a Commission to inquire into this great question. The Commission is still in existence, and still continues its labours. It has issued two Reports, one in 1858 the other in 1862. I have carefully, and with much attention, examined those documents, and I find the subject which principally occupied the attention of the Commission was not so much how to apply the sewage of towns to beneficial and profitable uses as how to get quit of it. At page 13, Second Report, they say—

> "But it must be borne in mind that we have also expressed a strong opinion that the agricultural question is of very secondary importance, the main and urgent problem being not so much how to turn the sewage of towns to any money-producing account as how least injuriously and with most economy to get quit of it."

This, Sir, is plain language, and leaves no doubt as to the motives, objects, and intentions of the Commission in respect of sewage. The Commissioners, regarding sewage from this point of view as a thing to be got quit of, naturally sought to do this in the least expensive manner; and I find, in speaking of Croydon, where the sewage of that town was cast on an area of only ninety-four acres, they say (page 22, Second Report)—

> "This case may be regarded to some extent as an additional proof of how small a proportionate quantity of land will actually suffice for the daily disposal of the sewage of a town, regarded simply as a means of getting rid of it without a nuisance."

Speaking of the Edinburgh meadows, they say—

> "The Edinburgh meadows afford the largest instance in Great Britain of the application of sewage by gravitation. The operation has been carried on over some of the meadows for more than sixty years. They comprise in all about 325 imperial acres, and receive the sewage of about 80,000 people."

I wish to do away with a delusion which exists in the public mind in respect of those meadows. It is generally believed that the application of the sewage over these meadows is a great success, yet there never was a greater mistake; it is a perfect waste of most valuable manure, and the only person benefited is the owner of the land, who receives from twenty to thirty pounds per acre for land which, prior to the use of sewage, was not worth half-a-crown per acre. A gentleman of high position gave evidence before the Committee of last year, and, in the disinterestedness of his nature, he wished for no change in the mode of application; indeed, he said, or intimated as much, that no part of this enormously-increased rent ought to be diverted from its present channel, to be applied to the laying down works to distribute the thousands and thousands of tons of valuable manure that are passed over those meadows needlessly, and which stink and engender disease in the surrounding dikes, not to speak of the truly enormous quantities that pass into the sea. The ratepayers of Edinburgh are in no way benefited by the present mode of application, and I would respectfully beg leave to direct the hon. Member for Montrose's (Mr. Baxter) attention to this fact. Here is an opportunity open to him to do great service to his country, and save for Edinburgh alone more than would pay the interest of the Galway subsidy. Of the value of sewage-application in the case no doubt can be raised. The evidence taken before the Select Committee of last year shows that from 10,000 to 20,000 tons of sewage is put on each acre of these lands each year. The sewage of Edinburgh has been analysed by several chemists of eminence, and found to contain at least two-pennyworth of manure in each ton, taking guano sold at £11 per ton as the standard. From this we see that the value of the sewage put on each acre at Edinburgh would be from £83 6*s*. 8*d*. to £166 13*s*. 4*d*. From the Report, we find that from £20 to £30 per acre is realized from the sale of the grass. From this we see that there is a loss of valuable manure, on each acre, of from £63 6*s*. 8*d*. to £136 13*s*. 4*d*. over and above what is realized by the crop. Is this a great agricultural triumph, or is it merely a great success, as showing what enormous quantities of valuable matter can be got rid of in a limited area? This question is answered by the Commission at page 16 of the Report. They say—

> "It may be safely asserted that the method pursued at Edinburgh deals with sewage, considered as a thing to be got rid of, with great success."

I shall now proceed to examine the experiments at Rugby, conducted by Mr. Lawes for the Commission. Fifteen acres of land, in the occupation of a Mr. Campbell, are set aside for those experiments; they are divided into four lots, Nos. 1, 2, 3, and 4. On Lot 2, 3,000 tons of sewage per acre per annum is distributed; on Lot 3, 6,000; on Lot 4, 9,000. The sewage is put on the land by flooding from open gutters, and it is important that the House bear this fact in mind. The Commissioners laid down for their guidance three modes by which they could determine the value of sewage:—1st, the effects of sewaged grass on fattening cattle; 2nd, the results on cows, as to the produce of milk and butter; 3rd, the quantity of hay produced on every thousand tons of sewage on each acre of land per year. In respect of the fattening properties of sewaged grass, the Report states (page 28)—

> "It is quite obvious, from the results given in the tables, that grass of the description in question is not adapted to the fattening of oxen, without the addition of other food; indeed, one of the animals on the sewaged grass weighed 53lb. less at the conclusion than at the commencement of the experiment."

With reference to the experiment with cows giving milk, I may briefly state that the milk was sold at 8*d.* per gallon, and that only from £5 19*s* 9*d.* to £5 0*s.* 11*d.* could be obtained in return for every thousand tons of sewage applied to the acre of land, and that return was obtained where the smaller quantity of sewage was applied. It is necessary that I should thus show to the House the results obtained by the Commission, by their experiments, that it may understand the line of argument I propose taking. It appears also with respect to hay, from the Report, that the Commission could only obtain, in return for every thousand tons of sewage, three-quarters of a ton of hay, and they thus comment on the fact—

> "This indicates that the constituents of dilute sewage can by no means be valued at the same value as those in portable artificial manures, such as guano."

This, Sir, is passing strange when contrasted with what Mr. Lawes stated before the Committee. He told the Committee that the sewage of Rugby was about the same strength as that of London, and the latter has been analysed by several chemists, who show that in 1,250 tons of it there is an amount of fertilizing matter, which, if extracted and dried, would exactly correspond with that found in a ton of Peruvian guano, taking that at £11 a ton.

Now, Sir, I happen to know something of chemistry, of agricultural chemistry; and although not a professor of agriculture, although not a professional writer on agriculture, I found it my interest as a landlord to make myself acquainted with what could be done with the soil, and of the best modes of treating it with manures, so as to obtain from the land the greatest amount of advantage; and I confess that I cannot understand why it is, that if having in a manure a definite and well ascertained quantity of fertilizing matter, as is shown to be the case in sewage, that we should be unable to extract from it in crop that amount of advantage which our common sense tells us we have a right to expect. Is it because that the manure in sewage is in a liquid state? That, for a certainty, cannot be the case; as the evidence given before the Committee by Lord Essex, Dr. Angus Smith, Mr. James Blackbourn, Professor Way, and even Mr. Lawes, shows that manure applied to the land in a liquid state has at least double the effect on a crop that the same quantity applied in a solid state: consequently the application of 1,000 tons of the sewage at Rugby should have had the effect of nearly two tons of guano; yet the Commission was unable to obtain more than three-quarters of a ton of hay for every thousand of sewage applied. Does not this appear strange? Perhaps the water in sewage chills the ground; checks and retards vegetation? But no; the evidence taken before the Committee shows that in sewage there is always a large amount of heat, in consequence of which there is always in land dressed with it a much earlier and later vegetation than in the adjoining land not so dressed. This cannot be the reason that at Rugby the Commission were unable hay to obtain only three-quarters of a ton of for each thousand tons of sewage applied. Perhaps, sewage is not a suitable manure for land. But on turning to evidence taken before the Committee, I find Professor Way, at Question 795, say—

> "Q. Do you consider it judicious to apply any one description of manure to land to the exclusion of all others?—A. I think I have stated in a paper that sewage contains everything that you can possibly want on land. I do not say that it contains them in the proper proportions, but undoubtedly, provided the water is not an objection, you might produce with the contents of sewage almost any crop in existence; that leaves the question still open, whether the application of the contents in combination with a large quantity of water would be applicable to some crops."

Now, Sir, we have heard already, by the evidence of the same gentleman, that the introduction of the water doubled at least the effect of the manure upon the crop; and although he throws some doubt upon its applicability to some crops, the result obtained by the Commission of only being able to get three-quarters of a ton of hay for every thousand tons of sewage is wholly unaccountable. I shall be told that the bad results obtained by the Rugby experiment are to be accounted for from the extreme dilution of the sewage. Now, this is a theory that is propagated most industriously; it is preached at every market dinner-table, it is taught on every Corn Exchange in the Kingdom; but by whom is it taught? Why, Sir, by the agents of artificial manure companies. But is this all? No; articles are written and published in all our agricultural journals to the same effect. By whom? Why, Sir, by gentlemen largely interested in the sale or otherwise of artificial manures. We have lectures also. I see, Sir, by a late number of the *Royal Agricultural Journal*, that Professor Volker, chemist to the Royal Agricultural Society, has been lecturing on the inutility of sewage as a manure; and though this gentleman never in his life used a ton of town sewage, yet he most dogmatically lays down the doctrine that the sewage of our towns is so diluted that it is of no use. In another part of the same journal I find the same gentleman eulogizing, to the highest point, the artificial manures; and after vaingloriously telling the public that he was one of the great lights in chemistry that discovered the vast utility of artificial manures, he goes on to say that the agricultural interest —meaning the farmers—owe a deep debt of gratitude to such men as himself; as by their analyses of manures of companies by whom they are employed—and, I presume, paid for their labours—they, the farmers, can secure the most perfect stuff. The learned Professor, had he stopped here, would have done well; but he lets the secret out; for I find the following passage:—

> "Although the trade in manures is getting more and more into the hands of a limited number of intelligent and large manufacturers, there are still to be found here and there small and ignorant makers who have neither skill, capital, nor enterprise to compete with a firm which does a large trade."

This, Sir, is the monopoly which is crushing all attempts to utilize sewage, backed by the Peruvian Government and its agents in this country. This, Sir, is the monopoly the public have to contend against; and this, Sir, is the rich and powerful monopoly that does not wish for a general application of the sewage of our towns.

Now, Sir, let us see what the dilution means. In the preliminary Report of the Royal Commission I find, at page 38, Appendix No. 1, the Report of the Deputation appointed to visit Milan. It proceeds to say that they were appointed to compare the effects produced on lands irrigated with the waters that contain the refuse of the inhabitants with the irrigation with plain water. They go on to say that almost all the solid fæcal matter is retained in cesspools and carted away, and that only a few houses drain into the canal. The Report says—

> "The proportion of solid matter, however, which finds its way into the sewers must be unusually small, for, besides the fæcal matter is retained, the streets of Milan are kept scrupulously clean."

From this we see that very little manure enters the sewers of Milan. With what quantity of water is it diluted? The Report tells us, at page 40, the daily quantity of water flowing from the city equals 160 gallons per head. This sewage is, indeed, diluted; scarcely any of the excreta of the inhabitants escapes into it. We would not call this sewage at all. The Report further states that nowhere is it as muddy as the Thames between the bridges, and yet much of the land so irrigated becomes so rich that the surface is pared off every few years, not, as erroneously stated by some writers, in order to preserve the levels of the land, but to obtain the vegetable matter as manure for other land, for which it is highly prized. Now, Sir, that is the effect produced on land by sewage diluted to an extent that we know knowthing of in this country. But I may be told that this irrigation takes place in Italy, a climate warmer than ours, and therefore more suitable for irrigation; but the warmth of the climate has nothing to say to the amount of fertilizing matter extracted from this much-diluted sewage by the land. I may here remark that the Report itself sets that point at rest. It states, at page 42, "No manure whatever is used on this land. The manure of the cattle fed with its produce is used elsewhere." On all the land irrigated with plain water a large quantity of manure, to the value of £4 8*s*. per acre per annum is at all times used to obtain the same produce from such land as here obtained from irrigation with the waters of the Vittabia; consequently this £4 8*s*. represents the difference of value between an acre of land irrigated with plain water and one irrigated with this exceedingly diluted sewage. And I may here remark that the Report states that the excreta thus put on, averages that of only forty persons per acre. If, Sir, as has been proved, the dilution with water of a given quantity of manure doubles its effects on the crops to which it may be applied; if, Sir, as proved, sewage contains everything you can want in land; if, Sir, as shown by the evidence, the heat always found in it stimulates vegetation, giving an earlier and a later crop; if, Sir, the earth, as proved by Professor Way, has the power to extract from liquids the manure they contain when applied in moderation—how is it that at Rugby the Royal Commission could only obtain in crop three-quarters of a ton of hay for each thousand tons of sewage? It clearly is not the fault of the sewage; it then must be the fault of the system of application adopted. The system is bad. What is the system? Mr. Lawes, under whom these experiments are carried out—experiments which are to determine for the nation the agricultural, and therefore the commercial value of sewage, states—

> Q. 414. " You put the sewage on the land from March until October; will the cattle feed well after that stinking sewage is put on?—Yes, very well."
>
> Q. 415. " How long afterwards?—It is cut the same day. The sewage is always running. We have done exactly as is done at Edinburgh."

On returning to the first Report, at page 16, the Commission says, speaking of those meadows, " It may be safely asserted that the method pursued at Edinburgh deals with sewage, considered as a thing to be got rid of, with great success." Was that, Sir, the object for which this Royal Commission was appointed? Was it to show us how to deal with sewage with great success considered as a thing to be got rid of? Was it for this purpose this Commission was appointed? or was it not rather to show us how to use it to the best advantage for beneficial and profitable uses? This Commission has now been in existence, and prosecuting its unpaid labours, since 1857; and the results arrived at by them are, that sewage is not applicable for any crop but grass, that the grass produced by its use is inferior, it is quite unfit for fattening, it is not good for milk, and to produce any result at all you must use this sewage in enormous dressings upon limited areas; but it will not pay commercially to lay down works of distribution over extended areas, and that you must therefore necessarily treat it as a nuisance—as a thing to be got rid of—for, as the Commission stated, they could only obtain, by the experiments at Rugby three-fourths of a ton of hay for each thousand tons of sewage applied, which indicates that the constituents of dilute liquid sewage can by no means be valued at the same rates as those in portable artificial manures such as guano.

Now, Sir, I join issue with the Royal Commission on each and every one of those statements; and I think, Sir, I shall be able to show the House and the country that they are not only incorrect, but diametrically opposed to all practical experience; and if I succeed in doing so, I have little doubt but the Government, in its laudable anxiety to solve this great social question, will feel itself called upon to dissolve a body which has so ill-discharged the important duties intrusted to its care. It appears, Sir, that what I may term the lay element of the Commission abdicated in favour of Mr. Lawes and Mr. Way; for I find that the experiments at Rugby have been wholly conducted by Mr. Lawes, and that Mr. Way acted as analytical chemist. It will simplify matters for the House if, in examining the Reports of the Commission, I give at the same time a brief examination of the evidence of Mr. Lawes before the Commitee, and contrast it with the evidence of other witnesses who had had large experience of the use of sewage. Mr. Lawes, at Question 327, was asked—

Mr. Brady

> " Will you give the Committee the value per ton of the sewage you put on that land?—That I must take in milk; it would not fatten oxen at all when used alone."

And at Question 465, speaking of sewaged grass, he was asked—

> " Is it good to fatten cattle in stall, as well as to feed cows?—No, I think not. You might fatten them with other food, but not with that alone."

And now let me remark, those answers entirely agree with the Report of the Royal Commission. But what say the other witnesses on the fattening properties of sewaged grass? Among several who gave evidence on this point, I may mention Lord Essex, the Chairman of the Commission. At Question 4, giving an account of the crop to which he applied sewage, he states—

> " With regard to Italian rye-grass, to which undoubtedly the sewage is more suitable than to anything else, as far as my experience goes, on seven acres of Italian rye-grass, during the whole summer, I have fattened thirteen bullocks, kept seven or eight horses or ponies, and an indefinite number of pigs to eat up the refuse. I sold five of the bullocks at, I think, the end of July; they not having had any artificial food whatever, and the butcher was so well pleased with them that he expressed himself most desirous of taking all the others."

Here, Sir, we find Mr. Lawes' assertions, and the Report of the Commission, do not agree with the results of Lord Essex's experience. But what do other witnesses say? From many, I may give one or two.

Mr. George M'Cann, of Malvern, was asked, at Question 4,023—

> "Do you find that sheep fatten on this grass? —As well as you can possibly wish. They cannot do better."

Philip W. S. Miles, of Bristol, and formerly a Member of this House, at Question 4,264, was asked—

> "From that fact would you believe that sewaged grass was food for fattening cattle?—I believe it is exceedingly good for fattening cattle; because I invariably reserve it for my fat stock, to put on after the hay crop is taken off, as fattening them better than anything which I have got."

Mr. William Westwood, the late farm bailiff of the schools at Anerly, at Question 4,462, was asked—

> "Did you find that it had fattening qualities? —Yes, a cow which would be bought at £12 to £13 in the spring was found to be worth £20 to £21 or £22 at the end of October or November, and I have sold them at that price."

Now, Sir, the Report of the Royal Commission most emphatically states that sewaged grass is not good for fattening purposes, and that Report is supported by the positive evidence of Mr. Lawes. Both are, however, positively contradicted by the evidence of Lord Essex, the Chairman of the Commission, and by other writers. Which will this House credit? Which will the country believe? Now, Sir, with reference to sewaged grass being good for milk, Mr. Lawes was asked, at Question 460—

> "Do you consider fresh grass from unirrigated land as good in every respect as grass from irrigated land?—I think it is for milk purposes."

Question 461—

> "For feeding cows?—Yes; unsewaged grass is better in quality for the production of milk than the sewaged grass. A fine, fattening pasture, would do what sewaged grass would not do in any quantity."

Sir, from the Report of the Commission and the evidence of Mr. Lawes, we clearly learn that sewaged grass is much inferior to unsewaged for milk purposes. Now, let us see what the other witnesses have to say on this point. Amongst others, we have the evidence of Mr. Alderman Mechi. At Question 984 he was asked—

> "Have you any experience as to the amount of milk produced from cows fed upon grass grown upon land treated with sewage, and from the same cows fed upon other grasses?—The result is unmistakable; not only is the condition of the cow greatly improved, but, concurrently with it, the quality of the milk and its power of giving cream and butter, is very largely increased; its quantity is also increased, but its quality is enormously increased."

Mr. George M'Cann, of Malvern, at Question 4,021, was asked—

> "Have you taken any notice as regards the quality of the milk and butter produced by the cows fed on this grass?—It is as good as it can be, it could not be better."

Mr. John King, of Birmingham, at Question 1685, was asked—

> "Have you any experience as to the result of the quality of milk and butter which it produces? —The milk is good, and the butter we have the credit of making, the best quality; I think that that guarantees it."

Mr. Philip W. S. Miles, of Bristol, at Question 4,263, was asked—

> "Have you observed what has been the result of the sewage?—I think I may say that the principal result is this—that with cows, when they are turned out, there is a very marked difference in the quantity and richness of the cream; it is quite observable even to an ignorant person; the dairymaids would find out that there was more cream, and they have so stated; they could not account for it."

And the farm bailiff of Mr. Miles, with reference to the effect of sewaged grass on the cattle at King's Weston, was asked, at Question 13—

> "Is there any improvement in the richness of the milk when the cows are put in the field? —Yes, it increases the butter—from three to four ounces per quart of cream."

Now, Sir, the Report of the Royal Commission, and the evidence of Mr. Lawes in support of his own experiments for the Commission, convey to us distinctly that sewaged grass is not good for milk or butter. The House has heard some of the evidence in my power to bring forward to contradict the Royal Commission and Mr. Lawes. Which will the House believe? Which will the country credit? With respect to the propriety of applying sewage to general farming purposes, the first Report, at page 18, says that the sewage may be applied to all crops; but then it goes on to qualify this admission by saying that it cannot be applied to general farming. Now, Sir, what is the sage reason given by the Commission to support this proposition? Why, Sir, because we cannot keep pouring it on; as if any farmer in his senses would keep pouring that or any other manure on his land in season or out of season. But, Sir, what does Lord Essex the Chairman of the Commission say on this point? His Lordship, having applied sewage with most beneficial effect to all crops, turnips, and mangold, rye, grass, and wheat, says—

> "I can speak to the decided improvement of all crops on the land treated with sewage."

On the same point Mr. Way, in his evidence before the Committee, at Question 940—

> "Can you apply sewage with advantage to a low land with a view to the growing a wheat crop afterwards?—I think you could so perfectly well in small quantities, not to deluge the land; you could do it almost as well as you could apply it to the young wheat, I believe.
>
> "Q. 941. Do you think there would be a sensible effect on the land?—Yes, from the fact that it is not the plant, but the soil, that looks after the interests of the plant; the soil is engaged in abstracting from liquid manure the constituents which make it valuable.
>
> "Q. 942. Could you in that way to any extent get over the difficulty by applying the liquid sewage to the land before it is planted?—Yes, but you cannot go beyond a certain point in that way, or the power ceases."

Now, Sir, it is clear, that if sewage be applied rationally, it is applicable to all crops, and that large dressings destroy the power of the land to extract from liquid manure the constituents which make it valuable. In corroboration of this testimony of the general applicability of sewage to all crops, and the propriety of small dressings, we have the evidence of Mr. Philip Miles, of Bristol, Mr. Westwood, of Anerly Schools, and Lord Essex, and other witnesses. The first of these gentlemen, by the sewage of thirty persons over fourteen acres of land, increased its value from 55*s*. to £5 an acre. The second gentleman produced as large a crop of hay from the application of 1,500 tons of sewage by the hose and jet, as he could get by the application of 8,000 tons by open gutters. My Lord Essex applied 600 tons per acre to his hay crop, and he states that—

> "For the grass land I can only afford 600 tons per acre, and I get an extraordinary crop of grass, such as I never saw before using the sewage."

Dr. Wiley, of Birmingham told the Committee that they all used too much sewage; they treated it as a drug; but that he considered that sewage should not pass deeper into land than four or five inches, as the roots of plants seldom went further into the earth. We have, Sir, a distinguished Member of the Royal Commission in the House, a Gentleman of high social standing, of great personal worth, and who is esteemed and deservedly respected by every Member of this House, who, no doubt, will speak on this question, and whose every word will command attention—he, Sir, will explain how it has so happened that this Commission, which was in the words of the warrant that appointed the Commission to inquire into the best mode of applying the sewage of our towns to beneficial and profitable uses, was converted into a Sanatory Commission, as is shown by the first Report, which treats of nothing but the sanatory state of our rivers, and a plan for the removal of our sewage to the sea. He, Sir, will tell us how the Commission came to the conclusion that the agricultural question was one of secondary importance, and that sewage was not to be turned into a money producing account, but was to be got quit of. He, Sir, will tell us by what process of reasoning, or by what experiments, the Commission arrived at the conclusion that the sewage of our towns was not to be compared in point of value to artificial manures, such as guano. He, Sir, will be able to inform the House why it happened that the land chosen for the experiments was the worst possible that could have been found, and why the same was not prepared for the reception of the sewage. He, Sir, must explain why grass alone, and that the most unfit, was experimented on, when at the same time the noble Chairman of the Commission was getting 50 per cent more of a crop by its application to a proper grass. Mr. Philip Miles, who made certain experiments at Rugby, when asked, at Question 4,299, if he could account for the bad results obtained by the Commission, says—

> "From experience I cannot account for it at all, because I have imagined the result to have been much greater; the only way, may-be, which I can account for it is, that if the land was drained and of a very porous nature, I think that it is not impossible that a great quantity of the sewage may have run away through the drains. I have seen at certain times the sewage run from the drain-mouths quite visibly, and therefore it is possible that a great quantity of that sewage ran away as fast as it was put on."

This is the true explanation of the failure of the so-called natural scientific experiments. But what does Mr. James Blackbourn say as to the experiments at Rugby, a gentleman of general experience in farming, and who closely examined all the improvements carried on in England and Scotland? At Question 1,833, speaking of the plan of open carriers as at Rugby, says—

> "To produce a good crop each square yard of the land should be in such a state as to absorb what was due to it, so as to insure an equal growth."

The correctness of the proposition no one can doubt.

Now, Sir, let us see if the land at Rugby was so prepared as to answer the purposes for which it was intended, namely, to determine the true value of sewage as an application as manure to land. Mr. Blackbourn, to Question 1,866, says of Rugby—

> "There was unequal distribution in the first place, the sewage was conveyed over the land by open channels, and the growth presented a great want of uniformity; they had also made no endeavour to select that variety of grass which might be best suited to the altered circumstances in which the land was placed; they were making these experiments on land, which might have been, and doubtless were, specially suitable to its previously existing condition as pasture land, but I do not consider them at all fitted to yield an adequate return from large applications of sewage. I know from my own experience that a difference may be made in the variety of grass alone of 50 per cent; therefore, looking at a certain quantity of milk as representing the manufactured article from a given quantity of sewage, I think that attention to this would form an important item in the result."

Mr. Blackbourn, in answer to Question 1,919, says, speaking of the land at Rugby—

> "I thought it was very well suited to the grass in its previously existing state, a natural pasture; but when compared with other grasses that I have seen under irrigation, I did not consider that it was at all applicable to irrigation."

As to the mode of application carried on at Rugby, Mr. Blackbourn, at Question 1,965, was asked—

> "You have stated that one-third of sewage application by means of the hose and jet was of three times more value than by the ordinary surface, irrigation?—Yes, that is the result which I drew from the experience which I have had and seen."

But now, Sir, let us see what Lord Essex, the Chairman of the Commission, says as to the experiments carried on under the direction of Mr. Lawes. At Question 76 his Lordship replies—

> "There have been some very interesting experiments made, under the superintendence of Mr. Laws, at Rugby, in an agricultural point of view, but I do not think they have been carried out in a manner to prove the full value of sewage, inasmuch as they have been only carried out upon meadow grass, and as I suggested to Mr. Lawes at the last meeting of the Commission, that it is not a fair trial of sewage; because if a certain quantity of sewage will give a certain quantity of meadow grass, I am convinced that the same quantity of it will give a double return of artificial grass."

And yet, Sir, in the face of this evidence Mr. Lawes perseveres in the same way; in the face of this evidence the Chancellor of the Exchequer is called upon to advance more money; in the face of this evidence Mr. Lawes came before the Committee, and declared that he could only get 1*d.* in return for every ton of sewage so misused, and that the value of the excreta of each person put on the land was only worth 1*s.* 6*d.* to 2*s.* a head. Was this fair, was it just, nay more, was it honest? His Lordship has put it on public record that he considers the experiments not fair, or likely to obtain the full value of sewage. If those experiments were not to obtain the full value of sewage, wherein consists their value as a reference? I shall be told, perhaps, that Mr. Lawes is a gentleman of high position and standing. This may be so, but he is also the greatest manure manufacturer in the world, and therefore the man of all England who must be most injured by a profitable and economic utilization of sewage. Is it not, therefore, a self-evident absurdity for this country to leave it to this gentleman and Mr. Way, another manufacturer, to determine what is the agricultural value of sewage—of a competing manure, which is, in effect, to fix the relative market value of sewage and those manures which they manufacture? Mr. Lawes has shown us, by his experiments, that he can only obtain in crop from 1*s.* to 2*s.* per head per annum for the sewage of each person applied. But, Sir, those results do not determine the value of sewage. They simply prove the impropriety of that mode of application which he so strongly recommends, and more especially so, when they are contradicted by other witnesses. As in the case of Mr. Miles, who shows us a return of £1 5*s.* per head per annum for the sewage of each person applied. I do not wish to bear with unnecessary severity upon Mr. Lawes, but it does appear to me that he is is about the most unfit person in England to have carried on these experiments for this Commission, and that a better proof could not be afforded to us of the great agricultural value of sewage than the deep anxiety manifested by this gentleman and his friends to prove that sewage cannot compete with their manures. I therefore trust that the Government will at once relieve this Commission from the burden of those labours which by delegating to Mr. Lawes they have openly proclaimed to be too heavy for them.

Mr. KER SEYMER said, that the hon. Member in his notice had not properly described the object of the Commission, as it was not to inquire into the best mode of utilizing sewage, but into the best mode of getting rid of it. The hon. Member had asked him how it came to be converted into a sanatory Commission, and he would tell him. When the municipal authorities of the different towns had introduced the new system of water supply and drainage works, they were placed in considerable difficulty as to getting rid of their sewage. The streams that ran through their towns having become polluted, the local authorities were threatened with actions at law in all directions; and under those circumstances they applied to the Board of Health to know what they were to do. That Board applied in turn to the Treasury, who thereupon issued a Commission to inquire:—First, into the most harmless manner of getting rid of the sewage of towns; and secondly, into the best mode of applying it, if possible, to agricultural purposes. The Commissioners began their labours with the first branch of their inquiry, and all the towns in which works for deodorizing the sewage existed were visited, and their operations examined, the results being reported to the Treasury, whose sanction was obtained to all the expenditure incurred for the purposes of the investigation. The Commissioners found that the common lime process was cheap, and, in ordinary cases, successful; but it was not entirely satisfactory, because, under certain circumstances, the matter would again ferment. They came to the conclusion that the metallic process was better, and that the best material to use was per-chloride of iron. All processes left a *residuum*, which at first was believed to be valuable. He was not at all surprised at the false impression which existed with regard to the value of sewage, because the public confounded sewage and night soil. Persons had heard of the great value of night soil in Belgium, China, and other countries; but they forgot that in England, which had adopted a new system, sewage, though containing the same ingredients, yet contained them in a different shape, and mixed with an enormous quantity of water. That led to a great deal of the fallacy which still existed in reference to the question. An idea had also prevailed that the solid *residuum* of the town sewage was valuable, and a great deal of money had been sunk by local authorities to obtain it; but the inquiries of the Royal Commission had set that point at rest, and shown that it was of very little value. The farmers of the immediate neighbourhood would, indeed, go and remove it, and, perhaps, pay a small price for it; but it was quite in vain for the ratepayers to look for any considerable return from it towards the expense of their sanatory improvements. If, indeed, they were prepared to take a retrograde step, and do as they did in Belgium, no doubt there would be valuable produce to dispose of; but he did not believe that this country would ever take a step in that direction. In small towns and villages, perhaps, something might be done by adopting a practice described in the last number of the *Agricultural Journal*. The Commissioners further turned their attention to the "utilization" of liquid sewage in the sense in which the hon. Member used the word. Places were visited at which the liquid manure was used on farms, the object of the Commission being rather to ascertain the mode of distribution. It was found that liquid manure was far more valuable than sewage; the former had to be, but the latter already was, diluted. The hon. Member had spoken very strongly with reference to the inquiries prosecuted by the Commission; but he (Mr. Ker Seymer) answered the hon. Member by reference to the Report of his own Commission, which passed a Resolution that careful and exact experiments were necessary to elucidate the agricultural value of sewage and the best mode of applying it, that such experiments had been made by the Commission appointed to inquire into the best mode of distributing the sewage of towns and applying it to beneficial and profitable uses, and that it was desirable that these experiments should be continued during the present year. That Committee was a competent one, and the Members showed their good sense by adopting a sensible Report. How they came to adopt the analysis of evidence by the hon. Member was a question they would have to discuss on Tuesday next, and was one on which there was a good deal to be said. All he could then say was that the analysis had certainly been received with ridicule and contempt by the agricultural world. Then the hon. Gentleman asked, why was Mr. Lawes intrusted with the experiments? He could only say because there was not so good a man to conduct them in England. Mr. Lawes had discovered valuable manures, and dealt in them, but he was also an English gentleman and entirely incapable of being actuated by those motives which had been attributed to him by the

Chairman of the Committee. Mr. Lawes made no manures to lay on land in the neighbourhood of large towns; and there must remain millions of acres in England for which the manures of Mr. Lawes, and persons of his stamp, would still be in request. That, however, was too low a ground on which to take the matter; he would rather stand on Mr. Lawes' character. Mr. Lawes was well known. The farmers of England, never having been deceived by him, thoroughly trusted him; and he did not believe that his character would be at all affected by what the hon. Member had said of him. Mr. Way had also been spoken of as if he were an agricultural manure dealer; but he was no such thing, although he had once long ago allowed his name to appear in connection with a fish-burning company. He might as well say that the Chairman of the Committee (Mr. Brady) was himself a dealer in manure because his name had appeared in the list of a blood manure company. He would next come to the evidence of Lord Essex. The noble Lord said that the experiment ought to be tried on Italian rye grass. Well, Mr. Lawes was trying the experiment on it, and the reason he had not done so before was because rye grass was a rotation crop, and the experiment would therefore be very expensive; but he thought that the first sentence of the noble Lord's evidence put the hon. Chairman of the Committee out of Court. He said that he used 6,000 tons per acre of the sewage of the town of Watford a year on rye grass, but he had none to spare for his wheat. He had once applied it to wheat, and certainly he got a most extraordinary result; for whilst other parts of his estate only produced forty-four bushels per acre, that on which he used the manure produced fifty-three bushels. That was a most extraordinary result, and one not likely to be again obtained. At Rugby alone they laid down pipes on 400 acres, and used sewage on only twenty. That was the result of experience, which showed that a large quantity of sewage only produced a small amount of fertilizing results. The whole object of the hon. Member, with his Committee, appeared to have been to find the witnesses who would say that town sewage was worth 2*d.* a ton, but in that he did not succeed. All they could be got to say was that the chymical ingredients in it amounted to that, taking guano as a standard; but it was impossible to get rid of the enormous dilution of water. Professor Way put the case very well thus:—He said the difference in the value of town sewage and other manure might thus be shown. If a man owed him £4 15*s.* and brought him an ounce of gold, that was payment; but if he brought him a block of quartz containing an ounce of gold, it was not; the value was depreciated by the difficulty of getting at the gold, and the value of the manure was lessened by the immense quantity of water that was with it Professor Way, notwithstanding what had been said about his being influenced by his interest against the use of sewage, had done more for it than any other man, because he was the first to show, that within five minutes after its application to the land it became entirely deodorized. But they could not be always throwing water on the land, they wanted at times to keep it dry. The question of price was considered important by Lord Essex. He said, under ordinary circumstances, at three farthings per ton it would do well; at a halfpenny it would do very well; but not at 2*d.* per ton. The Chairman had laid great stress on the high character and experience of Mr. Miles; but Mr. Miles had expressed great dislike to be examined, because he had not accurate figures to lay before the Committee; and he had found the sewage rather a nuisance, having applied it rather near his house. He said he found the sewage stronger than the farm-yard manure; but then that sewage was quite a different thing from the sewage of towns; and therefore, although the application of it was very successful in this instance, it had no bearing on the case. The expenditure of public money in experiments had entirely taken place at Rugby; and although they had been most carefully conducted by Mr. Lawes, it was not impossible, that under certain circumstances, greater results would have been obtained. Mr. Westwood had said, that if they put 300 tons of sewage on a certain quantity of land, they would not get more by putting 5,000 tons over the same space; but Mr. Lawes' experience directly contradicted that. The truth of the matter was, that if the Royal Commission had reported that the sewage was worth 2*d.* a ton, and might be spread over a large area in small quantities, the House would have heard nothing about spending the public money on the Royal Commission. Various projects, in all directions, had been checked for the moment by the cold wind of the Report of the Royal Commission;

but let any slur be cast on the proceedings of that Commission, and then all those projects will bask in the sunshine of the analysis of evidence referred to by the hon. Chairman of the Select Committee; they would come into flower, but he believed they would never produce any fruit. This was an important question, for in London the Board of Works were advertising for persons to deal with them in reference to sewage. Agriculturists were not deceived on the subject, but he believed that town councillors, and persons not conversant with agriculture, were likely to make great mistakes and involve ratepayers in large expenditure. He had had sent to him an amusing pamphlet, in which the author abused the Royal Commission roundly. It turned out that the writer had a scheme of his own for pumping up the sewage of London some hundred feet and spreading it over some thousands of acres. Mr. Mechi supported the scheme, and took a somewhat sentimental view of the matter. Mr. Mechi said that the population of London consumed the produce of many millions of acres, and that they ought to return that produce in the shape of manure over 300,000 or 400,000 acres. That was very sentimental, but it was not business. Would it pay? He had very great respect for Mr. Mechi, and admired his talents and hospitality; but he believed the establishment at Tiptree Hall was kept up by the establishment in Leadenhall Street. He was by no means thin-skinned; and if the House thought the time had come when they should put an end to public expenditure on that head, he should be happy to stop; but he should inform the House that the £2,000 it was asked to vote was nearly all spent, and that it would be sufficient to complete the experiments.

Mr. COWPER said, that the question of the application of sewage to land had hitherto been considered one of practical science, but the hon Member for Leitrim had made the subject one of passion and feeling. The hon. Member held, on the subject, opinions not shared by other persons. He maintained that sewage must, under all circumstances and in all places, be always worth 2*d.* a ton, although the value must really vary according to the cost of conveyance to the soil; and he preferred a wide and diluted application to a concentrated one. These opinions met with no support from the Royal Commission. Not having been able to answer the Reports of the Royal Commission, he now suggested that the Commission should be altogether silenced. In that proposition he could not agree with the hon. Member, for he thought the more the subject was inquired into, the better chance there was of coming to a right conclusion. The experiments to which the hon. Member for Leitrim objected were experiments conducted by the very first authority in England or the world. There was no authority on questions of practical agricultural chymistry that could be compared with that of Mr. Lawes. The hon. Member thought that the experiments of Mr. Lawes were not to be attended to, because that gentleman was a maker of manure; but that circumstance constituted, in reality, a reason for attaching importance to the valuable experiments carried on now for two years. No one who knew anything of Mr. Lawes' high character would ever suspect him of being so base as to make false experiments with a view to his own interest.

Mr. BRADY observed, that the right hon. Gentleman was misrepresenting what he had said. He merely said the experiments were made in a way that could not produce any result but that which had been produced. He did not say that Mr. Lawes acted from any motive or object, but only said that the experiments of Mr. Lawes were imperfect.

Mr. COWPER said, he was glad to hear the withdrawal of anything like imputation against Mr. Lawes. If, as the hon. Member said, the experiments were imperfect, that was a reason for allowing them to be continued. He thought that the Royal Commission had answered the purpose for which it was appointed, at a time when various towns were in great difficulty to know how to dispose of their sewage advantageously, and the Reports of the Commission contained valuable suggestions for municipal bodies. He trusted that the Commission would continue their labours and complete the experiments upon which they were engaged, for they could not do a more useful work at the present moment than by showing to those municipal bodies, who had to dispose of town sewage, how best they might do so. Even those who had to direct the municipal affairs of the great metropolis might very usefully study the question, for they were about to throw into the Thames, or into the sea, the whole sewage of London. Hitherto, people had despaired of being able to utilize it, because the proportion of gravel and water overwhelmed the fertilizing part of the manure. The problem had certainly yet to be solved, but he believed that it could be solved, and it was to the labours of the Commission that he chiefly looked for such a result. He hoped that they would not feel disheartened by anything which had been said that evening, but would rest satisfied that their labours were appreciated by those whose good opinion they would most desire to secure; and if they only ended by showing how the sewage of London might be poured out upon the barren and sandy soil which lay within reach of the town, it might at last be hoped that what had been done with such extraordinary success in Edinburgh might be attempted with equal success in the South.

Mr. PAGET said, it was the want of knowledge of the hon. Member for Leitrim, and the want of a correct understanding of the evidence, which had led him to make the statements he had made. His object in rising was to state, that having given great attention to the proceedings of the Committee, attending every meeting, there was no evidence brought before them at all to be compared in value with that they received from the Royal Commission. He trusted, rather than diminish the grant, a more liberal sum would be devoted to the purpose of carrying out these valuable experiments.

Mr. AYRTON said, he would remind the House that the Committee had not been unanimous in their wish that the Commission should continue its labours, as the decision to which reference had been made was arrived at only by a majority of five to four. For himself he objected to the continuance of the Commission, because, unless the experiments which had been instituted were greatly extended, they would be of very little use. To carry on only one set of experiments upon one particular soil was calculated to mislead the public, by putting forward conclusions drawn from narrow and imperfect premisses. If the Commission were really to labour to any useful purpose, experiments should be conducted upon different soils, and on different conditions, with different sorts of agricultural produce, ordinary grass, Italian rye grass, and so forth. But the result of this would be an enormous farming establishment, costing an enormous sum of money; and therefore, without desiring to reflect in any way upon the Gentlemen who composed the Commission, he ventured to think that its experiments, as now conducted, might, in the end, instead of advancing, retard the object which everybody desired to secure—namely, the utilization of town sewage. It was impossible for a Commission sitting in London to conduct those experiments with care, caution, and economy. Certainly, the Rugby experiment was not carried on upon that footing. The system there was one which would ruin any farmer in this country. He desired to see the sewage of towns utilized, but he should like to see it dealt with practically, by persons for their own private advantage; and he was sure the result would be arrived at sooner and better that way than by any Royal Commission, conducting rigid experiments according to mathematical rules.

Sir JOHN SHELLEY said, that there was a class of persons who invested their money in manure speculations, and from whom the agriculturists were often induced to buy spurious manures; but of all "manure doctors," none, in his opinion, were so dangerous as those who talked of utilizing the sewage of towns. To Royal Commissions in general he objected, but this was one of the few which were likely to do good, because it would check the operations of a parcel of speculators, who otherwise might induce the agriculturists to believe that town sewage would improve their land. It was his opinion that a large proportion of the metropolitan sewage was of no use whatever to agriculturists. With regard to Mr. Lawes, he must say, as a member of the Royal Agricultural Society, that there was no man, as an agricultural experimentalist, in whom, from the highest to the lowest, from the landowner to the tenant farmer, they had more confidence than that gentleman. He was sorry to say, that because he happened to sell a peculiar kind of manure, it should be imputed that he would give any other opinion than an honest one. There was, besides, this fact—that the kind of manure for which Mr. Lawes had taken out a patent did not come into competition with sewage, and therefore to cast any slur upon the evidence which Mr. Lawes had given was most unfair.

SWEDEN, RUSSIA, AND POLAND.

QUESTION.

Mr. DARBY GRIFFITH said, he would beg to inquire of the First Lord of the Treasury, as to the existing state of relations between Russia and Sweden on the subject of Poland. The noble Viscount at the head of the Government had, on a former occasion, taken rather a sanguine view of the efficacy of the provisions of the treaties which related to Poland, and there was much of the same vague generalities on that subject in the speeches of the noble Lord as in the recent despatches of the Foreign Secretary. Russia appeared to have answered the despatches of the noble Earl by the publication of an amnesty which did not satisfy the claims of Poland, and the important question now was, what was the next step to be taken? The publication of the amnesty had been accompanied by a sanguinary proclamation from the Governor of Warsaw inciting the peasantry to rise and murder their landlords, and other tokens of Russian menace, which showed how little the amnesty was worth, and it had been altogether rejected by the Poles. In short, there was this irreconcilable difference between the Poles and the Russians:—That, whereas the former would never be satisfied without having Lithuania and other parts of ancient Poland restored to them, the Russians contended that those provinces had long been united to Russia, and that nothing should induce them to consent to a separation. But he wished to consider how this subject affected the relations between Russia and Sweden. The designs which Russia had always entertained upon the Baltic had led to an alienation of feeling on the part of Sweden, and the jealousy between both countries had been increased by the circumstance that a steamer, called the *Ward Jackson,* which had lately left this country carrying Poles who wished to go to the assistance of their countrymen, had put into one of the ports of Sweden; and being threatened by a Russian cruizer, the Poles made their escape into that country. The geographical position of Sweden had always tempted aggression on the part of Russia, as was shown in 1808, when Russia, by precipitating hostilities, obtained the conquest of Finland. The noble Viscount once represented himself as a "judicious bottle-holder" in the great conflicts of Europe, and some such quality might before long be again in requisition. He trusted that the noble Viscount would prevent Russia from making an attack on Sweden. The preparations at Cronstadt were well known throughout Europe to be most active and extensive at the present moment; and as Stockholm was only twenty-four hours' sail from St. Petersburg the operation of the greater Power upon the less would probably be pressing and immediate. An hon. Member of that House had put into his hands a letter dated the 26th of March last, from a relative in Sweden, a landed proprietor, who stated that 20,000 Norwegians and 40,000 Swedes had been ordered to march for Finland. The writer added, that although war was regarded as a great calamity, yet that the military operation in question was very popular throughout Scandinavia. He presumed that the army had only received orders for preparation, but his information came from so high an authority, that if the noble Viscount felt a desire to know the name of the writer, he should be happy to communicate it to him privately. He trusted that the noble Lord's attention would be directed to the subject.

GREECE—PRINCE WILLIAM OF DENMARK.—QUESTION

LORD HENRY LENNOX: Sir, I wish to ask a Question of the First Lord of the Treasury respecting the recent election of Prince William of Denmark to the Throne of Greece. I should have preferred asking the Question of the Under Secretary for Foreign Affairs, but he has requested that I should put it to the noble Lord himself. On Monday night I put down upon the paper notice of a Question which I intended to ask of the Under Secretary for Foreign Affairs with respect to the succession to the Crown of Greece, and I also forwarded to him full details of the Question which I intended to put. During Tuesday I was at the House but I received no intimation from the hon. Gentleman that the Question would be inconvenient to the interests of the public service. I therefore rose at the usual time and put my Question. The hon. Gentleman the Under Secretary for Foreign Affairs said—

> "I am sure you will not think that I am guilty of any discourtesy in saying that the only answer which the Government can give is, that they will give no answer."

Thereupon, feeling, as I admit, somewhat snubbed, I told the hon. Gentleman and the House that I would put my Question again the next day, in the hope of getting a more satisfactory answer. The hon. Gentleman, however, told me it would be useless to do so, as I should receive the same answer; that there was no answer, and that it would not be for the benefit of the public service to make a statement on the subject. The hon. Gentleman was, of course, cheered by hon. Members on the Ministerial Benches, and I left the House half convinced that I had been guilty of an indiscretion. What was my astonishment and surprise, then, when I found that on the Government being addressed on the same subject in another place by a noble Lord who has no doubt far more influence than I have, the noble Earl the Secretary for Foreign Affairs at once rises in his place and gives a full detail of all that has taken place in the matter. But this is not all. Fearful lest the noble Earl had not given enough of information on the subject, up starts his Colleague the Lord President of the Council, and thereupon proceeds to supply a supposed hiatus in the speech of his Colleague. The facts were therefore these. The information, which was denied to the House of Commons in the person of one of its Members, was within forty-eight hours afterwards communicated without hesitation to a noble Earl in another place. I do not regard this, in the least, as a personal question, but as a matter affecting the House itself. I ask the Question of which I have given notice on Monday, not with the wish to interfere with the election of Prince William, but because I have reason to know that the conduct of the Foreign Office has been so precipitate as to peril the very object which the Government had in view. Pleasant as it usually is to be contradicted by the noble Viscount, yet that pleasure will be denied to me in the present instance, because I am in a position to assert, that when the telegram was despatched to Mr. Elliot, asking the Assembly to offer the Crown of Greece to Prince William, it was stated that the Government did so with the authority of the King of Denmark. That statement was true; but that authority was given conditionally on the consent of Prince Christian and Prince William being also obtained. And when this telegram was despatched, not only had Prince William not given his adhesion, but no longer ago than yesterday he was still offering innumerable objections to the negotiation. It comes, then, to this, that Her Majesty's Government had telegraphed to Mr. Elliot upon an authority which was not valid. Further, when the King of Denmark and Prince Christian learned that the National Assembly of Greece had actually proceeded to the election of Prince William, they were extremely surprised at the circumstance, and Prince Christian was suddenly summoned to Copenhagen to explain to the King of Denmark as to how this matter had been brought about. Unless I am misinformed in the matter, the nomination of Prince William was merely taken as a matter of gossip, and was not supposed to assume so serious an aspect, at least for some time. It even appears that the accredited Minister of the Crown of Denmark in London has had no communication made to him as to the candidature of Prince William being upon the *tapis.* Under these circumstances, I now put the Question which is on the paper in my name. I should not have done so at this length were it not for the unseemly manner in which the House of Commons, through me, has been treated.

Viscount PALMERSTON: My hon. Friend the Member for Devizes (Mr. D. Griffith) will excuse me if I do not follow him into the dissertation upon which he entered with regard to the Polish question, and the matters connected with it; but I will answer the Question which he has put upon the paper with regard to the relations now subsisting between the Court of Sweden and the Court of Russia. Her Majesty's Government are not aware that anything has interrupted the good relations between those two Governments. But, of course, the hon. Member and the House will feel that we do not stand here to answer for that which may be passing between foreign Governments. As far as we know, there is no reason to suppose that there is any unfriendly feeling between the two.

The noble Lord who has just sat down, I think, made an unfair charge against my hon. Friend the Under Secretary of State for Foreign Affairs. The noble Lord seems to have overlooked the distinction between the nature of a question and the nature of an answer. It is quite possible that a question may not be indiscreet, though it may be very indiscreet to give an answer to it. No blame attaches to the noble Lord for the question he put to my hon. Friend, but some blame would have attached to my hon. Friend if he had gone into those details which were necessarily involved in an answer to the question. Now, the noble Lord has, I think, mistaken what passed in another place, because, if he will look back to the record, he will see that a noble Friend of mine in answer to the question put to him entered largely into detail, yet he was reminded afterwards by another noble Lord that he had entirely evaded giving an answer to the question put to him. That is a course which is often fit and becoming to adopt when questions are put to which it would be indiscreet to give a direct answer. And therefore the noble Lord will excuse me if I do not tell him all that has passed in regard to communications which have taken place with respect to the election of Prince William of Denmark to the Crown of Greece. But this I will tell him, that Her Majesty's Government did not act with the precipitation which he ascribes to them, and that they made no communications to the Greeks which they were not authorized to make. The actual election of Prince William at Athens was so entirely the result of the impulse of the moment that it was a surprise to the Ministers of the Greek Government. The Assembly met, and an independent Member got up suddenly and proposed that they should elect Prince William. It was known that Prince William had been mentioned as the person who might become a candidate if the consent of all necessary parties were obtained; and the Greek Assembly were so anxious to come to a decision in reference to the accession to the throne that they elected him by acclamation—not on the proposal of Ministers, but on the Motion of an independent Member. The noble Lord will excuse me if I do not tell him the exact state of the communications now going on; but I have good reason to hope that the election which has been made by the Greek Assembly will be completed by the acceptance of Prince William and those who are answerable for his decision.

Mr. BAILLIE COCHRANE said, he wished to ask whether the House were to understand that the proceedings in the Greek National Assembly had not resulted from a communication made authoritatively to the Greek Government by Mr. Elliot on the 28th or 29th ult.?

Viscount PALMERSTON: So far, certainly, that the Greek Government were informed that communications were going on with a view of ascertaining whether Prince William would consent to become a candidate.

Mr. PEACOCKE said, he feared that the information of a multifarious character which reached the hon. Member for Devizes (Mr. Darby Griffith) was frequently drawn from newspaper paragraphs and telegrams. The true facts connected with the vessel to which reference had been made were these. The Russian Government communicated to Her Majesty's Government that a vessel was preparing to sail from this country with assistance for the Poles. As in the case of the *Alabama,* Her Majesty's Government sent down, but too late to arrest the departure of the ship. A Russian frigate then received orders to sail in pursuit of her, and it happened that the Polish vessel applied for coal to the same merchant, at a port in the Baltic, to whom the frigate had previously applied. In that way information was communicated to the Polish vessel of the pursuit, and the English crew on board refused to pursue the voyage any further. A Danish crew was then shipped, and the vessel carried into a Swedish port. The Russian Government then communicated with that of Sweden, and the latter pursued the most honourable policy which they could adopt, by arresting the further progress of the vessel. So far from friendly communications between the two countries having been interrupted by the step, he believed the Russian Government regarded with most kindly feelings the course which had been pursued. With reference to the Greek question, the same discretion which the Secretary for Foreign Affairs had shown, in declining to answer the question of the Earl of Malmesbury, in another place, had not been imitated by the noble Lord the President of the Council, for he had been informed that an hour or two ago that noble Lord, in the very same place, had been obliged to explain away his statements on the subject. The real position of the case appeared to be that the King of Denmark only consented to the acceptance of the throne by Prince William in case Prince William and his father, Prince Christian, looked with favour upon the proposal. It was only a conditional acceptance by the King of Denmark, and it appeared that not only had Prince Christian and Prince William not consented, but that they imposed conditions which ought naturally to have occurred to the mind of the noble Lord the First Minister, from his experience of nearly half-a-century. The Royal family of Denmark, as Dukes of Schleswig and Holstein, being members of the Germanic Confederation, could not allow Prince

William to accept a throne on which other members of that Confederation had a claim. They therefore required that there should be an absolute renunciation, in the first instance, of all claims on the part of the Royal family of Bavaria. Considering the experience which the noble Lord at the head of the Government had enjoyed in diplomacy, and on the turf, there appeared to be something wrong about his training stable; for in whatever quarter he selected his favourites, whether from Coburg or Copenhagen, they showed remarkable disinclination to come up to the post.

Main Question put, and *agreed to.*

SUPPLY—CIVIL SERVICE ESTIMATES.

Supply *considered* in Committee.

(In the Committee.)

Lord ROBERT CECIL said, he wished to ask whether the right hon. Baronet the Home Secretary thought that that was a proper hour of the night for going on with Votes in Supply. He (Lord Robert Cecil) was of opinion that the Government should exhibit some forbearance in respect to the hour of going into Supply on Friday night. The Motion for Supply on that night was originally intended to be a nominal one, so as to afford private Members an opportunity of bringing forward questions in which they took an interest. If, however, the Government were determined to change a nominal into a real Motion, private Members would be placed in a most disadvantageous position. In consequence of the number of Motions made on the Motion for going into Committee of Supply, it was impossible to bring on a Motion in reference to Supply itself. Such a Motion, he confessed, he should consider fair at that time—namely, one to refer the Estimates to a Select Committee for examination, considering the enormous increase they exhibited above those of previous years; but he was precluded from doing so by the device of taking Supply on Friday night. Under existing circumstances, he should move that the Chairman do report progress.

Viscount PALMERSTON: I think the noble Lord overstates the matter in saying that it was agreed there should be no Supply asked for on Friday nights. It is only eleven o'clock now. I do not think it has advanced beyond the hour at which it is reasonable for us to proceed.

Mr. BAILLIE COCHRANE said, there had existed a general impression among hon. Members that Supply would not be brought on that night, and he believed it had never been intended to go into Supply on Friday nights.

Mr. W. WILLIAMS said, he agreed with what had been said on this subject by the noble Lord the Member for Stamford, and hoped that the Government would not press on Supply. The inconvenience would never be remedied until the House agreed to devote an entire night once a week to Supply.

Mr. BENTINCK said, he would not go so far as to assert that there had been a distinct agreement on the subject; but when the arrangement was made for putting down Supply instead of the Motion for Adjournment, on Friday nights, he for one, understood that no Votes were to be gone into. There was another ground for not going into Supply on Friday—namely, that it would be impossible for any hon. Member to calculate at what hour the Speaker would leave the chair, and, consequently, that any hon. Member who wished to take part in a discussion on the Votes would have to remain in the House during the whole of the evening and night.

Viscount PALMERSTON: The inconvenience which the hon. Member has just mentioned is one that occurs every night on which Supply is put down, because it is competent to every hon. Member to make any Motion he may wish to bring forward on the question that the Speaker leave the chair, and, consequently, no man can tell when Supply will come on. That happens perpetually. If the House will agree that on Mondays and Thursdays no Amendment shall be moved on the Motion to go into Supply, but that the Speaker shall leave the chair at once, then we might give up Supply on Friday nights; but I should not be disposed to agree to such an arrangement, because I think it would be an infringement on the privileges of the House. We do not wish to do anything disagreeable; and if it be the opinion of the House that we should not go into Supply at this hour, we are perfectly ready to report progress.

House *resumed.*

Committee report Progress; to sit again on *Monday* next.

WAYS AND MEANS.—REPORT.

Resolutions [April 16] *reported,*

(1.) "That, towards raising the Supply granted to Her Majesty, in lieu of the Duties of Customs now charged on the articles undermentioned, the following Duties of Customs shall, on and after the 17th day of April 1863, be charged thereon on importation into Great Britain and Ireland : viz.

Chicory, or any other vegetable matter applicable to the uses of Chicory or Coffee, raw or kiln-dried . . the cwt. £1 6*s.* 6*d.*"

(2.) "That, towards raising the Supply granted to Her Majesty, there shall be charged and paid for and upon all Chicory, or any other vegetable matter applicable to the uses of Chicory or Coffee, grown in the United Kingdom, for every hundredweight thereof, raw or kiln-dried, the Excise Duty of twenty-four shillings and three pence, and so in proportion for any greater or less quantity than a hundredweight.

In lieu of the Excise Duty now chargeable on Chicory, or such vegetable matter as aforesaid."

Sir STAFFORD NORTHCOTE said, there were several questions in connection with the Budget which he supposed the House would discuss separately as they came on. He did not wish to express any premature opinion on details, which could better be dealt with as they arose in due order; but he thought that was an occasion on which he might make a few remarks as to the general character of the Budget, and he was sorry his right hon. Friend the Chancellor of the Exchequer was not in his place, that he might have an opportunity of making those remarks in the right hon. Gentleman's presence. He thought the general feeling of the House, and the general feeling of the country, with regard to the Budget, would be one of satisfaction; and certainly it was not his intention to offer any hostile remarks on the general character and complexion of the financial statement which they had heard on the previous night. He was of opinion, that, as a rule, it was not desirable to criticise the financial statement at the moment it was delivered, because there were a number of important questions raised by it which required careful consideration on the part of those who desired to criticise the propositions of the Chancellor of the Exchequer in a fair and satisfactory manner. But he must say that the statement on the previous night was of such a character that it would have been easier to remark upon it on the moment than it would have been to do so in the case of most of the Budgets which had been brought under the notice of the House in former years; because the recommendations of his right hon. Friend the Chancellor of the Exchequer were such as the House and the country had been pretty well prepared for. Though, perhaps, they had not been prepared to find the surplus as great as the Chancellor of the Exchequer had stated it to be, they had been generally aware both that there was a surplus and that propositions of the nature brought forward by his right hon. Friend would be made to the House. The first remark which he wished to offer was, that he was afraid his right hon. Friend had fallen that year into the error which he had fallen into during three consecutive years in respect to one item of revenue—he meant the Excise. For three consecutive years he had always over-estimated the Excise revenue. Last year he took the liberty of telling his right hon. Friend that he had over-estimated it. The Chancellor of the Exchequer assured him that he did not, and that he was in possession of particular information with respect to the malt duty which led him to believe that he would obtain the amount which he calculated on receiving. However, the result had been as he (Sir Stafford Northcote) had predicted. The Chancellor of the Exchequer had been wrong for three years; and his accumulated error amounted, he thought, to no less than £3,500,000. He underrated the Customs and over-estimated the Excise. He attributed that to what he thought was one of the weaknesses of the Chancellor of the Exchequer. One of his right hon. Friend's views, which he thought was his besetting sin, consisted in the belief that he would always get an amount of Excise revenue from spirits in excess of the amount which experience proved to be the actual receipt from that source. In 1860, when he raised the duty on British spirits from 8*s.* to 10*s.* per gallon, he thought he would get an increased revenue of £1,000,000 a year from that addition to the duty. He had never yet got such amount from it; but so obstinately did he cling to his opinion on the point, that on the previous night he produced figures to show it was a mistake to suppose that he had not got an increased revenue from spirits. From those figures it appeared that the year before the duty was raised the revenue from the duty on spirits amounted to £9,750,000; last year it amounted to £9,837,000; so that he had only got £87,000 out of his expected £1,000,000, after an experiment of two or three years. He did not think his right hon. Friend realized this fact with regard to spirits, which, though he did not undertake to decide the cause to which it was attributable, was nevertheless indisputable — namely, that the consumption of spirits in this country was diminishing and not increasing, while the consumption of all other articles of food was increasing, and there was, of course, a proportionate increase in the revenue which the duties upon them yielded to the country. A Return, which he (Sir S. Northcote) obtained in the previous year, showed that in 1841 the consumption of spirits amounted, omitting decimals, to 90 gallons for every hundred persons; in 1851 it was 104 gallons; in 1859, 100 gallons; in 1860, 93 gallons; and in 1861 it had fallen to 85 gallons, or less than it was in 1841; whereas the consumption of tea, coffee, sugar, wine, malt and tobacco had in all those years largely increased, and had doubled, or even trebled, in the case of some of these articles. If the consumption of spirits were generally diminishing, it must be expected that it would, during 1863, fall off more than usual. During the last year the consumption of tea, sugar, and tobacco had increased, while that of spirits had diminished. It was a time of distress, and in times of distress, as was admitted by his right hon. Friend himself, people economized by reducing their consumption of spirits. We could not expect that in the ensuing year the operatives would consume excisable articles as largely as they did in the last year, and yet the Chancellor of the Exchequer had based his estimate upon the assumption that they would consume more. They were in a condition of uneasiness with regard to the labouring population. The Trade Returns of the past year had kept up wonderfully. The exports had fallen off much less than might have been expected, and the imports had very considerably increased; but if they looked below the surface, they would see that was not an unmixed good. There was the following very striking and, to him, very uncomfortable fact. While they had imported an extraordinary quantity of corn, tea, sugar, tobacco, and other articles which they had consumed, and which had no reproductive character, the expenditure upon, and the import of, the materials of industry, raw cotton, silk, wool, and other articles which were reproductive and added to the wealth of the country, had fallen off. During the last year they had expended in the purchase of articles of food £5,500,000 more than they spent during the previous year; but upon the materials of industry they had expended £300,000 or £400,000 less. But that did not fully represent the falling-off in the quantities of the latter class of articles imported, because for all these articles they were paying enormous and ruinous prices. Thus, while the quantity of cotton imported had decreased by 58 per cent, they had paid within 19 per cent as much for it as they paid the year before. They had imported 31 per cent more flax, but had paid 52 per cent more for it; they had imported 13 per cent more hemp, and had paid 40 per cent more for it; they had imported 17 per cent more wool and 18 per cent more silk, and had paid respectively 20 and 27 per cent more for them. That was a state of things which, if it continued, must drain the resources of the country. They were spending much more upon the provisions they consumed, and the materials they used, than they could afford, for they were not making a corresponding profit on the articles which they exported to pay for them. They were paying for them out of the savings of the country, and his point was, that after such an expenditure there must come a period of distress. They had entered upon that period of distress with a large fund in hand; and although they had reason to thank God that they had been able to bear it so well, they must not deceive themselves, or think that the end had come, or that the people would not suffer from the extraordinary exertions which the country had made; and if the people suffered, the revenue must suffer also. They were still suffering, and likely to suffer, in Lancashire and in Ireland; and there were matters connected with their foreign relations, especially in China and the East generally, which must make them very uneasy as to the prospects of the coming year. For all these reasons he was afraid that his right hon. Friend had over-estimated the consuming power of the country, and, in consequence, had over-estimated the probable produce of the Excise.

Notwithstanding that, however, he did not think that the Chancellor of the Exchequer's general estimate of revenue was too sanguine. There were circumstances which led him to believe, that taking one thing with another, the estimates of the right hon. Gentleman might be realized, and to expect, that unless a great calamity should intervene, the surplus which he had promised would be obtained. He said that, because the anticipations of the Budget were founded upon the only true, safe, and wise basis of calculation for the reduction of taxation—upon wise and broad reductions of expenditure; and that constituted a great distinction between that Budget and some others which had recently been submitted to Parliament. Nothing could have been more seasonable and more proper than the reductions which the Government had effected in the course of the last year, and upon the Estimates for the ensuing one. He regretted that the Chancellor of the Exchequer in his statement had passed rather lightly over the reductions of the past year, and had not, as was the usual practice, stated to the Committee the amounts of expenditure in each particular Department. This general result, however, came out—that the Government had last year expended £800,000 less than the amount of the Estimates. He should have liked to hear how that £800,000 was saved; but it was a proper and creditable act on the part of the Government to have saved it, and was entirely in accordance with the policy which the Opposition pressed upon them last Session, when they urged them, after the Estimates had been voted, to take into consideration the state of the country, and, if possible, to save some portion of the sums which had been granted. It was upon that policy that the right hon. Gentleman the Member for Cambridge University (Mr. Walpole) founded his Motion. The noble Lord did not give them much hopes at the time that he should be able to adopt that course, but said, "If you press the Resolution you will force us to get rid of the House, or quit our seats on the Treasury Bench." That threat terrified them, or at least some of them, so much that it was impossible to bring the question to an issue; but he was happy to find that the noble Lord, though he then regarded the Resolution as so formidable, when he came to consider how he should act, found that the policy which it recommended was a proper one; and he rejoiced that that Resolution, which for the moment came to nothing, had borne its fruit, and had led to a reduction of expenditure which had had its effect upon the Budget for the coming year. That was very satisfactory; but he hoped that the Government would not think that they had reached the limits of reduction. They had done as much as could reasonably be expected in one year; nobody could wish that there should be any sudden, violent, or miscalculated reductions; but at the same time the optional expenditure of the country, as the Chancellor of the Exchequer described it, was still considerably above what it was three or four years ago, and he believed that there was a margin of two, three, or even four millions upon which reductions might yet be effected. He did not wish to press the Government to go faster than they had done, but he trusted that they would not think that they had quite reached the end of the policy of reduction. He was not quite prepared to admit the entire correctness of the balance-sheet for the last four years which had been laid before the House by the Chancellor of the Exchequer. It included, he thought, certain sums which ought not to be included, while it excluded others which it ought to contain. The result of a correct balance-sheet would, he thought, be found to be far less favourable to the policy of the right hon. Gentleman than that which he had submitted to their notice; but, in the absence of his right hon. Friend, he would not enter into a controversy upon this subject. There was another point also on which he wished to say a few words. He had been represented in the newspapers, no doubt very kindly, but at the same time very erroneously, as having, in the course of the financial statement the evening before, made use of an expression of which he was not the father. The Chancellor of the Exchequer happened to ask how the great development in the prosperity of the country was to be accounted for, and his right hon. Friend the Member for Droitwich (Sir J. Pakington) had suggested the possibility that Australia was at the bottom of the prosperity; upon which the Chancellor of the Exchequer took occasion to deliver a lecture on the political heresy into which he said the right hon. Baronet had fallen. Now, he did not wish at that moment either to endorse or to dispute the justice of the view which his right hon. Friend sought to convey by his ejaculation "Australia;" but, as the word had been assigned to himself, he wished to take that opportunity of stating that it had in reality fallen from another Member. He might add, however, that there were figures which his right hon. Friend, if he had happened to have them by him, might have quoted in support of his opinion, and which showed, that while the exportation of British and Irish produce to Australia during the five years preceding the gold discoveries averaged £1,200,000, it amounted, during the last three years, to £10,776,000 a year. He could not help thinking, therefore, that the great development of the Australian colonies which had followed the discovery of gold had had some bearing on our prosperity during the last few years. At the same time he was, of course, prepared to admit that there were other causes at work. He had no wish to deny that the policy of free trade formed a very material element in the progess of the nation, while the introduction of railways and the great progress of colonization must also be taken into account. The Chancellor of the Exchequer was, he thought, somewhat in a hurry to magnify the results of recent operations as tending in that direction. He had, of course, a right to say that the repeal of the paper duty conduced to the prosperity of the country; but when he adduced facts to prove that such was the case, he ought to be careful as to the evidence which he selected. He had, for example, stated that there had been a great increase in the introduction of rags for the purpose of making paper; but it did not appear perfectly clear that they were introduced altogether for that purpose, inasmuch as—if he were rightly informed—they were extensively used in the manufacture of a material which was somewhat irreverently termed "shoddy." There was one other point with respect to which he might, in conclusion, be allowed to say a few words. It was, he thought, extremely desirable that hon. Members should have before them the Estimates of the revenue in such a form as to enable them to collect as far as possible what might be the receipts, not only for the present year, but for the next. They could not, of course, have the Estimates of the revenue from the Excise and Customs for the next year, but those were matters on which they could arrive at a tolerably fair conclusion for themselves. But there was another and a very important element in the calculation—he meant the miscellaneous receipts, on which they possessed no such information. The Chancellor of the Exchequer, indeed, had said that those receipts were not to be considered as forming part of the revenue; but at the same time he estimated on £2,500,000 of Miscellaneous receipts, and it would be well to know of what those £2,500,000 consist, because then they could form some opinion as to whether the item was likely to come in another year. His right hon. and gallant Friend the Member for Huntingdon (General Peel), for instance, had just asked him if in those £2,500,000 were included the £500,000 which he said would be due on account of certain Votes with respect to the China war. He was not able to give his right hon. Friend the information he required, and which he said it was important the House should have, inasmuch as it might find itself £500,000 short when the Vote came on. He hoped, therefore, some more definite information, with reference to Miscellaneous receipts, would be furnished. Having made these observations, he begged again to express his general approval of the financial scheme which the right hon. Gentleman had submitted to the House.

Mr. FERRAND said, he could confirm the statement of the hon. Gentleman that a very large quantity of rags was constantly arriving in the country for the purpose of producing "shoddy," or "Devil's dust." They were submitted to some chymical process, by means of which the cotton was burnt out of them, and the rags were then converted into a sort of paste, from which the cloth in question was manufactured.

Mr. LOCKE said, the hon. Baronet had misconstrued what was said by the Chancellor of the Exchequer with regard to rags. The right hon. Gentleman had said, it had been supposed that there would not be a sufficient quantity of rags to carry on the paper trade, but the export of paper from this country had largely increased, and there must be a sufficient supply of rags to make that paper. It appeared that in addition to the rags necessary for making paper, rags were introduced to make "shoddy" and "Devil's dust," but that did not interfere with the statement of the Chancellor of the Exchequer.

Mr. CHILDERS said, there were distinct accounts kept of the import of woollen rags and of linen and cotton rags. There had been a great increase in the import of woollen rags, from which shoddy was made; but it was from the account of the import of cotton and linen rags that the Chancellor of the Exchequer took his figures in reference to rags.

Resolutions *agreed to.*

Bill *ordered* to be brought in by Mr. MASSEY, Mr. CHANCELLOR of the EXCHEQUER, and VISCOUNT PALMERSTON.

TELEGRAPHS BILL—[BILL 78.]

THIRD READING.

Order for Third Reading read.

MR. MILNER GIBSON moved that the Bill be read a third time.

Motion made, and Question proposed, "That the Bill be now read the third time."

MR. AYRTON said, he rose to appeal to the right hon. Gentleman to have the Bill re-committed for the purpose of re-considering some of the Amendments agreed to after the Easter recess in a House much less full than when the Bill passed through Committee, because he doubted whether they carried out the views which were then expressed. He understood that the main object of the Bill was to protect persons against wires being carried over their lands without their consent. Certain telegraph companies had obtained private Acts by which, without notice, they derived powers contrary to every principle of right and justice; but he maintained that they took these Acts at their own peril, and that upon the oversight being discovered the House had a right to reverse the decision. He complained of the 31st and 32nd sections as erroneous in principle, and not carrying out the views expressed when the House was full and the Bill was in Committee. If the right hon. Gentleman did not assent to the re-commitment, he should not enter into contention with him; but he hoped when the Bill reached the other House, that it would not be said that the House of Commons had assented to the Bill as it stood. In that case the Bill would go to the other House in an erroneous condition and at variance with the opinions expressed in Committee. For the purpose of appealing to the right hon. Gentleman, he would move that the Bill be re-committed for the purpose of considering the objectionable clauses.

Amendment proposed, to leave out the words "now read the third time," in order to add the words "re-committed in respect of Clauses 31 and 32,"—instead thereof.

Mr. Childers

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. HUMBERSTON said, he should be reluctant to offer any opposition to the Bill, which he thought was a useful one. He wished to ask, however, if the interpretation clause would give a retrospective effect to the 16th clause, and whether that clause had any reference to the Telegraph Acts already in existence.

MR. MILNER GIBSON, in reply, said, that the powers of the 16th clause would only be retrospective with respect to the future exercise of powers already possessed by companies under their special Acts. In regard to the observations of the hon. Member for the Tower Hamlets he thought the hon. Member was labouring under a misapprehension as to the clauses referred to not carrying out what was understood to be the sense of the House. He adopted the one clause word for word as it was proposed. It dealt exclusively with works constructed before the passing of this Act, and he thought that when they dealt with works constructed under powers obtained by Act of Parliament they ought to deal with the parties fairly and even tenderly. In the other clause they gave powers to parties who wanted to use their land for purposes not contemplated when the telegraph works were constructed. In such cases he felt that it was desirable that there should be some third party to decide how far an injury was inflicted, and how far powers legally conferred ought to be interfered with. The wording of the clause was not his, but it had been drawn by an able draughtsman, and, as he understood at the time, carried out the wishes of all parties.

SIR JOHN SHELLEY said, he thought that the Bill would be very useful with regard to future companies, but the difficulty was with regard to the powers which companies had already obtained, and by which in many cases great injustice had been done. The Magnetic Telegraph Company, for instance, in the exercise of their existing powers, had prevented building on his land near Preston. Certain parties had agreed to erect a house on that land, but they discovered afterwards that the company had used their powers to erect posts and put up wires directly opposite what would be the drawing room windows of the new building. He strongly objected to the appeal being given to the Board of Trade, and thought that alleged injuries should be determined by the local magistracy. The Bill was better than none at all, but he trusted it would be thoroughly sifted in the other House.

Mr. LYGON said, that many cases of injury had been inflicted by wires passing before the windows of villas. The powers given under Clause 31 would not be sufficient to prevent annoyance, because there were cases of annoyances which no pecuniary compensation could meet. It was a great hardship that persons so annoyed should be put to all the expense of coming up to the Board of Trade. Whenever there was a serious interference with the rights of property, an appeal should be allowed to a local authority to determine whether there was *bona fides* in the complaint. He should support the Motion for re-commitment, in order that Clause 31 might be re-considered.

Mr. LOCKE said, the interests of the public were not sufficiently protected in the Bill. Telegraph companies would still, he understood, have power to come on private property without notice. He also objected to the provision for referring disputed cases to the Board of Trade. In his opinion persons injured should be permitted to revert to their common law rights, and go before the magistrates.

Mr. MILNER GIBSON said, he could assure the hon. and learned Gentleman that the Bill provided that in the case of future works due notice must be given to the parties interested, who could then object, or who, even if they did not object at that time, could on some future occasion come forward and apply for the removal of the posts or wires.

Mr. LOCKE said, that was not intelligibly stated in the Bill.

Question put.

The House *divided*:—Ayes 19; Noes 25: Majority 6.

Words *added*.

Main Question, as amended, put, and *agreed to.*

Bill *re-committed*, in respect of Clauses 31 and 32, for *Tuesday* next.

ENGLISH CHURCH SERVICES IN WALES BILL (*Lords*)—[Bill 53.]

SECOND READING.

Order for Second Reading read.

Mr. WALPOLE said, he rose to move the second reading of this Bill, the object of which was to enable the services to be performed in the English language, with the consent of the bishop, in those parishes in Wales where Englishmen resided in great numbers. An objection had been raised to the bishop being empowered, without the consent of the incumbent, to require that the services should be so performed. He had determined, if possible, to remove that objection, and for that purpose he would introduce Amendments to the effect that bishops should licence the buildings and the ministers, who were to officiate in the English language with the consent of the incumbent; but if the incumbent declined to consent, he should send a proper statement of his reasons to the bishop; and that if the bishop decided against him, then there should be an appeal to the archbishop of the province, whose decision should be final. There was every reason to suppose that those Amendments would be satisfactory to the parties concerned.

Mr. LYGON said, that as one of those who objected to the Bill in its then form, he was glad that his right hon. Friend intended to introduce Amendments, which he hoped would sufficiently protect the rights of Welsh incumbents.

Bill read 2°, and *committed* for *Monday* next.

House adjourned at a quarter before One o'clock, till Monday next.

HOUSE OF LORDS,

Monday, April 20, 1863.

MINUTES.] — Select Committee — *Report* — Metropolitan Railway Communication, *First Report* (No. 70).

Public Bills—*First Reading*—Office of Secretary at War Abolition (No. 71); Oaths Relief in Criminal Proceedings (Scotland) (No. 72); New Zealand Boundaries (No. 73); Offences (South Africa) (No. 74).

Report—Drainage of Land (Ireland) (No. 33).

Third Reading—Illegitimate Children (Ireland) (No. 50), and *passed;* Courts of the Church of Scotland (No. 65), and *passed.*

Royal Assent— Salmon Exportation [26 & 27 *Vict.*, c. 10]; Births and Deaths Registration (Ireland) [26 & 27 *Vict.*, c 11]; Mutiny [26 & 27 *Vict.*, c. 8]; Marine Mutiny [26 & 27 *Vict.*, c. 9].

LOSS OF H.M.S. "ORPHEUS."

QUESTION.

THE EARL OF ELLENBOROUGH said, he wished to put a Question to the noble Duke at the head of the Admiralty respecting the loss of Her Majesty's ship *Orpheus*. In the official despatch on the subject it was stated that the *Orpheus*, with nearly 200 men, was lost by acting, not against, but in compliance with the directions on her chart. The telegraph flag was flying telling her to take the bar; she obeyed that instruction, and consequently was wrecked. Since the chart was issued, in 1853, the sand at the mouth of the harbour of Manukau had shifted three quarters of a mile, and in consequence the *Orpheus*, instead of passing safely through the channel, ran directly on the sand itself. He wished to know, What steps the Admiralty were in the habit of taking for the purpose of collecting information on foreign stations respecting those changes which occurred from time to time, affecting the navigation of the waters, and also what means they adopted for disseminating that information among the officers of the Royal Navy? Although it appeared, in this instance, that Her Majesty's officers were unacquainted with the changes which had occurred, the merchant service were not ignorant of them; for he had seen in the newspapers a letter from a gentleman commanding a vessel stating that they were perfectly well known.

THE DUKE OF SOMERSET said, he was very glad that the noble Earl had put this question to him, as it enabled him to correct an error on the subject which was very generally prevalent, and into which it was not surprising that the noble Earl should have fallen, as it originated from a statement in the despatch of the Governor of New Zealand, Sir George Grey. In that despatch it was stated that the *Orpheus*

> "was intending to make the passage across the bar, as laid down in the chart of 1853. Since that time the bar has shifted about three-quarters of a mile to the northward. She was thus rather more than that distance too far to the southward."

The loss of this fine vessel and so large a number of her gallant crew was, of course, a most painful calamity; but it would have been an additional source of deep affliction if it had been caused by any neglect on the part of the Admiralty in not communicating to the officers of the ship the changes which were known to have occurred in the harbour. So far, however, was this from being the case that the change from the chart of 1853 was brought to the notice of the Hydrographer's office in October, 1861, if not before. A notice was then drawn up, of which printed copies were sent to the senior officer on the Australian station to be distributed among the ships in that quarter. That notice contained the following observations:—

> "It appears from the Remark Book of Her Majesty's ship *Niger*, 1861, by Mr. A. J. Veitch, master, that since the survey by Captain Drury in 1853 the main channel at the entrance of Manukau Harbour has shifted; as also, that the code of signals noticed in the *New Zealand Pilot*, 2nd edition, 1859, established to assist the navigation of that port has been altered and improved. The following directions will therefore supersede those heretofore in use; but from the shifting nature of the entrance of Manukau Harbour, as also of all the bar harbours on the west coast of the north island, the seaman is cautioned to pay strict attention to directions that may be given from pilot stations; and it has been recommended as a general rule, in the absence of direct information of changes in the channels, that that portion which has the smoothest water between the breakers should be taken, as experience has proved that it will be the deepest part. The north side of the middle banks forming the southern boundary of the main channel to Manukau has extended to the northward since Captain Drury's survey in 1853; vessels, therefore, in crossing the bar of this harbour should bring the Nine Pin rock twice its base open to the southward of Paratutai, N.E. by E. ½ E., which will lead about a cable northward of the breakers."

Thus seamen were first cautioned that the bar had shifted, and were also warned to pay attention to local information. When he first heard of the accident to the *Orpheus*, he was anxious to learn whether the officers had received the notice he had referred to. He therefore sent for the issue book kept in the Hydrographic Office, from which it appeared that the New Zealand notice was sent to Portsmouth on the 13th of November, 1861, and placed in No. 5 Australian chart box. On the 23rd of November the *Orpheus* drew this No. 5 box from the store at Portsmouth, and the receipt for it was in the Hydrographic Office at the Admiralty. In addition to this, it was probable that in taking the command of the station from Commodore Seymour in July, 1862, other copies, with all spare charts, would have been taken to the senior officer's ship. Moreover, he had seen an officer on Saturday who was saved from the wreck, and he believed he was correct in stating that the master of the *Orpheus* had a copy of the very notice in question in his hand at the time when the ship was approaching the bar. He mentioned these circumstances only to justify the Admiralty, and to show that they were not chargable with neglect of duty. He would not go any further into the subject. Their Lordships were doubtless aware that the *Orpheus*, which drew above 20 ft. of water, was larger than most of the ships frequenting that coast, and he might observe that he had sent her out at the pressing instance of the Governor of New Zealand for a large and powerful vessel. The noble Earl had also asked what were the general orders of the Admiralty in regard to correcting charts. Those orders were very complete and peremptory, and appear in the printed instructions for masters. The master was directed to note all inaccuracies in any of the charts supplied to the ship, but especially in those published by the Admiralty, so that the requisite alterations might be presently made. If the position of the dangers was materially altered, or if he should discover any new dangers, or if the inaccuracies he might have detected in the charts were of importance, he was to report them immediately to the Admiralty by the very first opportunity, so that no time should be lost in making the necessary corrections. Again, when a hydrographic notice of a newly-discovered shoal, or rock, or other danger, or a notice to mariners of a new or altered light, buoy, beacon, or land mark was received on board, the master was at once to insert it in red ink in all the charts to which it referred (these being always enumerated at the foot of the notice), and to note the same in the sailing directions, reporting to the captain that he had so done. Further, all masters of Her Majesty's ships were required to report to the Secretary of the Admiralty through their captain the discovery of any new rock or shoal. The Governors of our Colonies and Consuls constantly sent information, and harbour-masters and merchant captains did the same. The Hydrographic Office was in constant correspondence with all parties who could furnish information in all parts of the world. As soon as it was received, if considered of fair authority, it was printed and circulated not only for the benefit of Her Majesty's ships, but of all navigators. He thought he had now shown that every care was taken to let the officers of the unfortunate vessel know the changes which had taken place in the harbour. He had only to add that there would, of course, be an inquiry into all the circumstances connected with the loss of the ship, and then probably it would be ascertained how the vessel came to be lost. He could not omit bearing testimony to the gallant bearing of all on board, and of the crew of the vessel, who, seeing death coming upon them in all directions, still remained steadfast in the execution of their duty. Such conduct afforded a fine example of the courage and bravery of British seamen.

THE PROJECTED VIADUCT OVER LUDGATE HILL.

Lord CHELMSFORD said, he wished to correct an erroneous statement he had made the other evening, on presenting a Petition respecting the proposed viaduct over Ludgate Hill. He then spoke under the impression that the Bill upon the subject was unopposed. He had since found that this project of the London, Chatham, and Dover Railway Company was warmly opposed by the Brighton and South Eastern Companies.

DRAINAGE OF LAND (IRELAND) BILL.

(No. 33.) report.

Amendments *reported* (according to Order): (*The Viscount Lifford.*)

The Marquess of CLANRICARDE *presented* Petitions in favour of the Bill as it had been originally presented to their Lordships' House. For himself, he had very little objection to the measure in its present shape; but he was informed that it would never work.

Earl GRANVILLE said, that the Secretary of the Treasury had communicated with the Irish Board of Works with reference to advances to be made to that Board. The question was a very difficult one, and no decision had yet been come to.

Viscount LIFFORD said, that in striking out the first part of the Bill, the Committee had occasioned great disappointment in Ireland. In moving that the Report be received, he greatly regretted the alterations that had taken place in the first clause. He was, however, still in hopes, that when the Bill went back to the House of Commons, the measure would undergo such an improvement as to render it acceptable to the people of Ireland.

The Marquess of CLANRICARDE said, he trusted his noble Friend (Viscount Lifford) would consent to postpone the third reading of the Bill for a short time until the effect of the alterations made by the Committee could be more fully considered.

THE EARL OF BELMORE said, that the difficulties which induced the Select Committee to reject the first part of this Bill were of a legal nature. He thought that some of the noble Lords who served on that Committee had no objection to the proposed scheme itself; and if his noble Friend would postpone the third reading of the Bill, some fresh clauses might be introduced which would enable that scheme to work.

VISCOUNT LIFFORD, in reply, was understood to state that the difficulties alluded to were three, one related to the proposed award. He thought the Bill had better go back as it stood to the House of Commons.

Bill to be read 3ª on *Thursday* next.

ILLEGITIMATE CHILDREN (IRELAND) BILL—(No. 50.)

THIRD READING. BILL PASSED.

Order of the Day for the Third Reading read.

Moved, That the Bill be now read 3ª: (*The Duke of Newcastle.*)

LORD CHELMSFORD said, that in the Poor Relief (Ireland) Act of last Session a clause was introduced to enable the guardians of the poor to recover from putative fathers the cost of maintenance of illegitimate children. That was the 10th clause. It was not clearly expressed, but he thought no doubt could be entertained of the intention of the Legislature. The clause provided that when oath should have been made before any two justices of petty sessions by the mother of any illegitimate child, and the same should have been supported by corroborative evidence, it should be lawful for the boards of guardians, by an order of affiliation, to recover the cost of maintenance of the child during the whole time he had been receiving relief, and such cost should be recoverable by process before the quarter sessions. Now, there could be no doubt that the intention of the Legislature as expressed in that clause was, that the order of affiliation should be made by the justices in petty sessions, and that the boards of guardians were to go to the sessions and then and there recover the cost of maintenance from the father of the child. It happened, however, that the Law Adviser of the Crown in Ireland took a totally different view of the matter, and he expressed his opinion that the order of affiliation was to be made, not before the justices who were to take the oath of the woman, but at the quarter sessions, and a circular had been issued to the various boards of guardians directing them to take this course. That was an erroneous construction of the Act; and it was to carry out this erroneous view of the law adviser that this Bill had been introduced. It was quite a novelty in the annals of legislation that there should be something like a declaratory Act to give the effect of law to an erroneous construction of a clause in a previous Act.

THE DUKE OF NEWCASTLE said, he could not agree with the view taken by the noble and learned Lord (Lord Chelmsford), that there could be no doubt of the meaning of the clause in the Act of last Session. On the contrary, it was because there was a doubt, and a substantial one, that the Bill had been introduced. It was all very well for the noble and learned Lord, in his place in Parliament, to say that the view of the Law Advisers of the Crown in Ireland was plainly erroneous. But when the opinion of the Law Officers was quite clear, the Government had nothing to do but to endeavour to settle the question by introducing a declaratory Bill. [Lord CHELMSFORD: The opinion of the Law Adviser.] He believed the opinion of the Attorney and Solicitor General had been taken upon it. He would not be positive, but he was strongly inclined to think so. Under those circumstances, there was nothing either irregular or un-Parliamentary in the Bill.

VISCOUNT LIFFORD said, that the Select Committee on this Bill was composed of five Members of the Government, three of their supporters, and only four noble Lords from the Opposition side of the House. Their Lordships were told that lawyers were the best persons to decide the questions at issue under this Bill. But these questions were not questions of law, but questions of fact depending on the value of evidence and character of the witnesses. The chairman of quarter sessions in Ireland was a very different person from the same functionary in England. He was a barrister appointed by the Government, who could, and usually did, sit alone, and decide the matters before him. He saw no reason for removing these cases from those magistrates who, from their local knowledge, could weigh the evidence, in order to saddle the boards of guardians with additional expense. He would move that the Bill be read a third time that day six months.

Amendment *moved*, to leave out ("now") and insert ("this Day Six Months.")

The LORD CHANCELLOR said, that having served on the Committee, he was so far from approving the original provision that he had suggested an Amendment which had given it a different character. The judgment of the Law Officers of the Crown was, however, established in Ireland, and the present Bill had become necessary to declare the law.

On Question, That ("now") stand Part of the Motion? *Resolved* in the *Affirmative;* Bill read 3ª accordingly, with the Amendments, and *passed*, and sent to the Commons.

NAVAL COURTS OF INQUIRY.

QUESTION.

The Earl of HARDWICKE rose to put a Question to the First Lord of the Admiralty, in reference to Courts of Inquiry in Her Majesty's Service. The noble Earl said, that the matter was one of very considerable importance to the government of Her Majesty's navy—it involved a principle of public justice and morality especially bearing upon the naval service, and he was therefore certain that it would receive their Lordships' attention. He was not about to take this step in any spirit of hostility to the Government, and still less from any such feeling towards the Admiralty; he was actuated solely by his sense of duty as a naval officer, and by a desire to bring about an improvement in the system at present in operation. It was a most serious question. The administration of justice in the navy was fast verging upon despotism, in consequence of the manner in which the courts of justice were conducted in that service. The course pursued tended to sap the maintenance of discipline, by injuring the feelings of officers; whereas in these days, when public opinion was so free, and the whole question of public justice was open to the freest discussion, it was important, above all things, to take care that the administration of justice should be characterized by the utmost purity, and that there should be no interference of a despotic description as to the free exercise of the powers of the courts. There were three modes in which justice had hitherto been administered in the naval profession. In the first place, it had frequently been the practice, where the supposed offence was not palpable, for the Admiralty to direct three officers on the spot to immediately institute an inquiry, and to ascertain if there was any ground for bringing the accused parties to a trial. These officers sat very much as a grand jury, taking one-sided evidence, and reporting to the Admiralty. That was the first mode of proceeding. There was then the court martial, the nature of which was well understood. A number of officers were appointed to form the court, and the accused was brought before them, and the case heard, the accused having an opportunity of examining and cross-examining witnesses, and offering his defence, and sentence was pronounced in accordance with the opinion of the officers forming the court. The Crown also possessed a power, which was never disputed in the navy, and was exercised of its own will and accord, in striking any officer off the list without being compelled to give any reason for that course. These were the modes in which the service had hitherto been managed. But of late a practice had grown up which appeared to him to require a check. It had become the practice to turn the preliminary court of inquiry into a court of trial and sentence, and for the Admiralty to take on themselves the power of setting aside the sentences of courts martial. A more independent tribunal than a naval court martial did not exist. The Admiralty, undoubtedly, had power to refer back the decision of a court martial; but to set aside its sentence, or itself to pronounce sentence where there had been no court martial, was a thing unheard of in law, though unfortunately not in practice. He felt quite certain that the high sense of justice entertained by the noble Duke at the head of that Department would not suffer him, where he was acquainted with the facts, to tolerate anything conflicting with individual right, or the interests of the service. In introducing this matter he felt he must place before their Lordships some case in which the objectionable practices had been pursued, and in which a despotic power had been exercised by the Admiralty, whereby the confidence of the service in these courts martial had been destroyed, and which led to officers, when asked if they would be tried by a court martial, to answer differently to the manner in which they used formerly to do. He would therefore bring under their Lordships' notice one case, which would exhibit the defects of the present system of naval administration, and the necessity for making some change in the practice. On the 2nd of October, 1862, Her Majesty's ship *Vigilant* got ashore on the Gunfleet Shoal, at the mouth of the Thames, at the entrance of a very narrow channel, called the Swin. It was one of those accidents that would occasionally occur. A gale of wind was blowing at the time, and it was difficult, under the circumstances, to say whether any great blame attached to those in charge. The Admiralty directed a court of inquiry to be held at Sheerness, three officers of distinction being named for the purpose. They summoned the captain of the *Vigilant* before them; and having heard his statement, he was desired to withdraw, and never again appeared before the court, although the inquiry lasted five hours. He did not hear a single witness examined, nor was he permitted to cross-examine, or to put a question to, any of the ten witnesses who were examined. The investigation, in fact, was conducted without the presence of the officer whose conduct was to be inquired into. A few days after the inquiry terminated, Lord Elphinstone, the captain of the *Vigilant*, received what was called "a circular," which was a very short letter, not directed to himself, but conveying the following information, by way of memorandum:—

> "1. The *Vigilant* is to be placed in the 3rd division of the reserve at Sheerness. 2. The *Lily* is to be commissioned on the day following that in which the *Vigilant* may be put out of commission. 3. The lieutenants, officers of the civil branch, subordinate and warrant officers of the *Vigilant* will be turned over to the *Lily*."

Not a word was said about the captain; but as a new captain was appointed to the *Lily*, the effect of the memorandum practically was to dismiss Lord Elphinstone from his ship without any appeal whatever. Nor was this all. In nine days afterwards this officer received a very severe censure, couched in the following terms:—

> "I am commanded by the Lords Commissioners of the Admiralty to acquaint you that they have had under their consideration the circumstances under which Her Majesty's ship *Vigilant* was run on shore on the Gunfleet Sand, on the 22nd ultimo, with the various reports made to them on the subject. My Lords observe, that in a well-known channel, within a mile of the Gunfleet Light, and in the immediate neighbourhood of two buoys, the *Vigilant* was run upon a dangerous shoal, and narrowly escaped being totally lost. My Lords are aware that there was a pilot on board, but his presence did not absolve the commander and master of the ship from the duty of ascertaining by bearings and by reference to the sailing directions that the ship was not hazarded. I am therefore in receipt of their Lordships directions to signify to you and to Mr. Phillips, the master of the *Vigilant*, that my Lords consider your respective conduct in this matter to have been highly reprehensible, and deserving of their Lordships' severe censure."

A more severe censure could not well be inflicted; yet the officer whose conduct was thus impugned had been tried, sentenced, and, he would add, executed in a manner unheard of in British jurisprudence. It would be said in reply, no doubt, that the Lords Commissioners of the Admiralty believed him guilty of certain omissions, which he utterly denied; that he had not taken sufficient charge of the ship out of the hands of the pilot, and had not watched him sufficiently, which he also denied; and that they had given him the opportunity of a further trial by court martial if he desired it. That was quite true; but in what manner was the offer made? Lord Elphinstone, deeply wounded in his feelings, replied as follows:—

> "I have the honour to acknowledge the receipt of your letter of this date, in which is stated the opinion of the Lords Commissioners of the Admiralty as to the circumstances attending the stranding of this vessel, in which they consider the conduct of Mr. Phillips, master, and myself to have been highly reprehensible, and deserving of their Lordships' severe censure. As the reasoning by which this opinion was arrived at is unknown to me, I not having been allowed to be present at the court of inquiry (further than to give my own statement), am therefore not only totally ignorant of the statements made, but had no opportunity of questioning witnesses or of making any defence, I must request you to move their Lordships to be pleased to grant that a court martial may be assembled to investigate the matter, feeling, as I do most strongly, that the severe reproof received is unmerited."

The answer, which was conveyed in a memorandum—a system most painful and wounding to the feeling of an officer, was to this effect—

> "The Lords Commissioners of the Admiralty having had under their consideration your request for a court martial to be held to inquire into the circumstances under which Her Majesty's ship *Vigilant*, under your command, was run aground on the Gunfleet Sand, I am commanded by their Lordships to acquaint you, that before deciding upon your request, they forward for your perusal copy of the proceedings of the court of inquiry;

The Earl of Hardwicke

and they will receive from you any observations which you and the master of that ship may have to make on them, if, after a perusal of the evidence, you are of opinion that you can materially alter the facts proved, and that you are still desirous of being tried by court martial."

Thus, they offered a trial by court martial of the facts which they said had been proved. But what was an officer to do who knew that a court martial was as rotten as a court of inquiry? This arose from the Admiralty now undertaking to set aside the sentences of courts martial as useless and of no value. What had occurred only the other day? In the case of the *Conqueror* Captain Sotheby, the officer in command, was tried by court martial and acquitted; but the Admiralty set aside the finding, said that they would not acquit him, and that the court martial on the evidence ought to have found him guilty, and in addition the Admiralty censured him. So much for the respect in which a court martial was held by the Admiralty, and to which Lord Elphinstone was asked to appeal after he had been removed from his ship and severely censured by the Admiralty. It was no wonder, then, that Lord Elphinstone, under such circumstances, did not feel disposed to put himself to the additional torture of being tried by a court martial in which he could have no confidence. In this case of the *Vigilant* they had damaged a most valuable officer in the service—a man of unimpeachable character, who had served through the whole of the Crimean war with distinction to himself and honour to the service—an officer and a gentleman, who had displayed a mildness of temper and the most perfect forbearance throughout the correspondence he had had with the Admiralty. He knew it would be said that Lord Elphinstone was liable to severe censure because he had not followed out certain printed instructions which throw the responsibility on the captain, even though there was a pilot on board, and required him to watch the pilot and in some cases to interfere. What were those duties? According to the Articles of Instruction, chapter 19, article 7—

"The captain is to order everything that relates to the navigation of the ship to be performed as the pilot shall require. But nevertheless he and the master are to attend particularly to his conduct; and if from his or the master's observations he shall have reason to believe the pilot not qualified to conduct the ship, or that he is running her into danger, he is to remove him from his charge, and to take such measures for the safety of the ship as circumstances may require."

In this case nothing of the sort appeared. The pilot was a man who had seen twenty years' service in the Thames and the channels leading to it, and the captain had no reason to suppose that he was not a competent man. He (the Earl of Hardwicke) himself commanded a frigate in the North Sea a few years ago, and he knew that the difficulties of this channel were such that when a ship was under canvas accidents might occur for which no blame should attach to any one; and it was because he knew this that he complained so much of the course which had been pursued towards Lord Elphinstone. Lord Elphinstone wrote again to the Admiralty, begging that some of the questions might be re-examined, and, in reply, he received this answer—

"I am commanded by their Lordships to acquaint you that they do not consider any further investigation necessary to enable them to form a correct judgment in this case, since your statement leaves the material points of the case unaltered. . . . My Lords, therefore, can see no cause for modifying their censure, or altering the opinion expressed by them Should you, however, after receiving this expression of their Lordships' opinion still desire a further investigation, my Lords will order you to be tried by a court martial."

He could not conceive anything less encouraging than this letter or less likely to induce Lord Elphinstone to place himself in the hands of a court martial. Lord Elphinstone replied—

"I regret, for the sake of the profession, that their Lordships deem it right to deprive an officer of his command, and to censure him severely, upon the private opinion of a court of inquiry, which refused him any opportunity of vindicating his reputation. A court martial can neither restore me to my ship, nor remove their Lordships' censure, and I shall therefore not deem it necessary to apply for further trial."

One would have supposed that a great Department would have been anxious to vindicate the character of an officer rather than to oppress him; but that was not the tone of the letter with which the Admiralty concluded the correspondence. Instead of adopting a high and dignified tone, they made this a quarrel with the officer. The answer sent to Lord Elphinstone by the Secretary was to this effect—

"Admiralty, Dec. 3, 1862.

"My Lord,—I have received and laid before my Lords Commissioners of the Admiralty your Lordship's letter of the 22nd ult.; and I am directed to acquaint you that they have read the same with much surprise and regret; since, after having been informed by their Lordships that they had formed their opinion after a careful review of all the facts of the case, you now assume that their judgment has been based on a private opinion of a court of inquiry, which refused you any opportunity of vindicating your character. My Lords consider your letter as highly objectionable in its tone. I am, my Lord, your Lordship's most obedient servant. C. PAGET."

Objectionable in tone! Why, Lord Elphinstone had throughout conducted his correspondence with temper and courtesy, and in a manner which was honourable to him in every way. The man who had been so treated was, he contended, an insulted man and an ill-used officer. He should therefore call upon the noble Duke at the head of the Admiralty, who he was well aware entertained a high sense of justice, to vindicate the course which his Department had thought fit to adopt in the case. The character of the officer he would leave in the hands of the public.

THE DUKE OF SOMERSET said, he would go at once to the main point of the case of the *Vigilant*, and the conduct of Lord Elphinstone. He must utterly dissent from the statement of the noble Earl that the Admiralty had made a quarrel with Lord Elphinstone. So far from having any inclination to quarrel with Lord Elphinstone, he entertained towards him, from what he had seen of his gentlemanly conduct and bearing, no other feeling than one of prepossession in his favour. Their Lordships, too, might easily imagine that he would not be the less disposed to do justice to an officer because he happened to have influential connections, by whom any wrong done him might be pressed upon the attention of the House. The fact was that the Admiralty had dealt with Lord Elphinstone as they would have, under similar circumstances, done with any other officer in the service, and had not deemed him, because of his social position, entitled to any especial favour. The facts of the case, as it had been submitted for the decision of the Admiralty, were very simple. On the 22nd of October the *Vigilant* ran aground on the Gunfleet Sand, which was so well known to be a dangerous spot that the Trinity House had placed a light on it, as well as buoys in its vicinity. Nowithstanding the warning furnished by the light-house and the buoys, however, the vessel was run on the sand. He had a chart which showed exactly where the *Vigilant* was, and how she ran aground. The sailing directions, he might add, were most explicit in the cautions which they supplied with regard to the place. They pointed out the proper anchorage, and in short gave all the requisite information to enable the commander of a ship to avoid danger. It was quite true, as the noble Earl had stated, that there was a pilot on board the vessel in question; but the pilot could neither read nor write. The commander and the master of the ship nevertheless trusted implicitly to his guidance, and never consulted either the chart or the sailing directions. If they had done so, and had taken the bearing of the light-house, it would have been impossible for them to have run upon the shoal. It was often said of yachting men that they were very careless on the coast, and that they went about knowing nothing and fearing nothing, but he did not believe any yachting man sailing his own yacht would sail so close to the light-house as to run on the Gunfleet Sand. Such as he had stated were the facts of the case as they had been laid before the Board of Admiralty, and they had taken the course which seemed to them to be the proper one under the circumstances. In grave cases in which a vessel happened to be lost, it was usual to appoint a court martial, and in ordinary cases it was the practice to institute a court of inquiry. Nor was the practice, as the noble Earl seemed to think, a new one, as he would find by a reference to a book relating to naval and military courts martial, a fourth edition of which was published so long ago as 1813. This book was entitled *The Principles and Practice of Naval and Military Courts Martial* by John McArthur; it contained a long chapter on courts of inquiry. There was, besides, *A Treatise on the Criminal Law of the Navy*, which was published in 1861, and which made mention of courts of inquiry as sanctioned by judicial recognition in the courts of common law. The courts of inquiry were of two kinds—one preliminary, to see if there was any ground for summoning a court martial; and when the result of the preliminary inquiry was thought sufficient for the purpose of the case, it was not always deemed necessary to order a subsequent court martial. He could quote a number of instances to show that on distant stations courts of inquiry had been summoned in the smaller class of cases, and that having examined into the matters brought before them, they pronounced an opinion upon them upon which the Admiralty came to a decision. Proceeding upon that principle, a court of inquiry had been held on board the *Formidable* on the 27th of October, which was composed of three captains of high standing. They heard the evidence of the commander of the vessel—Lord Elphinstone—of the master, the pilot, and others; and having heard them, they made up their mind upon the subject of the investigation, and reported that they considered the commander as well as the master deserving of blame. The Admiralty, having gone into the question with the chart before them, which clearly showed how the case stood, were satisfied with the finding. The evidence of Lord Elphinstone himself, indeed, went to show that he had not given that attention which an officer should give to the course which his vessel was pursuing. There could not be a clearer case of neglect. Lord Elphinstone had been to some extent tried, and he therefore knew exactly the charge against him; and after receiving the letter from the Admiralty blaming him, he, in the first instance, demanded a court martial. The Admiralty then sent him the whole proceedings, and the evidence, and everything that had been said against him; and they said to Lord Elphinstone, that if, after the perusal of the evidence and the proceedings, he was still desirous of having a court martial, the Board would order it at once. What did Lord Elphinstone do? Immediately he received this information he withdrew his demand for a court martial, and, with more judgment than he showed with regard to the shoal, he declined further investigation. He said he did not wish to have a court martial; but not satisfied with that, he now appealed to the House of Lords. He (the Duke of Somerset) did not think that that House was a convenient place for officers who had been censured to come and have their characters whitewashed. He knew that in former times it was said to be the practice at the Admiralty to take all blame off captains because they were gentlemen of position in society, and to throw it upon the masters; but although that was the common practice in years past, he did not consider it a just one, because clearly the proper course was for captains to bear their fair share of responsibility as to the management of the ship. He considered that the captain, as well as the master, was responsible where there was any case of gross neglect; and, in his opinion, this was a case of gross neglect, for the misfortune happened in open day, within half a mile of the light-house, and on a well-known shoal. The consequence was, that the *Vigilant* was eleven hours ashore, and was so much injured that when taken to Sheerness the Admiralty was informed she was not fit to go to sea. He thought, that when they had to send a vessel in place of the one which had been damaged by the carelessness and neglect of her captain, they did quite right in appointing another captain, and that was a course which he was prepared to defend. The noble Earl (the Earl of Hardwicke) said they had overruled the decisions of courts martial and referred to the case of the *Conqueror*, where the court decided that the blame attached to the master, and not to the captain. The Admiralty looked at the Instructions, and finding that in the last edition some words were left out, which did not leave it as clear as in the old Instructions that the captain was deemed responsible for the conduct of the vessel, they had the Instructions reprinted, thus giving all captains notice that they were held responsible for the safety of their ships. He could only say, that if the Admiralty were bound to take care of Her Majesty's ships, they could not allow captains to go about as if they were irresponsible, and when an accident happened, to throw all the blame on the master. That was what happened in the case of the *Conqueror*, and the Admiralty did well to point out that captains were responsible for the safety of their ships. As the noble Earl had brought the case of Lord Elphinstone before the House of Lords, he was obliged to repeat, that when he looked into the case most carefully, with the assistance of a number of officers, there was no difference of opinion that there had been great neglect and great inattention on the part of Lord Elphinstone in running the ship on this shoal, and putting the country to the expense of repairs, and to the inconvenience of sending another vessel, at a moment's notice, in consequence of that miscarriage.

THE MARQUESS TOWNSHEND said, he was very decidedly of opinion that Lord Elphinstone had received very hard treatment. He knew Lord Elphinstone, and he knew him to be a most deserving and very excellent officer. The ship was run ashore when in the hands of the pilot; and if, having a qualified pilot on board, Lord Elphinstone had taken the command out of the pilot's hands, he would deserve to be broken—at least, that was what was understood to be the old rule of the service.

LORD COLCHESTER differed from the

noble Duke at the head of the Admiralty in reference to what he had said about courts of inquiry. He said that courts of inquiry were of old standing; and so they were, but only for the purpose of conducting preliminary investigations. He had himself sat upon a court of inquiry, and he did not think that the tribunal was one very well qualified to bring out the whole truth. There was considerable difference between a court of inquiry and a court martial. In a court of inquiry the witnesses were not examined upon oath, and were not cross-examined. In courts martial the witnesses were examined upon oath and cross-examined, the proceedings were conducted in the presence of the accused; and the trial was as fair as a trial in a court of law. The officers composing them were the senior officers who by chance were on the station, and were not chosen, as those who composed courts of inquiry, by the Admiralty. He was very much opposed to any officer or man being tried by a court of inquiry, instead of by court martial.

THE EARL OF HARDWICKE said, that in pilot water, where captains were not expected to have local knowledge, the charge of the vessel was given to the pilot, and the captain was bound not to interfere, unless he was convinced that the pilot was unfit for his duty. In this case the pilot in charge was one of a select body, who had undergone the strictest examination, and it would be a bold captain indeed who would take the command out of such a pilot's hands at the mouth of the Thames. The noble Duke had gone into the whole case of Lord Elphinstone in replying to general observations upon certain tribunals, and had thought proper to condemn that officer as having been guilty of impropriety and misconduct as a naval officer. In meeting a charge of mismanagement of courts of justice, the noble Duke had condemned the unfortunate officer who had been convicted before an incompetent tribunal. He knew very little of the case of Lord Elphinstone, and in using an illustration in his speech he never meant to draw upon Lord Elphinstone's head the censure of the First Lord of the Admiralty before the House of Lords. Had he imagined such would be the result, he certainly would never have mentioned it at all; but now he confidently appealed to their Lordships for their opinion whether justice had been done to Lord Elphinstone. ["Hear!"] If that cheer was intended to assert that justice had been done, he was quite sure that it did not come from the heart of the noble Lord who uttered it.

EARL GRANVILLE said, he was not acquainted with the particulars of the case before he came into the House; but having heard the discussion that had taken place, he was of opinion that Lord Elphinstone was an ill-used man—but that he was ill-used not by the Admiralty, but by his noble and gallant Friend who had brought the case before their Lordships, and who brought it forward, not in a singularly moderate or temperate speech, but in a speech in which he had almost exhausted vituperative epithets against the Admiralty, accusing them of despotism and injustice. The noble Earl made these charges, too, upon a case which he afterwards told their Lordships he knew nothing about. Speaking not as a professional man but as a civilian, he (Earl Granville) could conceive nothing more fair, more courteous, and he would say more considerate than the conduct of the Admiralty in this matter. The noble Earl said it was wrong to refer the case to a court of inquiry. That was an attack against the institution, but the noble Duke had stated, and no one had disputed the fact, that courts of inquiry had existed, and had been constantly employed for years past. It appeared, upon the evidence of Lord Elphinstone himself, that that officer had been guilty of neglect in running his ship upon the shoal; and when the noble Earl said that a great deal of harm was not done to the ship, surely that was not a point that affected the question in the slightest degree. A censure was accordingly passed upon him by the Board of Admiralty. Feeling hurt at this result, the noble and gallant officer demanded a court martial, as he had a perfect right to do if he thought he had suffered an injustice. He thought that part of the noble and gallant officer's letter which the noble Earl had read to their Lordships showed very clearly the considerate conduct of the Admiralty, for they sent the evidence on the subject to the noble and gallant officer, and asked him to peruse it before he pressed his request for a court martial. It was not insinuated that the noble Duke had any objection to granting a court martial, and in suggesting a reason why the noble and gallant officer did not continue his application for one, the noble Earl opposite cast something like an aspersion on the members of a most honourable profession. He always understood that a court martial administered justice, and he did not know to what other court such a case could be referred. The noble and gallant officer, on reflection, did not deem it advisable to pursue his request for a court martial; and if he had any reason for complaint, it was not against the Admiralty, but against his zealous and extremely injudicious Friend, who had brought forward the case in such a way as to compel the noble Duke the First Lord to make disclosures which certainly told against an officer who otherwise held a high character in the service.

THE EARL OF DERBY said, he had no personal acquaintance with Lord Elphinstone, and knew nothing of any of the parties concerned, nor was he able to judge of the degree of responsibility which, under the circumstances described, attached to the gallant officer the captain, the master, or the mate of the *Vigilant.* But the noble Duke and the noble Earl who had just spoken had passed over that which seemed to him an important part of his noble and gallant Friend's complaint, and that which seemed to him the pith of the whole grievance—namely, that Lord Elphinstone had been tried, condemned, and censured, and the censure had been carried into effect, by a tribunal before which he had no opportunity of confronting or cross-examining witnesses. The noble Duke said there was nothing new in courts of inquiry, and upon that subject the noble Duke spoke with more authority than he could; but he apprehended, that while there was nothing unusual in appointing a court of inquiry as a preliminary measure, there was a great deal that was unusual in condemning upon the evidence taken before a court of inquiry, and not upon oath, a person who had had no opportunity of asking questions of the witnesses or making observations on the case. There was something wholly inconsistent with the popular idea of justice and fair-play in such a course. Nothing could be closer or more correct than the analogy which had been drawn between a court of inquiry and a grand jury. Both proceeded on *ex parte* evidence, but no one ever proposed that a man should be convicted on the finding of a grand jury without being sent to a petty jury, where he could cross-examine witnesses and make his defence. The noble Duke said it frequently happened that the Admiralty were satisfied with the finding of a court of inquiry, and did not press the matter further. In the same way, when a grand jury ignored a Bill, the prisoner was not put upon his trial; and in a case where the court of inquiry negatived the charge brought before them, there was no occasion for further proceedings. But in this case the Admiralty had upon an *ex parte* statement proceeded to dismiss an officer from his command with a severe censure. Upon this, the officer expressed surprise and regret that such a hasty decision should have been formed with regard to his conduct, and requested a court martial. Was this request acceded to? No; but the Admiralty met the complaint that the accused had not had an opportunity of cross-examining witnesses by sending him a report of the proceedings of an inquiry at which he had not been present, and calling upon him, in the first instance, to give his explanation upon that case. Part of the answer of Lord Elphinstone was a vindication of his conduct; but in another part he absolutely denied some of the material facts which appeared to have been stated by some of the witnesses. The Admiralty wrote back that they had received the answer, that they found no sort of reason for altering their opinion, that they still considered his conduct open to the censure they had passed; but that if, after that expression of opinion, Lord Elphinstone chose to be tried by a court martial, having been already tried, convicted, and condemned, he was at liberty to have a court martial, with the weight of the decision of the Board of Admiralty against him. He (the Earl of Derby) did not wonder that, under these circumstances, the offer was refused. He agreed with the noble Marquess (the Marquess of Townshend), and he believed the opinion was shared by nine-tenths of their Lordships' House, that Lord Elphinstone had in this case been hardly dealt with, and that it was contrary to the principles of British justice to condemn a man upon the finding of a tribunal before which he had had no opportunity of defending himself.

EARL RUSSELL said, the noble Earl had omitted what appeared to him a most material point in the case. The noble Earl had complained of the hardship of condemning a man unheard upon statements made before a court of inquiry; but had admitted that the whole of the objection would have been met had a court martial been granted by the Admiralty. The only complaint, therefore, in this case was that the Board of Admiralty, instead of granting the court martial at once, had said to the gallant officer, "It may not be for your interest to have a court martial, and we send you the proceedings before the court of inquiry."

The Earl of DERBY: Where do they say it is not for his interest?

Earl RUSSELL said, what they actually did was to send the proceedings before the court of inquiry for Lord Elphinstone to read in order to judge whether, having the evidence before him, he still thought it for his interest to be tried by a court martial. This put an end altogether to the charge that the gallant officer was condemned without having an opportunity of seeing, or cross-examining, the witnesses, for he might have had that opportunity had he chosen. But Lord Elphinstone deliberately, and perhaps very judiciously, having read these proceedings, said he would not ask for a court martial. The only conclusion that he (Earl Russell), under the circumstances, could draw, was, that Lord Elphinstone did not think it for his interest to proceed further with the case—that he felt that the evidence would go against him, and that the sentence of a court martial would be more injurious to his reputation than the sentence of the court of inquiry. Had he gone before a court martial, he would, of course, have been able to cross-examine witnesses, and to bring forward evidence on his own side. He did not dispute the analogy between a grand jury and a court of inquiry; but he might remind their Lordships, that if, after the finding of the grand jury, a prisoner thought proper to defend himself, he pleaded not guilty, and was tried before the petty jury; but if, feeling that the evidence before the grand jury was sufficient to convict, he preferred pleading guilty, no proceedings were taken before the petty jury. It seemed to him that there was something like pleading guilty in withdrawing a request for a court martial after an adverse decision from a court of inquiry.

Lord CHELMSFORD said, that the analogy drawn between courts of inquiry and grand juries was perfectly correct; but he would ask the noble Earl who had last spoken in what a position would a man be placed when brought to the bar to be tried, after having a true bill returned against him, if the Judge were to say to him, "I have read over all these depositions, and I am clearly of opinion that the accusation is made out completely against you; but if you like, after this expression of my opinion, you may plead 'not guilty,' and take your trial?" That was just the position of Lord Elphinstone. When that noble Lord demanded a court martial, it was quite clear that the demand ought to have been immediately complied with; but, instead of that, the Board of Admiralty sent to the noble Lord the proceedings of the court of inquiry, the greater part of which took place in Lord Elphinstone's absence and without his having an opportunity of examining any witness, and asked for the noble Lord's observations with respect to them. Lord Elphinstone made his observations and forwarded them to the Admiralty, and then an answer was returned stating that the Lords of the Admiralty saw no cause for modifying their censure; but that if Lord Elphinstone, after receiving this expression of opinion, desired further investigation, the Lords of the Admiralty would order him to be tried by court martial. What must have been Lord Elphinstone's impression of the probable result of the proceeding, especially when it appeared that in one instance which had been mentioned in the House the Admiralty had thought proper not to adopt an acquittal pronounced by a court martial? He thought Lord Elphinstone was perfectly justified in saying, "A court martial can never restore me to my ship, nor remove their Lordship's censure, and I shall, therefore, not feel it necessary to apply for another trial." He thought that a very harsh course of conduct had been pursued towards an officer who appeared to be highly deserving, and he did not think that the noble Duke had given a satisfactory explanation when challenged to justify the proceedings of the Admiralty.

Lord CRANWORTH said, that as regarded the general question, he was of opinion, that although personally perhaps Lord Elphinstone had no right to complain of the course pursued, the system was such that the sooner it was abandoned the better. It was idle to suppose, that after the decision against him in a court of inquiry, an officer could be fairly tried by another tribunal. The finding of a grand jury did not, in any way, prejudice the accused, because it was known to be come to upon *ex parte* evidence; but when a person had been allowed to make his defence and a judgment had been pronounced against him, it was impossible that his case could come to a fair investigation afterwards. Having expressed his disapprobation of the general system, he must say in justice to the noble Duke at the head of the Admiralty that all he had done had been done in mercy and kindness to Lord Elphinstone.

Lord DENMAN was understood to express his belief, that if Lord Elphinstone now desired a court martial, the inquiry would, after the discussion which had just taken place, be conducted in a manner different from that in which it otherwise might have been.

OFFICE OF SECRETARY AT WAR ABOLITION BILL.

Bill read 1ª; to be *printed;* and to be read 2ª on *Thursday* next: (*The Earl De Grey.*) (No. 71.)

OATHS RELIEF IN CRIMINAL PROCEEDINGS (SCOTLAND) BILL.

Bill read 1ª, and to be *printed.* (No. 72.)

NEW ZEALAND BOUNDARIES BILL [H. L.]

A Bill to alter the Boundaries of New Zealand—Was *presented* by the Duke of Newcastle, and read 1ª. (No. 73).

OFFENCES (SOUTH AFRICA) BILL [H.L.]

A Bill for the Prevention and Punishment of Offences committed by Her Majesty's Subjects in South Africa—Was *presented* by the Duke of Newcastle, and read 1ª. (No. 74.)

House adjourned at half past Seven o'clock, till To-morrow a quarter before Five o'clock.

HOUSE OF COMMONS,

Monday, April 20, 1863.

MINUTES.]—New Writ Issued—for New Radnor, *v.* the Right hon. Sir George Cornewall Lewis, baronet, deceased.

Public Bills—*First Reading*—Church Buildings and New Parishes Acts Amendment [Bill 82]; Municipal Elections [Bill 83].

Second Reading—Prison Ministers [Bill 24]; Assurances Registration (Ireland) [Bill 46].

Committee—English Church Services in Wales (*Lords*) [Bill 53].

Report — English Church Services in Wales (*Lords*) [Bill 81].

Third Reading—Gardens in Towns Protection (*Lords*) [Bill 50], and *passed.*

Bill withdrawn—Roman Catholic Marriages Registration [Bill 73].

FISHERIES PROSECUTIONS IN IRELAND.—QUESTION.

Mr. BLAKE said, he would beg to ask the Secretary to the Treasury, Whether the Records of the Board of Public Works in Ireland show that other Letters than those contained in the Return to an Order of the House, March 3 (Parliamentary Paper, No. 109), passed between the Fishery Department and Mr. Michael Dobbyn, one of the Defendants in a late Fishery Prosecution, instituted at the instance of the Board, between 26th January, and February 1st, 1863; and whether, in the event of there being such other Letters, there is any objection to lay them upon the table of the House?

Mr. PEEL said, so far as he knew, all the Letters which had passed between the Department and Mr. Dobbyn had been included in the Return. It did, however, appear, from a record kept by the Board, that a letter dated 30th January had been sent from the Commissioner (Mr. Barry), to Mr. Dobbyn. But that letter was private. At all events, it was sealed, and therefore its contents were not known to the Board of Works, and it could not be included in the Return.

DESTITUTION IN IRELAND.

QUESTION.

Mr. GREGORY said, he wished to ask the Chief Secretary for Ireland, Whether any Reports from the Poor Law Inspectors have reached him as to the state of destitution in the western districts of Galway and Mayo; if so, whether he will lay these Reports before the House; if not, if he will order the Inspectors to report as to the condition of those districts?

Sir ROBERT PEEL, in reply to the question of his hon. Friend, begged to say that he was constantly in the habit of receiving Reports from the Poor Law Inspectors as to the condition of the different districts in Ireland. By reference to their last Report his hon. Friend would see what was the general state of Ireland in the estimation of the Poor Law Commissioners. The Government would have no objection to lay any of the recent Reports on the table of the House.

BANDA AND KIRWEE BOOTY.

QUESTION.

Mr. ANGERSTEIN said, he would beg to ask the First Lord of the Treasury, Whether the Law Officers of the Crown have been consulted and have pronounced their opinion on the subject of the Banda and Kirwee Booty, and whether there is any objection to communicate their opinion to the House; whether it is the intention of the Government to recommend the distribution of the Prize Money according to the opinion of the Law Officers of the Crown; and, if the preferential right of the actual Captors has been established, whether there is any other cause for delay in distributing this Prize Money?

Viscount PALMERSTON: We have not, Sir, yet been able to come to any decision with respect to this matter. Very lately I received a counter-statement from some of the parties concerned, and no answer could be given till that counter-statement, which was most adverse to the claims, had been duly considered. I may state in explanation, however, that the matter is not one that turns on any question of law. The decision rests entirely with the discretion of the Crown, and that discretion must be governed according to the principles of justice and equity as depending on, and governed by, the circumstances of the case.

Mr ANGERSTEIN: Will the noble Lord name any day when it will be convenient to give an answer if I repeat the question?

Viscount PALMERSTON: It is very difficult to name any day on which it may be convenient, consistently with the attention demanded by other questions, to enter into this matter, which involves considerable detail.

Mr. ANGERSTEIN: The parties are very much interested.

Viscount PALMERSTON: Oh, of course; the parties on both sides are much interested.

IRON-PLATED SHIPS.

QUESTION.

Mr. LONGFIELD said, he rose to ask the Secretary to the Admiralty, If the Iron Plate Committee have made any Report on the subject referred to them; if so, whether he has any objection to lay the same before this House?

Lord CLARENCE PAGET said, in reply, that the Iron Plate Company had been in the habit of making very detailed Reports to the Admiralty of all the experiments that had taken place at Shoeburyness. If that information could be confined to Members of that House, there would be little objection to furnishing it; but the Government thought it extremely unadvisable and impolitic that the results of those experiments should be known to the world.

Mr. Angerstein

MR. ADAMS, THE AMERICAN MINISTER.

QUESTION.

Mr. PEACOCKE said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether information has been received at the Foreign Office with regard to a statement that was made by Mr. Crawford to Lord Russell on the subject of Mr. Adams having granted a Special Letter to a certain vessel which sailed from this country to carry supplies to Matamoras for the Mexican Government, to be used in their present war against France; and, if so, whether Mr. Adams has acknowledged the correctness of that statement; in which event, also to ask what course the Government intend to pursue with reference to Mr. Adams?

Mr. LAYARD: I beg to reply that the matter is still under the consideration of Her Majesty's Government, and no communication has yet been made to Mr. Adams on the subject.

POLICE IN COUNTIES AND BOROUGHS.

QUESTION.

Mr. KEKEWICH said, he wished to ask the Secretary to the Treasury, Whether the sum voted by Parliament for the Police Force in Counties and Boroughs is calculated on the net expenditure, after deducting the amount of the superannuation fund, rent, fines, and stoppages; and, if so, for what reason the Government objects to repay one-fourth of the whole amount expended for the pay and clothing?

Mr. PEEL said, in reply, that the contribution to which the Government was liable by Act of Parliament was limited not to exceed one-fourth of the cost of the pay and clothing of the Police Force, and by that they considered was meant the real pay and not anything which might be merely nominal pay. Where, therefore, they had found allowances for travelling expenses, or allowances for the rental of houses, had been converted into pay and made part of the pay, they had separated and set aside that portion in calculating the sum upon which their contribution was due. In the same way with regard to the deductions for the superannuation fund and for fines, as those were deductions made compulsorily, the Government did not think they would be justified under the Act in contributing towards them.

PRISON MINISTERS BILL—[Bill 24.]

SECOND READING.

Order for Second Reading read.

Sir GEORGE GREY: Sir, as a considerable time has elapsed since I obtained leave to introduce this Bill, and as many hon. Members may probably now be in the House who were not present on that occasion, I think it right, without entering into all the details I then laid before the House, that I should preface the Motion for the second reading by a brief reference to the main facts on which the Bill is founded, as well as to the provisions of the Bill itself. I am the more anxious to do this because I am well aware that very strong feelings of objection exist in many quarters to any alteration of the existing law as regards the religious instruction of prisoners in county prisons in England and Scotland. Those are feelings which I cannot but respect, because I believe them to be founded on religious conviction, but they are feelings, I must add, which appear to me to be utterly mistaken and misapplied with reference to the provisions of this Bill. I cannot bring myself to understand that this Bill raises any question that can be connected with the truth or error of any church or form of religious belief. If that were the question at issue, I should agree with my hon. Friends who object to any alteration of the law in this respect, their objection being, I believe, founded on conscientious attachment, which I fully share with them, to the doctrines of the Protestant religion as professed by the great majority of the inhabitants of this country. But I do not think this question enters at all into the consideration of the subject now before the House, nor does that subject involve the admission of any principle which can possibly be injurious to the maintenance of Protestant doctrine. The Bill, in fact, involves no new principle; it involves only the extension of a principle we have already sanctioned and recognised repeatedly, that extension being demanded by regard to our own consistency as well as by a sense of justice to a large portion of our fellow subjects—the Roman Catholics of this country. I formerly stated, that although the terms of the Bill, following the terms of the existing law, are general, and do not refer to any particular denomination of Christians, yet the application of its provisions will be chiefly, at all events, confined to Roman Catholics. I desire to state this without reserve or concealment. What are the main facts with which we have to deal? The principal fact is, that there are to be found in the county and borough gaols of England and Wales a very large number of prisoners who are members of the Roman Catholic Church. According to a Return made on the Motion of the noble Lord the Member for Arundel (Lord Edward Howard) at the beginning of last year, there were no less than between 3,000 and 4,000 Roman Catholic prisoners in the county and borough gaols of England and Wales, besides about 1,500 Roman Catholics in the convict prisons of this country. I am afraid, also, that from the increase of crime since then, the number is now larger. Nor is that surprising. Considering the great facility of intercourse which of late has been created between Ireland and the other portions of the United Kingdom, and bearing in mind the higher rate of remuneration for manual labour obtained in this country, the result has been a large influx into England and Scotland of Irish labourers, nearly all of whom would be Roman Catholics. They form a considerable portion of the population of our large towns, and especially of that class which is devoted to manual and unskilled labour. That is, to a certain extent the case in London; and it is so to a greater extent in Liverpool, Birmingham, Manchester, Glasgow, and other centres of commerce and manufacture. Considering the circumstances, the lives these people lead—the ignorance too often, I fear, arising from inattention to their spiritual and moral interests—it is not surprising that the labouring classes of the population furnish the great bulk of our criminal population, and of the inmates of our gaols; nor is it a matter of surprise that there should be found among them a large number of Roman Catholics. But before considering their condition in prison, let us consider their normal condition in this country. In a religious point of view, they have perfect freedom; they have chapels and priests, with the fullest opportunities of attending the public worship of their Church, and of receiving the private ministrations of their priests. In addition, they receive, out of a grant annually voted by Parliament, aid for their schools, in order to remove the ignorance which too often prevails among persons in that class of life. But let us go a step further. Many of our recruits are taken from that class—

a vast number of Irish Roman Catholics are to be found in the ranks of the army. The discipline of the army, the duties which it has to perform, and the stations where troops may be posted, make it impossible that a soldier can have the same individual freedom as to attending the ministrations of his Church, or of receiving the private instruction of his priest, as he had before enlistment. The connection between the priest and the soldier, as a member of his congregation, is severed when he enters the army. What does the State do? The State provides, by commissioned Protestant chaplains, for the religious instruction of the great bulk of the army. Presbyterian chaplains are attached to certain Scotch regiments, and Roman Catholics are placed upon the same footing. By the Return presented last year it appears that there are no less than eighteen commissioned Roman Catholic chaplains provided for by grants annually voted by this House, for the religious instruction of Roman Catholic soldiers, and they are exclusive of the provision which is made for the religious instruction of troops in Ireland, and in various stations abroad. But let us go a step further. The soldier, when he enlists, finds his religious wants provided for by the State, and I am happy to say no objection is ever made to that particular Vote in the War Estimates. But what is the case if he commits an offence which results in a sentence of imprisonment? If he commits a military offence, he is tried by court martial; and if there be a military prison in the district which is not full, he is sent there to undergo his punishment. In these prisons, if within reach of a commissioned chaplain, it is part of the duty of such chaplain to give his attendance in them; but when the prison is too remote from a commissioned chaplain, then special provision is made for the services of a local priest to minister to the spiritual necessities of the prisoner. But supposing there is no military prison near, or that it is full, then the Roman Catholic soldier is sent to undergo his sentence in the borough or county gaol. Or let us take the more common case, that the offence committed is against the ordinary law of the country; the offender is given up to the civil power, and, after conviction, is sent to the civil prison. What is the consequence of this, which may be the result of the mere accident of there being no military prison near, or its being full? Here we come to what seems to me to be a defect in the law, for which a remedy should be found. The law, with regard to county prisons, is most specific, and therefore I shall refer to it. The law relating to the borough prisons is, in the main, of the same character, but I need not refer to the details. In all county prison it is very properly required that a chaplain of the Established Church should be appointed, who is paid in proportion to the number of prisoners which the gaol is capable of receiving. Upon that chaplain, not by regulation, but by law, are imposed certain duties. He is bound not merely to read the services of the Church, but to visit every room and cell in which prisoners are confined, irrespective of their creed; and to him is committed the responsibility, or the right, or the duty, whichever it may be called, of prescribing the lessons which are to be taught, and the books which are to be read by the prisoners for their moral and religious instruction. Roman Catholic prisoners equally with Protestants, subject only to one modification, are committed to the exclusive care of the Protestant chaplain. There is a modification, I allow. It is contained in what is called the "special request clause," by which, at the special request of any prisoner who is not a member of the Established Church, he may, under such regulations as are consistent with the rules of the prison, be visited by a minister of his own church. Let the House bear in mind, that although the request be made and complied with, it in no degree modifies the obligation cast by law upon the Protestant chaplain to visit every room and cell in the prison, and to prescribe the lessons and books to be used by all the prisoners. In one case only is that law relaxed, and that is in regard to persons under sentence of death. In those cases, out of regard, I presume, to the highest interests of persons standing on the verge of eternity, it is provided, that where the person so condemned is not a member of the Established Church, at his special request he may be attended by a minister of his own faith, to whose exclusive care he shall be left. I think the contrast between what is done for a Roman Catholic soldier in a military prison with what occurs to him in a civil gaol shows that the law is defective. Circumstances have changed since the law was made. Owing to causes to which I have referred, the Roman Catholic population in the country has largely increased, not, indeed. by conversions, but by a large influx of Irish Roman Catholics, and therefore it is not surprising that the number of Roman Catholics in our gaols is very much larger than it was at the time the existing Act was passed. The large number of Roman Catholics in our prisons is a matter which it is right the House should take into account. It is not necessary, nor probable, that the provisions of this Bill, although general, will be applicable to the great majority of prisons. There are some, which I enumerated when I brought in the Bill, in which the proportion of Roman Catholic prisoners to Protestants is very large. I will now only refer to Liverpool, the strongest case certainly, where, out of 888 prisoners, 485 at the date of the last Return were Roman Catholics, all of whom are subject to the general law I have mentioned. I may say here that there are some exceptions in the Return I have quoted, and I refer particularly to the case of Stafford County Gaol, and to the gaol at Knutsford, where the visiting magistrates have disregarded the special request clause, and have authorized the regular visits of Roman Catholic priests. In saying that they have disregarded the law as it stands I do not mean to say a word to their disparagement, because I think that they have done right. But this is a course taken in very few instances, and in the great majority of cases magistrates feel that they are bound to abide by the letter and the spirit of the law, and have refused to sanction similar arrangements, until they can act under the authority of Parliament. Well, then, how does this special request clause act? The Return to which I have just referred gives some instructive information on this point. With the exception of the few cases in which the visiting justices allow Roman Catholic prisoners to be visited by their priests, special requests are rarely made, and out of the 485 Roman Catholic prisoners in Liverpool, the total number of requests made to be visited by a priest was only thirty-six. I know that some of my hon. Friends allege that the very infrequency of these special requests argues a preference for Protestant teaching on the part of prisoners, and that if permission to visit is given to Roman Catholic priests, it will be an interference with the religious freedom of those prisoners. I must say that this seems to me to be an extraordinary argument. I believe that the infrequency of these requests arises not from the preference of prisoners for one form of religion or another, but from an aversion or indifference to any religious instruction whatever; and if Protestant prisoners were only visited by Protestant chaplains when they made a special request to that effect, the result would probably be just the same. Just for a moment attempt to reverse the case. Let my hon. Friends, who object to the provisions of this Bill, suppose they were Members of a Protestant minority in a community composed chiefly of Roman Catholics, living under a Roman Catholic Government; and that persons professing their own religious faith, from their circumstances in life, from the peculiar temptations to which they were subjected, or from any other causes, composed a considerable proportion of the criminal population of the country. Would it be satisfactory to them, or would it be a sufficient answer to them, when they asked that adequate provision should be made for the religious instruction of those persons, to be told that all prisoners were placed by law under the exclusive care of Roman Catholic priests, but that they might be visited by Protestant ministers if they made a special request, though even those visits would not exempt them from repeated personal intercourse with Roman Catholic priests, with whom it would rest what books were provided for their instruction? That would be a state of the law anything but satisfactory to my hon. Friends; they would refuse to acquiesce in any such arrangements; and how, then, can we expect our Roman Catholic fellow-countrymen to be contented with the state of the law which I have now described, or how can we think them unreasonable in pressing for some change? Now, what has been done in Ireland? That, as we know, is mainly a Roman Catholic country, and there the law has made ample provision for the religious instruction of prisoners. I find, from a Return made to the House, that in every gaol in Ireland there is a paid Protestant chaplain, although in some of those gaols there is not a single Protestant prisoner. Ample provision is also made where there are Presbyterian prisoners for the regular attendance, secured by payment, of a Presbyterian chaplain. Besides this—and I think rightly, for it shows that whatever our opinions may be, circumstances are sometimes too strong for us, and that it is necessary to modify principles in the face of facts—in every county and borough prison in Ireland there is a paid Roman Catholic priest to minister to the wants of Roman Catholic prisoners. Now, I do not ask in this Bill that the law in England and Scotland should be placed in the same state as in Ireland. The provisions of the Bill will only be applicable to a small minority of the prisons in this country. I propose to recognise the justices in England, and the local authorities in Scotland having charge of the prisons, as the persons to whose discretion it may be left to decide whether the number of persons dissenting from the Established Church in any prison is such as to require that their spiritual wants should be attended to by the regular visitation of a Roman Catholic priest or a minister of any other denomination. If the justices should be of opinion—and there are some cases, like that at Liverpool, where they can hardly fail to be of opinion—that the number of prisoners is so large as to require the regular attendance of a Roman Catholic priest or Dissenting minister (though the number of Protestant Dissenters in our prisons is so few that the appointment of a Dissenting minister will hardly be necessary) they will be empowered under the Bill to select and appoint a priest or minister for this purpose. That appointment will not necessarily carry with it remuneration, and it will be subject to the ordinary regulations of the prison, and be liable to revocation by those who made it. The justices are responsible for the discipline and good order of the prison, and it is therefore right that they should have the right of excluding from the prison any officer whose presence they might think dangerous to good order. There may be cases in which it is unnecessary that the whole time of the priest or his regular attendance should be secured, but in which magistrates may be of opinion that a priest should be allowed to visit the prison. In such cases the magistrates will be competent to make an arrangement similar to that made in the case of the military prisons. Another question will be, whether the circumstances are such as to entitle the Roman Catholic priest to any remuneration; and if that is decided affirmatively, the salary will be defrayed out of the ordinary fund applicable for the maintenance of the prison. But where there is only a small number of Roman Catholic prisoners, and no regular appointment is made, the Bill contemplates an extension of the special request clause, by enabling the justices, without a special request being made by individual prisoners, to allow the visits of a priest or Dissenting minister, under such restrictions as they may think fit to impose to guard against the introduction of improper persons into the gaol. The second clause of the Bill provides means by which prisoners may be distinguished according to their religious belief. There will be no practical difficulty in this, and it is proposed, therefore, that a list should be kept, and should be open to the ministers of different denominations, in order that they may know what prisoners of their own denominations are confined in the gaol, and that they may, on the other hand, have no excuse for encroaching upon the duties of the Protestant chaplain by interfering with any other prisoners than those of their own Church. The last clause of the Bill is one which, in connection with the preceding, modifies that part of the law applicable to county prisons in England which imposes upon Protestant chaplains the duty of holding personal intercourse with all prisoners, of whatever creed, who may happen to be confined there. In the case of prisoners visited by ministers of other denominations, the chaplains of the Established Church will be exonerated from the legal obligation of visiting them. These are the general provisions of the Bill. They are few, but important, and I earnestly hope that they will be favourably considered by the House. Remembering what took place last Session, when I objected to the Bill introduced by the hon. Member (Mr. Hennessy), because I thought it contained provisions which would be subversive of good order in our gaols, and went beyond the necessities of the case, I felt that I was bound, having admitted that some change in the law was necessary, myself to bring forward a measure on this subject. After expressing such an opinion, I could not have resisted such a Bill, if again brought forward by the hon. Member, without stating how far I was prepared to go in modifying the existing law. Under those circumstances, Sir, the Government have thought it right to introduce this Bill, believing that it will remove a substantial grievance, and at the same time that it contains provisions which will prevent any injurious consequences arising from the adoption of the practice which it seeks to establish. I hope the House will take the same view, and that they will agree to the Motion which I beg leave to make—namely, that the Bill be now read a second time.

Motion made, and question proposed, "That the Bill be now read a second time."

MR. HENRY GORE LANGTON said, he rose to move as an Amendment, that the Bill be read a second time that day six months. His right hon. Friend, in introducing the measure, expressed a hope that the discussion upon the second reading would be conducted in a spirit of charity, and that no attack would be made upon the convictions of any religious denomination in the community. He cordially concurred in that hope, and in the course of a few observations he intended to offer he should endeavour as much as possible to refrain from making any which might be hurtful to the feelings of his Roman Catholic Friends. What was the history of the measure? In the last Session a Bill was introduced by the hon. Member for King's County (Mr. Hennessy), called the Roman Catholic Prisons Bill. That Bill contained a provision which was deemed extremely objectionable by both sides of the House—namely, that the Roman Catholic chaplain of a gaol should be appointed by the self-styled Roman Catholic bishop of the diocese. It was found that the House would not hear of a Bill with such a provision, and it was accordingly withdrawn; the right hon. Baronet (Sir George Grey) undertaking to introduce a Bill which would meet the exigencies of the case. In the first place, he must make an objection to the title of this Bill. From a Return moved for by the noble Lord the Member for Arundel (Lord E. Howard), it appeared that the number of Protestant Dissenters of different denominations in the gaols throughout the United Kingdom amounted to only 12½ per cent of the whole number, and that in no one instance had any of them requested the attendance of the clergyman of his own denomination. All were perfectly well satisfied with the attendance of the regular gaol chaplain. That being so, the Bill before the House might be considered as exclusively a measure for Roman Catholic prisoners; and he thought it would have been more frank and candid to have given it a title similar to that borne by the Bill of the hon. Member for King's County. He regretted that the right hon. Gentleman had not styled his measure a Roman Catholic Bill; for there were many people in the country, unaware of its provisions, who would never suppose that in a Bill with such a title as "Prison Ministers Bill" a dangerous principle like that involved in the measure could be found in every clause. During the time he had had the honour of holding a seat in that House few measures had come before them requiring more discussion and consideration on the second reading than that Bill demanded. The principle once admitted and affirmed, the details of the measure were of comparatively trifling importance. By the law as it stood prisoners not belonging to the Established Church were entitled to be visited by the minister of their own denomination at their own request. In no one instance had such a request met with a refusal. He had looked through the Petitions in favour of the Bill, and found that none of them came from prisoners or from officers of gaols. All were Petitions from Roman Catholic congregations, wishing, very naturally, that the ministers of their religion should be allowed to look after prisoners in gaols. On the other hand, amongst the three hundred Petitions against the Bill some had come from the magistrates of several counties, including Middlesex, Leicestershire, East Sussex, and Cumberland. There was also a number of Petitions from visiting justices, who stated their opinion that there was no necessity for the measure, that it would lead to great confusion and irregularity, impose a new charge on the ratepayers of the country, and, more than that, conduce to the injury of the Established Church. He held in his hand a number of Reports from governors and chaplains of gaols. He should not trouble the House by going through them, but should confine himself to reading two from Bristol, the city which he represented, and to which there was a considerable influx of Irish. The governor of the gaol there stated that during the year ending the 1st of January 1863 there had been 725 prisoners in the prison under his charge, of whom 553 were members of the Church of England, seventy-six Roman Catholics, and ninety-six members of other denominations. Out of the whole number of Roman Catholics only two had requested to see their own priest, and they had been permitted to do so. During the last quarter of a century there had been no complaint on the subject from the Roman Catholics confined in that gaol, while, on the contrary, unsolicited requests had been made by Roman Catholic prisoners to attend the Protestant place of worship. The chaplain of the Bridewell in Bristol wrote to him to say that during the year 1862 the number of prisoners confined in that establishment was 1,194, of which 350 were Roman Catholics. Of the latter, only two had requested to see their priests. It was to be observed that a deduction for interested motives was to be made from even the small number of Roman Catholic prisoners that did ask for their clergyman; for about three years ago, a woman having sent for a priest, it turned out that the one who came to visit her was poor, and she expressed herself to the effect that it was not religious advice she wanted but something more solid. Looking through the Returns, he found that of all the Roman Catholic prisoners confined in the gaols of Great Britain only a very small proportion wished for the attendance of a priest. But it might be said, as it had been heretofore, that no deduction against such a Bill as that before the House should be drawn from that fact, inasmuch as prisoners were a class of persons not likely to ask for spiritual advice. Something was said on that point last year by the right hon Gentleman the Member for Oxfordshire (Mr. Henley), for whose opinion he had a very high respect. However, he begged to remind the right hon. Gentleman and the House that the Protestant chaplains did not go into the prisons of the country to make proselytes. The commandments of God were binding on Roman Catholics and Protestants alike, and a man might receive instruction in those commandments without reference to points of controversy. The House were told that this was a Permissive Bill. He confessed that he had no predilection for permissive Bills. He always entertained a suspicion that the authors of such measures had a doubt on the subject themselves, and were endeavouring to introduce the thin end of the wedge. The permissive character of the Bill did not make it less objectionable. It would give rise to different modes of dealing with the same question in different parts of the country, and it would involve the visiting justices in endless controversies, on the one hand with the taxpayers objecting to be saddled with a new charge, and on the other with Roman Catholic congregations, urged on by their priests. But his objections to the principle of the Bill rested on far higher ground. The right hon. Baronet had stated that the Bill contained no principle hostile to the Church of England. He begged to differ from him entirely. For the first time since the Reformation Parliament was called on to sanction the payment out of the public money of priests for every gaol in the United Kingdom. An alteration had already been made in that respect in the convict prisons; they were then asked for Roman Catholic chaplains for the county gaols, and the next step would be to ask for their appointment in all the workhouses. He was unwilling to say anything which might hurt the feelings of the Roman Catholics. He believed that, as a body, the Roman Catholic priests in this country served their flocks with zeal; but they were irresistibly, and he might say unconsciously, the agents of a foreign Power, and the tale of the doings under the influence of that Power in other countries was a sad one to tell. The state of those countries could not be better described than in the words used last year by the noble Lord at the head of the Government in the debate on the persecution of Protestants in Spain. The noble Lord then said—

> "However liberal the Roman Catholic laity may be, history tells us that wherever the Roman Catholic priesthood have been predominant the utmost amount of intolerance has always followed. Although in countries were they are in a minority they are constantly demanding not only toleration, but equality, in countries where they are predominant neither toleration nor equality contents them."

He would appeal to the Members of the great Conservative party opposite, who in times of great difficulty had been the consistent supporters of the Protestant Church, and who had always shown the greatest jealousy of Roman Catholic aggression, and to the friends who sat around him, the upholders of civil and religious freedom, not to sanction a measure which, trivial though it might seem, would inevitably undermine the foundations of that liberty which free Protestant England had so long maintained. He was aware of the difficulties which always awaited an independent Member in opposing a Bill brought in with all the weight and authority of Her Majesty's Government, but the objections he entertained to that Bill were such as to override all such considerations. He therefore moved that the Bill be read a second time that day six months, and confidently appealed to the House to reject, on the second reading, a Bill which was uncalled for, unnecessary, and dangerous, and which in principle and detail was opposed to the opinion of the great majority of the people both in England and Scotland.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Colonel BARTTELOT said, it was with great diffidence that he rose upon that occasion, to second the Amendment as proposed by the hon. Member for Bristol, and he only did so because he considered that the question involved in the Bill was intimately connected with the question of civil and religious liberty. Though he felt he had a difficult task to perform, he hoped to acquit himself of it in such a manner as not to give any offence to those who differed from him. Therefore, he should say nothing that was repugnant to the feelings of Roman Catholics, but should base his objections to the measure on the ground that it was one which was not well received in the country, and because it would not work well in our gaols and houses of correction. A Bill of a similar character was brought into that House by the hon. and learned Member for the King's County last year. It was introduced in a most temperate speech, but it was afterwards withdrawn, his right hon. Friend the Member for the University of Oxford having recommended the hon. Member not to press his Motion to a division, but to request that the Secretary of State for the Home Department should himself bring in a Bill to meet the grievance which he wished to remedy. In the measure which was proposed last year it was stated distinctly that there were certain large gaols in which there was a preponderance of Roman Catholics, and his hon. Friend referred to several gaols at Liverpool, Manchester, the vicinity of London, and elsewhere. But was Parliament to legislate for the whole of England and Scotland because in some few gaols there was a large number of Roman Catholics. It would be a very weak and reckless proceeding on their part to allow that permissive Bill of the right hon. Gentleman to pass through the House, when throughout the length and breadth of the land there were in nine gaols out of ten few, if any, Roman Catholics at all. No complaint had been made in any instance against the visiting magistrates of the gaols of this country; no complaints had been made by Roman Catholic prisoners, and the House ought, therefore, to consider well the step they were about to take before they adopted the advice which the right hon. Gentleman had so distinctly given, to follow the example of Ireland, and be guided by what had been done there. The two cases were quite distinct, and could not be argued in the same breath; for while this was a Protestant country, in Ireland a large proportion of the population were Roman Catholics. The right hon. Gentleman had laid great stress upon the good effect which had followed the appointment of Roman Catholic chaplains in the army, but that was a totally different case. When those men were enlisted, and sent abroad to fight the battles of their country, they were taken away from their priests and their chapels; therefore the Government were bound in some sort to provide them with the spiritual consolation which they required and could not otherwise obtain in foreign countries. Arguments of that kind could not be applied in favour of the Bill which they were now discussing. Let them reflect upon how it would affect the discipline of the gaols. Were not the visiting justices unanimous in their endeavours to carry out that discipline? whereas if they threw among them that brand of dissension, no one could tell what would be its effect. One man might say, "Here are five or six Roman Catholics in the prison of which I am a visiting justice. I insist that you shall appoint a priest to look after their spiritual welfare;" others would be of opinion that such a number did not sanction the appointment, and there would be such diversity of opinion among the visiting justices of the various gaols as had never yet occurred. Moreover, in the Bill there was nothing whatever which provided for the manner in which the ministry of Roman Catholic chaplains in gaols was to be carried on. Were Roman Catholic chapels in gaols to be built and school rooms attached; and if so, at whose expense? Were they going to allow such things as that, or merely to pay the salary of the priest? The Government ought to look into the whole of the details of the question, and to state distinctly to the country whether they intended to sanction, not only Protestant but Roman Catholic chapels in gaols, because that was what they would have to do if they made up their minds to legislate in this direction. He did not deny that there might be some grievance existing, but he thought the remedy might either be afforded by the action of the right hon. Gentleman himself or by a Bill authorizing the magistrates in the particular gaols in which there were numerous Roman Catholics to issue an order for the admission of Roman Catholic priests, so as not to bar, in any way, the intercourse between the prisoner and his priest; but if they went beyond that, and said that this permissive Bill was to have effect in all the gaols of England, it would prove a never-failing source of misery and contention. On the one hand, the measure was not a party one; on the other, it was. No doubt, the right hon. Gentleman had a difficult task to perform, but he had failed to arrive at a satisfactory result; for he (Colonel Barttelot) believed that not only would the Bill not work well, but it would not be satisfactory to the people generally, while it would be most unsatisfactory to the county magistracy. He hoped, therefore, that the House would reject it.

Mr. HENLEY said, he wished to say a few words in explanation of the vote which he was about to give on the question. The hon. Member who moved the rejection of the measure said that it was both uncalled for and unnecessary. He could not agree with either of those propositions. His hon. Friend, with his usual candour had admited that there was a grievance to be remedied. Now, a measure which dealt with a grievance that admitted of a remedy could neither be unnecessary, or uncalled for. No person, who was acquainted with the management of the county prisons, could be unaware of the difficulties which would attend the working of the Bill. Those difficulties had been alluded to by his hon. Friend, but it formed no reason why they ought not to attempt the remedy of a grievance, that there might be some subsequent inconvenience in dealing with questions as they arose. The Returns which had been presented in the last year, on the Motion of the noble Lord—and he was bound to say that the noble Lord deserved their thanks for obtaining those Returns, which were most valuable to the country, and had thrown great light on the subject; and he was confident that when the House had full information before it, it would never refuse to deal honestly and justly with any case — those Returns showed that in England and Wales there were 16 prisons which had above 50 Roman Catholic prisoners in them. The lowest number was 54, the highest 485, and the average was upwards of 130 in each. The special request clause of the Act of Parliament enabled those prisoners who desired it to ask for the attendance of a minister of their own faith; but it was not reasonable to expect that any gentleman, however kind-hearted he might be, or however warm might be his charitable feelings toward those of his own communion, would undertake the spiritual care of from 100 to 200 prisoners without remuneration. The Bill provided that where the magistrates thought it requisite they might appoint a Roman Catholic minister to attend on the Roman Catholic prisoners, and give him a reasonable remuneration. That was nothing but reasonable and just. His hon. Friend who spoke last thought it would be better to deal with each particular prison as necessity might arise, instead of legislating generally for all the prisons in the country. He though that would have been difficult; how should they have been able to set about it? Were they to say that where there were 100, 150, or 200 prisoners the Act should come into operation? or were they to go into cases with reference to the length of imprisonment and other details? The magistrates on the spot seemed to him to be the best able to judge of the necessities of the case; they would know whether it would be just and reasonable, under all the circumstances, that some pecuniary aid and recompense should be given. One of the strongest arguments that had been advanced against the Bill was, that the prisoners themselves did not want it. He might be wrong in his judgment of that class of the community, but he supposed if it were left to prisoners who professed to belong to the Established Church to say whether they would receive the visitations of the chaplain, they would take their hats off and say, "We would rather be excused; and if you would give us a little beer, we would like it much better." He suspected that such an indulgence would be more popular with the prisoners than a chaplain to do them good. It was urged that the only parties who asked for this were the fellow-countrymen of Roman Catholic prisoners outside the gaol. But surely the persons who were anxious to promote the reformation of prisoners were not the persons who were in gaols themselves, but benevolent and philanthropic people outside of them, who wished that criminals during their incarceration should be taught to lead a better life when they were released, and who thought it best not to trust altogether to the deterring effect of the gibbet, the lash, and other agencies of that kind. Although he happened to differ from Roman Catholics in his view of religious matters, he could not see why, when there were such numbers of them in many of our prisons, they were to be shut out from that religious assistance which other prisoners had. He knew it might be said—and no man was more sensible of it than he was—that Protestant chaplains generally, and he might say universally, would apply those general principles of our religion which, thank God, were common to them all, and would endeavour to reform these men without reference to proselytism. But they could not account for people's prejudice. If they took the strongest Protestant Member of that House and shut him up in a Roman Catholic prison—what would be his mode of receiving a Roman Catholic priest who visited him? The fairest rule by which to judge of the measure before them, as of every measure in human life, was—"Do unto others as you would be done to yourselves." That rule, applied to whatever case they would, whether round or square, never failed to bring them out right. He knew, that if he were to go into one of those Roman Catholic countries which the noble Lord (Viscount Palmerston) was said to have painted with a stronger brush than the hon. Member for Bristol professed himself able to use, he would much rather be visited by a minister of his own persuasion than he would be visited by the best Roman Catholic priest that country could produce; and he would do unto others as he would be done by. He saw no difficulties in the way of carrying out the measure that might not be met by mutual forbearance and by fairness on both sides—by the Roman Catholic party not pressing for too much, and by others meeting that party in a fair spirit. That was not the occasion in which to touch on the small matters of detail in the Bill; but when they came into Committee, there might be a question as to the party in whom the appointment should be vested. As he understood the right hon. Gentleman, the appointment was to be vested in the visiting magistrates; but, as he read the Bill, it would rest with the magistrates in quarter sessions, and he thought that the latter arrangement would be the better, as the visiting justices ought to be relieved of the responsibility. The Bill provided that an account was to be kept of the religion professed by each prisoner on entering prison, and from that record a list of the Roman Catholic prisoners might be given to the Roman Catholic chaplain, but he ought not to have any unnecessary access to the books of the prison. He could not have any hesitation in saying that the Bill met the grievance which even its opponents admitted to exist in a manner as little objectionable as possible; and therefore he, for one, should give the second reading of the Bill his hearty support.

Mr. SELWYN said, that although he had listened attentively to the speeches of the Home Secretary and the right hon. Member for Oxfordshire, he confessed he was yet at a loss to understand what was the practical grievance which they sought to make the foundation of a Bill involving in its principle such important innovations; and they had not succeeded in showing that it would be an actual remedy for the grievance, assuming it to exist. So far as the speech of the right hon. Baronet went, it seemed to be rather an argument in support of some minute verbal alteration of what he termed the special request clause of the existing Act, than an argument and a reason for introducing a measure of that description. If there were any defects in the wording of the special request clause—and if they were not removed, as he believed they were, actually in point of practice—such defects might be remedied without such an extensive innovation as that proposed by this measure. With respect to the point urged by the Member for Oxfordshire, that some provision ought to be made for the remuneration of Roman Catholic priests for their ministrations to prisoners, unless he much mistook what took place in that House last year, those who promoted the Bill then under discussion declared, one and all, that it was not their object to procure any such remuneration, and that its absence was not at all the ground of their grievance. He wished to state briefly what appeared to him to be some of the most grave objections to this Bill. And, first, it appeared to be at one and the same time opposed to the rights and privileges of the Established Church and also to the right and the independent exercise of liberty of conscience. It was quite true, as the right hon. Baronet had said, that they must distinguish between the man who was a free agent and the man who was subject to imprisonment. He fully admitted that; but although by law they were entitled to imprison the body, the law gave them no power over the will and the conscience; and, accordingly, the special request clause left the will and the conscience perfectly free; and, from all the inquiry he had made, he did not believe that any substantial difficulty had arisen in its application. On the contrary, whenever the individual will had been exercised, full liberty had been allowed, and no instance to the contrary had been adduced. Our prisons had hitherto been conducted, so far as religious ministrations were concerned, in accordance with the principles of the Constitution; and one of the main features of that Constitution was the parochial system. Under that system there had been appointed in each parish a regularly-ordained minister of the National Church, and to him was confided the cure of the souls of the whole population within his parish. Upon that system there was engrafted the principle of toleration, and any one might dissent from the doctrine and the discipline of the Established Church, choose his own minister, and refuse to take part in the services and ordinances of the Church. That he was free to do in the exercise of his individual will, and in accordance with the dictates of his own conscience. The same right had always been conceded to prisoners; but that was the first time a proposal had been made for the appointment of ministers of a denomination opposed to the Established Church, without regard to individual liberty of conscience, and that whether the persons to whom they were to minister wished it or not. What would be said if a Bill were introduced enacting, that in case of there being a certain number of Dissenters or Roman Catholics in a parish, the court of quarter sessions or some other similar body should have the power to appoint for them a Roman Catholic priest or a Dissenting minister? And yet the principle involved would be precisely the principle of the Bill. Let them apply the same rule to prisoners as to the free, and let both have the same right to the individual exercise of conscience. By the Bill they took it away; for without consulting the prisoners, without their making a request, if it appeared from the register that there were a certain number of any persuasion in gaol, the visiting justices were, if they thought fit, to appoint a person to be their minister, whether they desired it or not. There was no precedent for anything of the kind, and the principle was entirely new. He objected also to the operation of the Act being made in a great measure dependent on what had been called a creed register, as he thought that the mode by which it was sought to ascertain a prisoner's religious persuasion was objectionable. It was true that prisoners were asked to state their religious persuasion on entering the gaol; but he apprehended that, practically, that was an extremely fallacious test, and that it would be much wiser to determine the matter by a prisoner's request, after he had had time for consideration, than by a statement made at a time when a prisoner might have many reasons to desire to conceal his identity or to disguise his opinions. He thought, therefore, that if the Bill were to be adopted, the register would be a bad basis to act upon. There was another serious objection to the Bill, which had not been adverted to. In whom was the appointment to be vested? [Sir GEORGE GREY: The same justices who appoint the chaplain in quarter sessions.] That altered his objection in degree, but not in substance. The Bill proposed an alteration of the law to be carried into effect by a vote to be given from time to time at quarter sessions. That was giving a legislative power to persons who were incompetent to exercise it, and beyond that, it was giving it to persons who were not in the least degree desirous of exercising or of possessing it. They were told last year that the Bill then before them had met with the unanimous approval of the visiting justices; but the numerous petitions that had been presented against the present measure showed that the visiting justices did not desire to possess the power with which it was proposed to invest them. Besides introducing into quarter sessions an element of discord, the Bill, if passed, would lead to there being one law in one county and another in another; and even in the same county the law would vary, from time to time, with the majority at the quarter sessions. There was another objection to the Bill. Already there existed sufficient grounds of dispute and dissension with respect to the appointment of justices, but this measure would introduce into those disputes the element of religious controversy, and so make things worse than ever. It was impossible, in considering the question, to avoid referring to the circumstances out of which the Bill had arisen. He regarded it as one of the unhappy instances of an attempt to compromise a question which did not admit of such a mode of treatment. No doubt, its appearance was due to the discussion which took place last Session on the measure introduced by the hon. and learned Member for the King's County; but he ventured to say that nothing which then occurred laid the slightest foundation for such important innovations as those embodied in the Bill. The real object was to compromise the question raised by the Bill of the hon. and learned Member for the King's County. It had been admitted by the right hon. Baronet the Home Secretary, with his usual candour, that though the present measure was applicable to every sect and denomination of Dissenters, its operation would be almost exclusively confined to Roman Catholics. Now, for his own part, he trusted he had never said one word which could give just cause of offence to his Roman Catholic fellow-subjects; but, in discussing such a question as that before the House, he might surely be permitted to repeat their own statements, and use their own language. The Roman Catholics admitted that they possessed an almost perfect discipline and organization, and that they were subject to a foreign ecclesiastical Power. It was impossible to lose sight of these things when considering the measure. Bearing them in mind, then, he said the real object of this Bill was to accomplish that which had long been the desire of the Roman Catholic Priests—namely, to give them a status, recognised by Act of Parliament, such as they had not hitherto enjoyed. Everybody knew the memories they cherished of the former position of their Church, and the hopes they expressed of its restoration. The question really raised by the Bill was, in truth, substantially the same as that which was discussed in connection with the Ecclesiastical Titles Bill and with the Roman Catholic Charities Bill. It was idle to say that the Bill was merely permissive, when it placed the power of deciding whether it should be acted upon or not in such bodies as those he had described. The measure was, in fact, nothing more than a provision for Roman Catholic prisoners. None of the other dissenting communities desired any alteration of the law—a fact which, of itself, constituted a strong objection to the Bill. Though brought forward ostensibly for the benefit of all, the measure was repudiated by all except the members of one Church. It thus did not meet the exigencies of the case, but left the grievance, if one really existed, which he denied, in full force. He was bound to say that, in his opinion, the Bill introduced last Session by the hon. and learned Member for King's County was more fair and more candid. It openly avowed that the nomination of the priests was to be vested in the Roman Catholic bishops. Under this measure would the priests be nominated by anybody else? Was it possible that the visiting justices or the magistrates assembled in quarter sessions could do anything in such a matter except upon the nomination of the Roman Catholic bishops? This Bill was, in truth, nothing more than the Bill of last year in disguise, seeking to do indirectly what its predecessor fairly sought to do directly—namely, to establish, as paid ecclesiastical officers of the State, certain priests who were to be nominated by the Roman Catholic bishops. He objected to it because it was inconsistent with the position of the Established Church, and with the liberty of will and conscience; because it gave the power of altering the law to persons who neither desired nor sought to possess it, but amongst whom it would introduce religious controversies; because it would cause the law, when so altered, to vary in different counties; and because its certain effect would be to give to the Roman Catholic priests a status which they had long wished for, but which was inconsistent with our Protestant constitution.

LORD EDWARD HOWARD said, that Roman Catholic prisoners felt deeply aggrieved by the existing law on the subject, although their complaints did not reach the quarters visited by the hon. and learned Gentleman, possibly because they feared they should meet with no redress. The hon. Member for the King's County deserved thanks for introducing this subject to the House, as did also the Home Secretary for this measure. As an humble Roman Catholic Member, and speaking to some extent possibly for other Roman Catholics, and especially, he hoped, for the Roman Catholic poor, he was grateful to the right hon. Gentleman for having brought the measure before the House. The hon. and learned Gentleman (Mr.

Selwyn) had spoken of the Bill as an important ecclesiastical measure, but he differed from him. He thought it was more in the nature of a police measure, which the Home Secretary, being Minister of police and justice for this country, had most appropriately taken in hand, and which he trusted the right hon. Gentleman would bring to a happy conclusion. That such a Bill was necessary had been affirmed by some of the greatest authorities in Parliament. Its necessity had been acknowledged by no less an authority than the noble Lord at the head of the Government, who, with the sound English sense and the happy urbanity of manner for which he was so eminently distinguished, had often said, that if they wanted to reform a criminal, or to get at a man's heart, they must use the language to which he was accustomed, and which in his youth had an effect upon him. Then there was another right hon. Gentleman whose loss not the House only, but the whole country deplored. He meant Sir George Cornewall Lewis. That right hon. Gentleman had once made use of this expression, that he could not see how on principle that which was fair in Ireland was inadmissible in England. There was another right hon. Gentleman of very great experience, the right hon. Baronet the Secretary of State for the Home Department, who by bringing in the Bill declared his opinion that the law ought to be altered. They had also the testimony on this subject of the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), and that happy mixture of authority combined to show that the measure ought to receive the approval of the House. Hon. Gentlemen opposite seemed to think that the Act of George IV. for regulating the discipline of prisons should never be changed. That Act was passed at a time when punishment was more like revenge than anything else—when reformation was little known and less thought of. That was a time when it was death to break down the bank of a reservoir to get at the fish inside it, or to kill a sheep for the sake of its skin. But they lived in happier and more enlightened times, and he trusted the principles of the present day would not only be persevered in, but improved, as he believed they would be by the passing of the Bill. The late Lord Herbert, in a department where the system of red tape was particularly supposed to prevail—namely, the army—succeeded in doing away with all distinction between the attendances of Protestant and Catholic chaplains. The experience in military prisons had been spoken of disparagingly, but most unjustly, as appeared from Sir Joshua Jebb's Report, in which he expressed a high sense of the manner in which visitors, superintendents, governors, chaplains, and others, in the zealous discharge of their duties, had contributed to the generally satisfactory state of discipline maintained in military prisons. There was no interference between one set of religionists and another when both were properly cared for. Both parties kept within their own limits. Then there were the Irish prisons. Who ever heard of complaints about conflicting interests in Irish prisons? During the last winter life had hardly been safe in the metropolis, and we had been occupied in dealing with the most dangerous classes in the community. Why should we not imitate the Irish system, which had been so successful in maintaining order and reform? Further, he went to the Colonies, and there he found a mixed system of Roman Catholic and Church of England chaplains prevailing, with the greatest possible harmony. He ventured to say there would be no confusion under the Bill of the right hon. Baronet. He was sorry to say he had some complaints to make on the part of his unfortunate co-religionists. Roman Catholic prisoners had to make a special request if they wished to see their priest. Now, many prisoners would not do so, because they feared, that if they did, they would not in other respects be treated the same as the Protestant prisoners; many, too, were ignorant that they might send for their priest, and many abstained from preferring the request because they were reluctant to give trouble. In some prisons they were more equitably dealt with than in others. In some the law was not stretched, perhaps, but every consideration was shown within the limits of the law; in others more strict conduct was pursued. Although a prisoner was asked when he entered the gaol whether he was a Roman Catholic, he was never afterwards treated as such. In one prison where care was taken to inform the prisoners who were Roman Catholics that they could see a priest if they wished, the priest had seen twice as many of the Catholic inmates as in a neighbouring prison where there were three times the number, but where it was not the practice to tell the Roman Catholic prisoners that they might see a priest if they chose. One prisoner, who had been seventeen times in prison, and therefore had need of spiritual advice if ever any man had, stated that he never knew that he could see a priest until by accident he had met one in the corridor of the prison. Another Roman Catholic prisoner, who had refused to attend the Protestant service, although supposed to be dying, was left unaware that he might see a priest if he so desired; but a magistrate meeting a Roman Catholic was the means of sending a priest to him. The man did not die, and he afterwards stated that one of the chief authorities of the prison, on being asked by the prisoner why he had not told him he might see a priest, said it was not his business to tell him. Was it not obvious that where the priest was most wanted he was the least likely to be sent for? There were many little irksomenesses to which the Catholic prisoners were subject. In one instance a prayer-book was taken from a Roman Catholic prisoner, and never returned. There was sometimes another advantage taken of a Roman Catholic prisoner, who, upon being asked whether he desired to see a priest, answered in the negative; his answer was taken to imply a definite resolution, and not that he simply did not desire to see a priest at that time. In one prison which he could name, not a hundred miles from the House of Commons, a Roman Catholic prisoner's reply, that he did not want to see a priest, was taken to mean that he desired to become Protestant. He had seen it stated that a different practice had been adopted at Wakefield when all the prisoners were assembled, and the system was found to work well. Hon. Gentlemen, no doubt, desired that Roman Catholic prisoners should enjoy equal physical advantages with their Protestant fellow prisoners; but when the Roman Catholic refused to attend chapel, he was locked up in his cell during the period of service, and thus had to undergo an additional seven hours' solitary confinement during the week; and in some cases such confinement was extended from Saturday night until Monday morning. It was no wonder that under such circumstances some Roman Catholic prisoners should pretend to become proselytes, and, after leaving prison, should curse the hypocrisy they had been urged to practice. The measure referred to the moral welfare of no less than 3,000 persons, confined in the borough and county gaols of this country, and therefore was entitled to receive the fairest consideration at the hands of the House. It was said that Roman Catholic prisoners did not want to see any priests; but what was the reason? In one London prison it was thought that the law would allow some little latitude being taken, and that a Roman Catholic priest should be allowed to accompany an officer to all the prisoners belonging to that Church at the season of performing their Easter duties; and the mere fact of it being announced that a priest was there, raised the number of those who attended his ministrations to forty or fifty, instead of twenty, the usual number. It was, however, found that the law did not sanction the practice, and it was discontinued. In another prison, when the inmates were assembled for service, the number increased from one to sixty; but the Solicitor General giving an opinion against the legality of the practice, the assembly was not continued, and the numbers seeking the aid of the priest diminished. He had a petition from the Roman Catholic priest attending the Liverpool gaols, who stated that although in Kirkdale Prison out of 453 prisoners, 141 were Roman Catholics; and in Walton Gaol, out of 888, there were 485 of that faith; yet, notwithstanding all the facilities which were afforded him, he only saw 120 in the two prisons. If hon. Gentlemen wished to burden the country with the expense of a larger number of criminals than might otherwise be, they would reject the Bill; but if they were desirous of acting upon principles of justice as well as of expediency, they would give their support to a Bill which would place one class of prisoners upon an equality with others. He had heard that the aid of Roman Catholic priests had been invoked by the prison authorities to govern a refractory prisoner; and in the case of one old woman, who evinced symptoms of madness, the Protestant chaplain recommended, and the doctor ordered, that she should be allowed to occupy her mind by attending the Protestant service. Where priests were brought into communication with prisoners of their faith it was admitted by the authorities that order was better maintained and dicipline better enforced. The Irish system succeeded because spiritual advisers were able to control the feelings of the prisoners, and why should not Irish prisoners have equal justice in this part of the United Kingdom? By declining to pass the Bill the House would take upon itself a great responsibility. It was a permissive Bill only, and to reject it would be to fetter the discretion of all justices hereafter who might wish to promote the spiritual welfare of the Roman Catholics under their charge. Catholics were equal with Protestants in the eye of the law, and why, therefore, should they not be treated as equal in a matter of such vital importance to their conciences? Methodists, Catholics, Unitarians, and members of the Established Church had served together upon the local relief committees in Lancashire, and in acting together had learnt to respect each other's prejudices. He hoped that the soothing of religious hostility which had thus resulted might spread from Lancashire into the remotest parts of this kingdom, and he congratulated the right hon. Gentleman the Home Secretary upon being the one to propose a beneficial measure to the House of Commons, upon whom must lie the deep responsibility of rejecting it.

Mr. PERCY WYNDHAM said, that the House ought to be very careful how it recognised the endowment of other churches and sects than the Church of England, because that was the principle contained in the Bill. The analogy drawn from the appointment and payment of Presbyterian and Roman Catholic chaplains in the army did not apply. The provision of those chaplains was an entirely exceptional arrangement, because the State was bound to provide for the religious instruction of those who, entering its service, placed themselves beyond the reach of the religious advantages which they might otherwise have enjoyed. But gaols were generally situated within easy access of ministers of all denominations, and the prisoners were not debarred from the visits of such ministers as they might wish to see. Did anybody suppose, that if Roman Catholic priests were admitted into the gaols, they would be satisfied with that concession? They would want a chapel in which to perform their service, and he doubted whether they would consent to use the chapel of the gaol. The Roman Catholic bishops in synod in Ireland had resolved, that upon the erection or re-erection of any gaol chapel, the Roman Catholic chaplain should insist on a certain portion of it being set apart exclusively for Roman Catholic services; and he had received a letter from the Protestant chaplain at Naas, stating that he had been ousted from the chapel of the gaol, and to that day he performed the services of the Established Church in a room in the old part of the prison, while the Roman Catholic chaplain reigned supreme in the chapel. At present, in this country, they were tolerably free from religious dissension; but if the Bill became law, he predicted, that considering the strong feelings which existed against the Papacy in the middle classes, they would not long remain free from such dissension and mutual distrust.

Mr. LYSLEY said, that one of the main points in the Bill had not been at all noticed in the previous argument. By the third section the magistrates had the power of nominating a Roman Catholic priest as chaplain, and to order a remuneration for his services; but, looking to the end of the clause, it was perfectly immaterial whether they appointed one or not, since the Roman Catholic priest could intrude himself into the gaol, if admitted by the governor, or even any of his subordinates.

Colonel WILSON PATTEN said, that as one of the representatives of the county in which there was, he believed, the largest proportion of Roman Catholics, he was anxious to do away with the erroneous impression that no grievance had been complained of under the present system. He felt bound to say that in Lancashire for years past he had received from all classes of his Roman Catholic neighbours representations of the hardships to which prisoners were subjected as the law stood, and he thought that these representations required the serious consideration of the House. It had been shown that the special request clause was exercised by very few prisoners, and he believed the cause to be that these prisoners came chiefly from the dregs of the people, and, whether Protestants or Roman Catholics, there was a disinclination to call in the services of any minister of religion whatever. There was no doubt that the spiritual wants of Roman Catholic prisoners were less attended to than those of any other class of the community, and he intended to vote for the second reading of the Bill with the sole object that that grievance should be remedied. He was not at all blind to the inconveniences which might arise from the first clause of the Bill, but he would deal with that in Committee, and would at that moment affirm the principle of affording to Roman Catholic prisoners rather more prospect of being reached by their spiritual advisers than existed under the present law.

MR. BAINES said, an appeal had been made to the body of Dissenters and those who specially advocated religious liberty for their support to the Bill. He was strongly attached to the principles of Protestantism and to the voluntary principle, both with regard to education and religion. But notwithstanding, having anxiously considered the measure, he had found it impossible to deny the justice of the principle on which it was based. There were two plain principles on which the Bill rested. The first, that is was the duty and interest of the State to see that prisoners under confinement should receive moral and religious instruction. And next, respect for the rights of conscience, which he believed all, whatever might be their religious opinions, were desirous to exhibit. Well, then, there was no possibility of prisoners providing such aid for themselves. It must therefore be provided for them by others. It would be a mockery to offer to Roman Catholics the instruction of a Protestant minister. If there were, then, a sufficient number of prisoners in any gaol, professing that religion, to require the devotion of all the time or nearly the time of a priest, there was a just claim for the appointment of a chaplain, and a just claim that he should be paid.

MR. DISRAELI : Sir, I am unwilling for a moment to stand between the House and their natural impatience for a division. I will do so only for a few minutes, and I do so from a conviction that the decision on this question is one at which the House ought not to arrive in an impatient spirit. I believe the country will not be satisfied if it thinks that we have come to a conclusion on this question without that due deliberation which the gravity of the subject demands. Sir, I admit, the objections to the Bill are not of a light character ; but, on the other hand, the arguments in its favour recommend themselves, not merely on the ground of expediency, but of justice. Therefore, I would claim, from all who take part in this debate, the exercise of a spirit of forbearance. There are two great objections which have been urged against this Bill. One is. that it affects injuriously the status of the Church of England. Sir, if I thought this measure had even a tendency to impair the authority of the Church of England I should oppose it. In this age, when the elements of government are daily diminishing, when the power of governing nations is every day weakening, it would be most unwise to impair the influence of an institution that has contributed in so eminent and beneficial a manner to the formation of that English character which, after all, is the best security for the preservation of all we most value. And, Sir, I cannot conceal from my own conviction that the time may come, and is even nearer than many imagine, when, in our peril and perplexity, we may find a guide and guardian in that institution, which by the services thus rendered to us will establish fresh claims to the confidence and gratitude of the country. Happily, in my opinion, for this country, the still existing privileges of the Church of England are great and manifold ; but this should always be remembered—that the privileges of the Church of England, entirely in theory, and greatly still in practice, embody and represent popular rights. That is the source of their strength. I cannot myself see what popular right is represented by the Church of England exercising an arbitrary power to prevent the captive, who is not in her communion, from enjoying the consolations of his religion. Sir, I say that, on the contrary, such a policy is injurious to the Church of England. It is the interest of the Church of England—it is the interest of all ecclesiastical institutions, and, indeed, of all religious bodies—to favour the development of the religious principle—to cherish, encourage, and nurture those spiritual influences which hitherto have controlled and regulated man—

> "Placed on this isthmus of a middle state,
> A being darkly wise and rudely great."

I am told in this instance that there is a wider and deeper objection, if such there can be, against this Bill, than that it is antagonistic to the interests of the Church of England. We are told by the hon. Gentleman who moved the Amendment that he looks upon the measure as dangerous to the Protestant spirit of this country. Sir, there are many Gentlemen in this House who are in the habit of enlarging upon and exalting the Protestant spirit of England. In my opinion, it is not easy for them to use language that can adequately describe the strength and power of that spirit. It is fervent, it is profound, it is general ; and, of all the subjects of Her Majesty, the Roman Catholic subjects of the Queen are the last who ought to have a doubt as to the power and strength of that spirit. Why, it is only recently that they have had conclusive experience of the power of the Protestant spirit of this country. It is a fact that at this moment there is only one Member of the House of Commons among the numerous representatives of Great Britain—who is a member of the Roman Catholic Church, and that one is returned to the House by the traditionary friendship of his neighbours, bearing as he does an illustrious name, and being the member of a family of which all Englishmen, whether Protestant or Roman Catholic, are proud. Of what is this remarkable state of things a consequence? It exists because those who advised the Roman Catholics of this country took a course into the merits of which I am not now disposed to enter, but which was supposed by the Protestant people of this country openly to outrage or cunningly to circumvent the Protestant feeling of this country. Well, then, are we to fear for the Protestant interests of this country if the Bill now brought forward should be sanctioned by the House? What does it propose to do? It proposes, in the appointment of Roman Catholic chaplains, to trust to the discretion of the natural leaders of that people who, it may be from exaggerated, but certainly from profound and sincere convictions respecting the conduct of the Roman Catholic party, have returned so many Parliaments to Westminster in which there has been only one Roman Catholic Member. Why, if there be any class of men who can be said to faithfully represent the feelings of the country, it is that composed of the magistrates in counties, cities, boroughs, and corporations. They must be the chief men of their districts, and they must adequately represent the feelings of the country; and who can suppose that under this influential representation proceedings will be originated or sanctioned which can possibly misrepresent the people of England, or betray the Protestant sentiment of the country? I cannot share in any apprehension on the subject. And when we are told, as we have just been told, that one of the objections to this Bill is that it throws on the magistrates assembled at quarter sessions, and on similar occasions, the weighty responsibility of considering the question of the appointment of a Roman Catholic chaplain to a gaol, I must say that I cannot understand why men who have been appointed magistrates—why men intrusted with the exalted duties of such an office—should not bear the burden of such a responsibility. Are we to be told that in the case of those gentlemen that dignity is not to be attended with responsibility? I think, therefore, that whether we look at the influence of the Bill on the status of the Church of England, or whether we look at its probable influence on the Protestant spirit of this country, or on the Protestant character of our institutions, it is but forming a mean conception of that Church, it is but taking a poor view of that spirit, if we suppose that the Bill before us can possibly endanger the one or diminish the other. That is an opinion which I cannot for a moment entertain or sanction. We must look at this Bill in its real character, and not in the light of those visionary apprehensions which have been raised by some hon. Gentlemen, and which are not only not sanctioned by fact, but, I think, cannot be entertained with a due regard for the real interests of the Church. What is this Bill? As my right hon. Friend the Member for Oxfordshire said, it is a Bill to do an act of justice. It is said that the Roman Catholic prisoner has never required the assistance which this Bill proposes to extend to him, but the objections which have been raised to it on that ground appear to me to be founded on a complete fallacy. This is a Bill to do justice, not merely to the Roman Catholic prisoner, but to the Protestant community. On what possible ground, after having adopted those principles with regard to the treatment of criminals which have been confirmed by a long series of legislation, can you justify it to Protestant England that there shall be in the gaols of the country a considerable portion of the penal population whom you will take no care to reform, and whom you are prepared periodically to let loose to ravage society, unchanged by the influences of religion? Great fault has been found with this Bill because it is a permissive Bill. But the same speakers who have urged that objection tell you at the same time that the circumstances of the case, even if the policy of the measure were admitted, only require a very limited application of it. They say that in all the gaols of the country interference only is necessary in some eight or ten. It is a permissive Bill, therefore, because the evil to be remedied is limited in its character. You cannot make it compulsory on courts of quarter sessions to appoint Roman

Catholic chaplains to gaols where there are no Roman Catholic prisoners. It is admitted that the grievance, though anomalous and vexatious, is limited, and by this Bill you meet it in that practical manner in which all our legislation is carried on. At the same time, you secure that limited application which alone is required, while you avoid that partial legislation which is always a blot. You have a Bill brought forward which is general, and that is the basis of all sound legislation, but practically, by being permissive, you have made the application limited, because the necessity of the case so requires it. You have provided a remedy for the evil and inconvenience, while you have not violated the sound principle that legislation should be general and universal. That there are no Dissenting criminals who require the consolations of their particular pastors is a fact of which the hon. Member for Sheffield may be justly proud [Mr. HADFIELD: Hear, hear!], and I congratulate him upon it; but if I were a Dissenting criminal, I think I should require the consolation of my minister; and no doubt, when this Bill has passed, we shall find that the privilege which it confers will be exercised. I hope the House will pass the measure. It is a measure in harmony with all the legislation which this House of late years has sanctioned on these subjects. I am told that it introduces a new and dangerous principle. Where, I ask, is the new principle? The principle on which the Bill is founded is one which has been long acknowledged, and which has for several years been acted upon. If the status of the Church of England be imperilled by the presence of Roman Catholic chaplains in a gaol, surely it will be equally imperilled by their presence in a regiment. If the presence of a Roman Catholic chaplain in an English gaol be dangerous, surely it is equally dangerous in an Irish gaol? It is too late to take such high ground, and put forward such objections. The speech of the hon. Member who moved this Amendment would have been an excellent speech for the time before Catholic Emancipation or the repeal of the Test and Corporation Act, but it will not do now. In my opinion the strength of the Church of England does not depend upon devices of that kind, or upon the policy recommended by the hon. Gentleman, but on deeper grounds and on principles which are of a much more enduring nature. The privileges of the Church of England represent popular rights, and so long as they represent popular rights national sympathy will always rally round that great institution. The power of the Church of England and the Protestant feeling of the country will not be supported and maintained by a course of action inconsistent with all our previous legislation, which by placing obstacles in the way of ameliorating the character and condition of our criminal population must produce consequences injurious to society at large.

VISCOUNT PALMERSTON: Sir I am unwilling to detain the House; but as I have been much alluded to in the course of the debate, I am anxious to state shortly the grounds on which, in full consistency with what I have done and said on former occasions, I shall give my hearty support to the second reading of this Bill. If this question were that which it has been represented to be by many hon. Gentlemen who have taken part in the debate, a question between Protestants and Roman Catholics, I, who am as sincere a Protestant as any who oppose the Bill, and who, in a fair and honourable sense, am as much an anti-Catholic as they, should undoubtedly oppose a measure which I thought inconsistent with the interests of the Protestant Church. But my view of the Bill is entirely different. I think it is a question, not between Protestants and Roman Catholics but between sound sense and most respectable and honourable prejudice. There are no prejudices which are more lasting in men's minds than those founded on the perversion of just and honourable and reasonable opinions. The perversion of the best is often productive of the worst results. I was in hopes that all prejudices on these matters had been dispelled some thirty-four years ago, when this House resolved, after the longest deliberation, and in consequence of discussion lasting for years, that the distinction of religious opinions should make no distinction in civil, political, or social condition. Parliament, when it repealed the penal laws, when it placed the Roman Catholic in all respects on a footing of equality with the Protestant, affirmed substantially the principle that no danger was to be apprehended to the Protestant faith from the intercourse of Catholic priests with any part of the community. We have affirmed the principle that there is no danger to the Protestant religion in the access of Roman

Catholic priests to those who in this and the other House of Parliament are intrusted with the duty of voting on matters which most deeply affect the welfare and destiny of the nation. We see no danger to the Protestant Church from a Catholic priest having intercourse with officers and soldiers who bear arms in the service of the country, and on whom the destinies of the nation may depend. Are we, then, to be called on to say that there will be danger to the Protestant Church and the Protestant religion if a Román Catholic priest have access, not to men within these walls or who bear arms in the service of the country, but to men confined in a prison suffering for their crimes, and whom it is the duty of the State, if possible, to reform? To reject this measure would be to act in opposition to everything which has been the foundation of the policy of this country for the last thirty-four years. It has been well argued that it would be a reversal of the policy which has been pursued in regard to the improvement of the condition of the criminal population. There is nothing which has more occupied the attention of men than the means of reforming the criminal during the period of the confinement awarded to him in consequence of his delinquency. And are Catholic prisoners to be less the objects of our attention than Protestant? Or is it that you consider the Catholic so hopeless a criminal that nothing can redeem him, and therefore you would let him go out of prison in the same moral and spiritual condition as he entered it? That is not the opinion of men who have devoted themselves to the moral improvement of the criminal. But then, it is argued, he can have the advice of the Protestant clergyman. But will any man, who knows anything of human nature, tell me that the advice of the Protestant clergyman would be as effective as that of the minister of his own religion? What are his earliest impressions? He may forget the precepts of good, but he will not forget the aversion instilled into his mind when he was told that there was something in the Protestant religion which he should avoid as inconsistent with his salvation. Well, that impression will remain in the mind of the most abandoned, and when the Protestant clergyman comes to give advice, he has two things to do—two enemies to overcome—first of all, the dislike inherent in the mind of the Roman Catholic to anything that proceeds from a minister not of his own faith; and next, the wickedness and irreligion which have grown upon him in the course of his life. Give him, then, the benefit of having advice and consolation from a man who approaches him with all the advantages derived from early association and the doctrines which were inculcated into his mind when he was most capable of receiving religious impressions. But then, I am told, there are complaints. Yes, but complaints which are founded on facts are more powerful than complaints which are founded on prejudice. We know there are a great many Catholic prisoners who cannot have access to ministers of their own religion. We are told they do not ask for them. Yes, but the man who wants religious instruction most is the very man least likely to ask for it. The very fact that he does not ask for it is the most conclusive proof that he stands in need of it. You might as well say that an ignorant boy at school did not ask for a lesson. Why, the more he stood in need of instruction the more he would like to go to play and avoid his lessons. So it is with the criminal: the more he needs instruction the less likely is he to ask for it; and the religious instruction which he would receive from a minister of his own faith is that which is most likely to go to his heart, to improve his mind, and to send him out of prison a better man than he was before. There is something, I think, ungenerous in endeavouring to take advantage of the compulsory seclusion of a criminal in order to sap the faith in which he was born. I am for all being Protestants; and if it were possible to conceive such a thing that every Roman Catholic in the United Kingdom should rise up to-morrow a Protestant, I should say that it would be a blessed thing for the country. But do not let us attempt making proselytes by taking advantage of the seclusion of criminals in a prison to which they have been consigned as well for improvement as for punishment. I hope, then, the House will not go back, as I think they would do by assenting to the rejection of this Bill, from that course of policy which we have so long pursued, but that hon. Members will feel, that so far from the Bill being a danger, it will be a source of strength to the Church of England, by removing a subject of obloquy and reproach.

Mr. NEWDEGATE said: I am anxious to vindicate the vote I am about to give upon this question from the reproach of being the result of prejudice and of ignorance. The noble Lord has just told us that he is a strong Protestant, and I believe the people of this country feel that they have a great security in having the noble Lord at the head of the Administration. But we are not about to legislate for the convenience of one Administration or another, and for such a purpose to pass any law, would be in violation of the great principles on which our Constitution is founded—while we are, at the same time, prepared to secure to Roman Catholic prisoners that wide latitude of religious freedom which exists in this country. The immediate question now at issue is not whether the Church of England shall be shorn of her privileges or her possessions. It seems to me that the right hon. Gentleman the Member for Buckinghamshire, has never understood the Church except as a wealthy corporation beside the State. He thinks that all our attachment to the Church of England is an attachment to her wealth and power. He gives us no credit for believing that she is the depository of religious truth. In speaking of the Church, never once does he attribute to her that quality which is her only title to the possessions which she holds—her only title to the position which she occupies—her being the sanctuary and exponent of that Protestant and Christian truth to which the people of this country are attached. I value the Church of England not for her wealth and her position; I value her for the principles of which she is the exponent, for the religion of which she is the sanctuary; and I am not to be diverted from acting according to my conviction by any loose imputation of prejudice. What is that word "prejudice," thus used, but a nick-name for a sincere opinion—nay, worse, but a nick-name for an honest faith? I believe that throughout this discussion there has been a strange oblivion of the fact that the opposition of the people of England to this Bill is founded upon a conviction, that the teaching of the Church of England is the true teaching of the ancient Catholic Church, and is therefore preferable to the teaching of the Roman Catholic Church, which is comparatively of very modern origin. Look at one of the facts which we discover in an examination of this question. It appears that the Roman Catholic prisoners in this country are, in proportion to the number of our Roman Catholic population, more than double the prisoners of the Church of England, and exceed, by a still larger proportion, the prisoners of other denominations; and yet we are told that we are prejudiced if we think that the religion which has produced the fewer criminals is best adapted for reformatory purposes. I do not, however, desire to force upon any Roman Catholic prisoner the ministration of a clergyman of another Church, however true I may believe the doctrines of that other Church to be, or however pure I know is the morality which she teaches. But in voting against this Bill, I refuse to debar the Roman Catholic prisoner from access to the teachings of that Church; and I do so for his own sake as well as for the sake of the community, which is deeply interested in his reformation. This may be a prejudice; but it is a prejudice that reaches wide and deep through the people of this country—it is a prejudice on which your Constitution is founded—it is a prejudice under which Her Majesty and her family are, thank God, entitled to the throne of these realms. It is unwise to touch these great questions, these deep feelings, these mighty truths, in a spirit of levity; and I must observe that you will not induce the people of England to adopt what you call measures of amelioration and of charity, by violating their convictions. You are so full of charity for the Roman Catholic priest—for I say it is not for the Roman Catholic prisoner—that you are ready to cast imputations upon the loyal people of England—upon that Protestant people, who by their virtues have for generations maintained a free and peaceful state, while Roman Catholic despotisms, and constitutional governments, and Transatlantic republics, have been shaken to their foundations, and scattered by the evil passions which prevail among mankind when not corrected by the pure influences of such a religion as that which has blessed England for ages. But let us look at the substance of this proposal. For my part, I do not believe that this is an honest measure. It is assumed that a grievance exists. None, however, has been proved. The noble Lord the Member for Arundel (Lord E. Howard) has put forward some complaints of the treatment of Roman Catholic prisoners—he makes allegations, some very few of which he says are set forth in one Petition, but in no one instance has he ventured to give the name or the place from whence those supposed grievances have been alleged. Now, I do not wish to dispute the veracity of the noble Lord. I do not wish to infer that the noble Lord has conveyed to us any information other than that he has received. Nevertheless, I think I have a right to question his facts, when I find the noble Lord is so careful in withholding the name or the place upon which his information is supported. It is impossible to satisfy the ambition of a priesthood who seek to become dominant in England as well as every other place. It is useless, when such motives are avowed, to expect that such a priesthood will be stopped by any reason or argument, that they will be very scrupulous as to their facts, or will furnish means by which their allegations can be investigated. It is idle to ask the House to read the Bill a second time upon the grounds alleged. The right hon. Gentleman the Member for Oxfordshire (Mr. Henley) said he would vote for the measure upon the principle of doing unto others as he would wish to be done by. Well, then, let us place before the House the condition of the Roman Catholic prisoners in England, in comparison with that of Protestant prisoners in a Roman Catholic country. If you will go into that question, I will ask the House whether they have forgotten all the dark secrets of the dungeons in Italy, which the Chancellor of the Exchequer has adduced. Is there any parity of position between the condition of Roman Catholic prisoners in Protestant England and that of all other prisoners in the dungeons of Italy when she was Papal? Let us take Spain, too. There are Protestants, at the present moment, lying in the prisons of Spain. Matamoras still lingers in prison there. Is his position, I ask, at all analogous to that of the Roman Catholic prisoners in England? Why, you know it is not. Well, but what produces the difference? The difference is this:—Our gaols are conducted on those principles of humanity, charity, and Protestant Christianity, which still characterize our laws, and not upon those principles of intolerance and persecution which disgrace the criminal code of Spain, and of other countries in which the morality and religion of Rome are dominant. [*Cries of* Divide!] I am sure the House will not, under the circumstances, refuse a hearing to an independent Member on this side, who thinks it his duty to oppose the Motion for the second reading of a Bill to which he has a conscientious objection—an opposition commenced by the independent Members on the Government side of the House—that it will afford its indulgence on this important occasion—when we, the Conservatives—and I speak as a Conservative, though an independent Member—when we, I say, have to combat the opinion of the right hon. Gentleman who occupies the position of leader of that party in this House. Would it be becoming, under such circumstances, for any party within these walls to endeavour to stifle expression? Well, then, I say that this Bill is not an honest Bill. Last Session we had a Bill before us which was proposed by the hon. Member for the King's County. That measure sought to enact that the Roman Catholic bishops of the district in question—the hon. Member had so far guarded his language from a breach of the Ecclesiastical Titles Act—the hon. Member, I say, proposed that the Roman Catholic bishops should nominate the Roman Catholic chaplains who were to exercise spiritual functions in the county gaols, and were to be paid by the State. The present Bill, however, proposes that the justices at quarter sessions shall appoint the Roman Catholic priest or chaplain to attend upon the Catholic prisoners. Now, has the House forgotten the whole case of the difficulties of Ireland? When the Roman Catholic priests who were appointed to the workhouses and gaols in Ireland had so misconducted themselves as to demand the interference of the Government authorities—when the Government authorities, representing the whole power of this country, thought fit to remove them, they found the Roman Catholic bishops assuming a position of defiance. They thus replied to the Government—"You have no power to confer spiritual functions, neither have you power to take them away, so far as our Church is concerned. And we tell you, that if you do not employ the chaplain we have found for you, no other shall be appointed." Why, even the whole power of the Government of the State was impotent before that declaration. I ask the House, then, if this usurped power of the Church of Rome in a matter temporal, be sufficient to paralyse the whole authority of the State in Ireland, what chance would the magistrates at quarter sessions have in a conflict with it? It is sheer hypocrisy to place this power in the hands of such an authority, for they must accept the Roman Catholic chaplains that are proposed by the bishops, under the organization of the Roman Catholic Church and the constitution which has been given to it by the Papal Brief of

1850. The fact is this:—The Bill is sought for not for the sake of Roman Catholic prisoners, for no one yet has produced a single complaint from a prisoner upon this point; but it is sought for the purpose of gratifying the ambition of the Church of Rome. And it is for that reason that I shall vote against it. Let me now allude to a point which struck me in the speech of the noble Lord the Member for Arundel. The noble Lord admitted that the Roman Catholic prisoners did not ask for consolation from their priests, and he accounted for it in this way. He said, that if they did not go to the Protestant chapel, they knew they would be confined so many more hours in a solitary prison. But whose fault is that? Is it not the fault of the Roman Catholic priesthood themselves? And are we to understand, that being in a position of enormous wealth, which enabled them to quadruple and quintuple their establishments within a very short period—I will not stop to inquire as to how or where they obtain this wealth—are we, I say, to understand that the Roman Catholic priesthood in this position will not attend upon their own criminals, upon criminals of their own religious persuasion, with sufficient regularity to relieve them from the infliction of this additional confinement, unless they —the priests—are well paid for their services? On the part of the Protestants of England, I say that we have given full toleration in our legislation to the members of the Church of Rome. Nay, I will go so far as to say that we have gone to the extreme limits of toleration, inasmuch as we have placed the priesthood of that Church in a position which enables them almost to defy our laws. But there is one thing which we will not do. We will not pay for the enforcement of the Roman Catholic religion upon criminals who refuse to follow it willingly. Such a violation of religious liberty is such a measure as this, that it appears to me to be a total departure from those principles of toleration which have ever distinguished this country under its Protestant Constitution. Now, it may be right for the State to say that we believe the religion of our Church may be true—that it produces and teaches morality, and that it is in accordance with the free and independent opinions of the people, and therefore it shall be used for reformatory purposes in our prisons. But nothing can excuse a Government saying, we believe the religion of a Church to be false—we know that the morality it teaches is very much inferior to that of other religious denominations, and yet we will enforce the teaching of that particular religion which we do not believe upon those whom we have within our grasp, and who do not desire or ask for it—upon the prisoners in our gaols. [*Cries of* Divide!] If the House will permit me, I will read the advice of a most distinguished person — one of the most active leaders of the Ultramontane party abroad —an advice given to the Roman Catholics of this country, not as individuals, but as members of a priestly organization. Speaking of the political future of England, Count Montalembert, who avowed that he longed for the restoration of the Church of Rome in England as the dominant Church, gave this advice in 1856 to his co-religionists in this kingdom—

> "What remains to them (English Roman Catholics) now is to obtain in practice a more sincere and equitable observation of the principle of equality in all that refers to the nomination of employments, an equal share in public grants, the intervention of ecclesiastics paid by the State in the army, in the prisons, and in the hospitals, and this they will attain—slowly, perhaps, but they will attain it—their rights, their rapidly increasing numbers, the necessities of the time in which we live, everything is for them."

Such is the advice of Count Montalembert. I do not believe that the noble Lord opposite wishes to advance the objects of the Court of Rome, as expressed by the distinguished Ultramontanist I have quoted. And yet I tell the noble Lord, that by this Bill, he will be advancing these Ultramontane priests towards that high position to which the Church of Rome so ardently aspires. Let me warn the House against fancying, that by paying the Roman Catholic priests they may control that power with which they are armed. Rome, no doubt, will let you fancy so until she establishes her Church in a position of equality. But, once established, you will find that the Church of Rome, now under the direction of the Ultramontanist, or Jesuit party, will be just as inimical to everything English and to our Protestant Constitution as she has ever been. It is idle to look upon Rome now as Rome was when Pitt gave the Maynooth grant; Rome, then, at the instance of the Roman Catholic Powers of Europe, nearly driven into rebellion against their ecclesiastical head by the vexatious intrigues and tyranny of the Jesuits, found it necessary for her own security to suppress the Order. Rome, herself at that time the victim of a revolutionary movement, was a suppliant to Protestant States for protection. All this is now reversed. The organization which supports her is the same as it was three centuries ago—her aim is still as high, her ambition is as great—and although his Holiness is cooped within the narrow confines of a city, the ambition and the organization of which he is the head is as wide-spread and as rampant as it was a century ago.

Mr. WHALLEY: * I regret, Sir, that I cannot justify it to myself to yield to the impatience of the House by remaining silent on this occasion, but what I have to say shall be short, and I will endeavour that it shall be to the purpose. I say, first, that this Bill is unconstitutional, in so far that it enables magistrates, who are the nominees of the Crown, and not the representatives of those who pay the taxes, to levy taxes; and as the administration of these funds is neither under the control of this House, nor of any other authority responsible to those who pay them, it becomes of the utmost importance to consider what are the objects to which this money is applied. It is to take into the service of the State a new class of officers in our county prisons—namely, Roman Catholic priests—and not only thus to extend and sustain, at the public cost, the authority and influence of that priesthood, but by another and distinct provision in this Bill, to prevent any prisoner, who may be still a Roman Catholic, from the opportunity of conforming to the Protestant faith—even though he desire to do so. Now, Sir, I say at once that the Roman Catholic priesthood constitute in this country neither more nor less than a political conspiracy, organized under the name of religion, and fraught with danger to the liberties of this country, civil and religious—owing no allegiance to our Sovereign, or to the laws, in so far as they conflict with the claims of Papal supremacy, and not abating one jot or tittle of those claims as manifested at Rome itself. And I say they will necessarily use all the power and influence, all the money and patronage they can obtain from us, to harass and injure our national interests at home and abroad, in so far as those interests are identified with Protestantism. That such is the fact—that political organization and action is the keystone of the Papal policy—is manifest from this debate. For the first time in this Parliament, the noble Lord at the head of the Government and the right hon. Gentleman opposite have both spoken in support of a Government Bill, vying with each other which shall be most earnest in conciliating the political power which this priesthood have secured to themselves in this country. What justification does the noble Lord offer for this Bill? He says it is required for the better moral government of the prisons; I ask, where does he find any evidence of such a statement? Has any prison inspector, any magistrate, any governor of any prison in the kingdom ever so stated? I defy the Government to adduce a single tittle of evidence to that effect; while, on the other hand, I charge the Government with a knowledge that the very reverse has been the result of the experiment of introducing these paid priests of Rome, since last year, into the Government prisons. Is it not the fact that at Dartmoor the Romish priest has caused the greatest confusion and disorder in the prison? And that at Perth—another Government prison—is it not the fact that the Home Secretary has had to yield to the Roman Catholic priest, so far as to issue an order that no Roman Catholic shall be permitted to see a Scripture reader or a Protestant minister? But why should we seek for further evidence that the Romish priesthood habitually sanctions disloyalty, riot and sedition, and that the Government as habitually ignores the fact, and dares not resist the political agency by which they sustain themselves in the open avowal of such conduct? Will the right hon. the Secretary of Ireland deny that he knows, or has good reason to believe, that the agrarian murders of the last autumn—the disloyal demonstrations continuously taking place in various parts of the country—ramifying, too, under the name of St. Patrick's Brotherhood, in this country and abroad—are any other than a new manifestation of that Ribbon system which, by overwhelming evidence, is identified with and sustained by the Irish priests? Will the right hon. the Secretary for the Home Department deny that the Garibaldi riots at Birkenhead, and in Hyde Park, were organized by the Romish priests, and that such organization is so complete as to have put a stop to freedom of discussion on such subjects throughout this country? What are the results, on the other side, of the efforts at conciliation? The constant concessions to these Romish demands, for the last thirty years, amounting in hard money, paid directly to the priesthood in one form or other, to above £300,000 a year. Where is the evidence of their having been conciliated? What have we gained but an increase of their demands, coupled with threats of vengeance for the least delay in granting to them still further means of developing those political and social objects which they openly avow will stop at nothing short of the absolute supremacy of the Romish power in this country? The right hon. the Member for Oxfordshire says, this Bill is to do to others as we, if in the situation of these prisoners, would be done by. Does he then assert that those prisoners who express no desire to see their priests are not in that respect free agents; if they are so, and no one has denied it, what more does he ask for them, or would he desire for himself, than to be allowed to attend, as they desire to do, the Protestant worship? But, says the right hon. Gentleman, they will derive no benefit from it, because they are Roman Catholics; and he approves of a Bill which prevents them from having the opportunity, which they desire, of becoming Protestants, and thus extends the secular power and the public money to keep them forcibly under the control of the Romish priests. What more can be necessary than to point to such arguments, in order to exhibit the extent to which the political power of this priesthood has already brought under control, not the Government alone, but even the debates in this House, in which the right hon. Member takes so distinguished a part? Is it so strange that Roman Catholics should desire to emancipate themselves from the thraldom of their priests, that no other reason can be alleged for the indifference of prisoners to their ministrations than an indifference to all religion; and if that be so, is it not more reasonable to allow a Protestant minister to endeavour to arouse in their breasts the spirit of religion, than to cast them back forcibly into the arms of those who have hitherto failed to create such a spirit? But why should we suppose that the Roman Catholics of this country are not as ready to throw off the shackles of their priesthood as the Italians? Why should the Government of this country give to those priests the power to keep them to their faith beyond what even France or Italy gives, and corresponding, so far as it goes, to the utmost demands the priests have ever made of any Government in Europe? And is not the Government, by this Bill, exercising over the Roman Catholic prisoners the same compulsory power? Is it not denying them the same freedom of conscience which Spain, at the instance of that priesthood, refuses to extend to Matamoros and his Protestant fellow-countrymen? To suppose that either the noble Lord at the head of the Government, or the right hon. Gentleman opposite, really believes that this measure is demanded as a means of reforming criminals, is absurd. There is not a shadow of evidence to justify it; but, as I before asserted, the Government will know by their experience even since last year, that it will have a contrary effect. That it is demanded by any consideration for the feelings of the prisoners, is directly contrary to the published evidence; while to say that it is good for their spiritual interests thus to force upon them that religion which the Queen has solemnly declared to be "superstitious and idolatrous," is a mockery alike of the religion and of the Constitution of the country. I go further, and deliberately say, that, in my humble opinion, it is inconsistent with that duty and loyalty to the Throne which the responsible Ministers of the Sovereign might be expected to manifest. Nor does it appear to justify the Government in this policy, that the right hon. Gentleman the Member for Buckinghamshire, who represents the Church of England on this occasion, also bids for an alliance with Rome. The right hon. Gentleman may be presumed to know best the interests of his party; but if those interests demand such an alliance, the Church of England will do well to consider whether it will accede thereto, and thus inevitably draw down on itself that retribution which is foreshadowed by the unholy coalition with my hon. Friend the Member for Leeds.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 152; Noes 122: Majority 30.

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Friday.*

AYES.

Acton, Sir J. D.
Adam, W. P.
Atherton, Sir W.
Ayrton, A. S.
Bailey, C.
Baines, E.
Baring, rt. hon. Sir F. T.
Baring, T. G.
Bass, M. T.
Beaumont, W. B.
Beaumont, S. A.
Beecroft, G. S.
Bellew, R. M.
Berkeley, Col. F. W. F.
Berkeley, hon. C. P. F.
Blake, J.
Bonham-Carter, J.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Bowyer, Sir G.

Brady, Dr.
Bramston, T. W.
Bruce, H. A.
Buchanan, W.
Buckley, General
Butt, I.
Buxton, C.
Calthorpe, hon. F. H. W. G.
Cardwell, rt. hon. E.
Castlerosse, Viscount
Cavendish, hon. W.
Cochrane, A. D. R. W. B.
Cogan, W. H. F.
Colebrooke, Sir T. E.
Collier, R. P.
Cowper, rt. hon. W. F.
Cox, W.
Crawford, R. W.
Dalglish, R.
Davey, R.
Dering, Sir E. C.
Dickson, Colonel
Dillwyn, L. L.
Disraeli, rt. hon. B.
Douglas, Sir C.
Duff, M. E. G.
Dunne, Colonel
Dunne, M.
Egerton, hon. A. F.
Ellice, rt. hon. E. (Cov.)
Ennis, J.
Evans, T. W.
Ewart, J. C.
Fergusson, Sir J.
Forster, C.
Forster, W. E.
French, Colonel
Gallwey, Sir W. P.
Gavin, Major
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W.
Gower, hon. F. L.
Greene, J.
Greenwood, J.
Gregory, W. H.
Grenfell, H. R.
Grey, rt. hon. Sir G.
Grosvenor, Earl
Gurdon, B.
Hadfield, G.
Hanmer, Sir J.
Hartington, Marq. of
Hay, Sir J. C. D.
Headlam, rt. hon. T. E.
Henley, Lord
Herbert, rt. hon. H. A.
Heygate, W. U.
Howard, hon. C. W. G.
Howard, Lord E.
Hubbard, J. G.
Hutt, rt. hon. W.
Ingham, R.
Jackson, W.
Kingscote, Colonel
Knight, F. W.
Layard, A. H.
Leatham, E. A.
Lennox, Lord H. G.

Liddell, hon. H. G.
Locke, J.
Longfield, R.
Lowe, rt. hon. R.
Lygon, hon. F.
M'Cann, J.
MacEvoy, E.
M'Mahon, P.
Maguire, J. F.
Mainwaring, T.
Manners, rt. hon. Ld. J.
Martin, J.
Merry, J.
Mildmay, H. F.
Mitchell, T. A.
Monsell, rt. hon. W.
Morritt, W. J. S.
Northcote, Sir S. H.
O'Brien, Sir P.
O'Conor Don, The
O'Reilly, M. W.
Padmore, R.
Paget, Lord A.
Pakington, rt. hn. Sir J.
Palmer, Sir R.
Palmerston, Viscount
Patten, Colonel W.
Peel, rt. hon. Sir R.
Peel, rt. hon. F.
Pender, J.
Pinney, Colonel
Pollard-Urquhart, W.
Potter, E.
Potts, G.
Proby, Lord
Pryse, E. L.
Puller, C. W. G.
Robertson, D.
Robertson, H.
Russell, F. W.
Salomons, Mr. Ald.
Scholefield, W.
Scully, V.
Seely, C.
Seymour, A.
Sidney, T.
Smith, J. B.
Smith J. A.
Stacpoole, W.
Stansfeld, J.
Steel, J.
Stirling, W.
Taylor, P. A.
Vane, Lord H.
Verney, Sir H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Waldron, L.
Watkins, Colonel L.
Westhead, J. P. Brown-
Willoughby, Sir H.
Wood, rt. hon. Sir C.
Wood, W.
Woods, H.

TELLERS.
Mr. Brand
Colonel White

NOES.

Adderley, rt. hon. C. B.
Addington, hon. W. W.
Angerstein, W.
Arbuthnott, hon. Gen.
Archdall, Captain M.
Aytoun, R. S.
Beach, W. W. B.
Bentinck, G. W. P.
Beresford, rt. hon. W.
Blackburn, P.
Bovill, W.
Bridges, Sir B. W.
Bruce, Major C.
Butler, C. S.
Caird, J.
Cairns, Sir H. M.
Cartwright, Colonel
Churchill, Lord A. S.
Close, M. C.
Cobbett, J. M.
Craufurd, E. H. J.
Cubitt, G.
Du Cane, C.
Duncombe, hon. A.
Dundas, F.
Dunlop, A. M.
Du Pre, C. G.
Dutton, hon. R. H.
Edwards, Major
Ellice, E. (St. Ands.)
Enfield, Viscount
Ewart, W.
Ewing, H. E. Crum-
Fane, Colonel J. W.
Farquhar, Sir M.
Farrer, J.
Fellowes, E.
Foley, H. W.
Gard, R. S.
Getty, S. G.
Gilpin, Colonel
Gordon, C. W.
Gore, J. R. O.
Gower, G. W. G. L.
Greenall, G.
Gray, Captain
Grogan, Sir E.
Haliburton, T. C.
Hanbury, R.
Hardy, J.
Hibbert, J. T.
Horsfall, T. B.
Howes, E.
Hunt, G. W.
Kekewich, S. T.
Kendall, N.
Kennard, R. W.
King, J. K.
Kinnaird, hon. A. F.
Langton, W. G.
Lefroy, A.
Lee, W.
Long, R. P.
Lysley, W. J.
Mackie, J.

Malins, R.
Martin, P. W.
Miller, W.
Mills, A.
Mills, J. R.
Mitford, W. T.
Montgomery, Sir G.
Morgan, O.
Morris, D.
Morrison, W.
Mowbray, rt. hon. J. R.
Mundy, W.
Mure, D.
Newdegate, C. N.
Nicol, W.
North, Colonel
Ogilvy, Sir J.
Onslow, G.
Packe, C. W.
Parker, Major W.
Peto, Sir S. M.
Pevensey, Viscount
Phillips, G. L.
Pigott, Sergeant
Powell, F. S.
Quinn, P.
Repton, G. W. J.
Rogers, J. J.
Rose, W. A.
Sclater-Booth, G.
Scott, Sir W.
Selwyn, C. J.
Seymer, H. K.
Seymour, W. D.
Shelley, Sir J. V.
Smith, Abel
Smyth, Colonel
Somes, J.
Spooner, R.
Stuart, Lieut. Col. W.
Sykes, Colonel W. H.
Tempest, Lord A. V.
Tite, W.
Tollemache, J.
Trefusis, hon. C. H. R.
Vance, J.
Vansittart, W.
Verner, Sir W.
Watlington, J. W. P.
Way, A. E.
Whalley, G. H.
White, J.
Williams, W.
Wyld, J.
Wyndham, hon. P.
Wynne, W. W. E.
Yorke, hon. E. T.

TELLERS.
Mr. W. H. G. Langton
Colonel Barttelot

ASSURANCES REGISTRATION (IRELAND) BILL—[BILL 46.]

SECOND READING. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [16th April], "That the Bill be now read a second time."

Question again proposed.

Debate *resumed.*

Mr. WHITESIDE said, he rose to resume the debate on this Bill, which related to a subject of great gravity. The size of the Bill alone was sufficient to give it importance. It affected the whole kingdom of Ireland, and all charges on land in that country, and must necessarily be a measure of great difficulty and complexity. It interfered with the provisions of a law which had been passed in the reign of Queen Anne, and his complaint against the Bill was that it revolutionized everything which had existed in Ireland, in reference to the registration of deeds, for the last century and a half. Great men had lived before Agamemnon, and wise men had lived before Solomon; but he thought their forefathers showed much discretion when they passed the law which they were now called upon to subvert. In the reign of Queen Anne there were clever men, successful statesmen, elegant writers, and generals who could fight and conquer, and he believed the men of that generation knew what they were about when they passed a measure for the general registration of assurances in Ireland. The object of the statute of Anne was, first to protect the community against forgeries; and secondly, to secure purchasers and others against frauds, by giving priority to a registered conveyance over an unregistered conveyance, whether it affected a contract, an equity, or a legal title. That law was passed by the Irish Parliament in the sixth year of Queen Anne, and in so doing that Parliament, he thought, had acted with great good sense. The Act provided, first, that the deed should be registered; and secondly, it fixed the mode of registration. The mode of registering was by a memorial of the deed, setting forth, in a concise form, the names of the parties to it, and the land to which it related. The statute likewise provided that one of the witnesses to the deed should be a witness to the memorial, and that he should make an affidavit of having seen the original deed executed by one of the parties, as well as of his knowledge of the correctness of the memorial. As a further safeguard, it provided that the registrar should enter into heavy recognisances—to the amount of some £20,000—so that if any loss should accrue to a purchaser, by his neglect or oversight during a search, the registrar might be called upon to make it good. The statute of Anne rested the responsibility upon the registrar, and sought to effect the object in the shortest, cheapest, and most effectual manner. He had not been able to find out the reasons on the part of the Government for repealing that measure, and he waited anxiously to hear them. That Act was somewhat altered—he would not say amended—by the 8 *Anne*, c. 10, and by the 8 *Geo.* I., which merely provided that the registrar might give a certificate to a purchaser that no other deed affecting the premises or property, except such as were mentioned, had been registered. The last Act passed by the Irish Parliament was in the 25 *Geo.* III., c. 47; and far from impairing the Act of Queen Anne, it carried out the law more cheaply and efficiently by enabling the negative certificates to be limited to particular lands, periods, and persons, if desired. By each of those Acts the responsibility of the registrar was preserved, but no reason had been given for repealing the wise legislation of the Irish Parliament; and he should have to ask the hon. and learned Solicitor General to explain why it was to be overthrown, and why the responsibility of the registrar was to be taken away. Up to the Union the law had worked well for the purposes for which it was framed, and no Act was passed in the English Parliament until 1823—the 9 *Geo.* IV., c. 57. He begged to call attention to that Act, because it touched the subject of patronage, which, he believed, was the real object of this measure. When he first entered Parliament, his right hon. Friend, afterwards Chancellor Napier, told him that he happened to be in conversation with the late Sir James Graham upon Irish Bills, and Sir James Graham said, in very emphatic terms, whenever you see a Bill of an apparently complex character brought in by the Government, look carefully for the patronage clause, and in that clause you will find the key to the measure. He found such a key to this Bill. There were at present nearly sixty permanent places, and from thirty to forty temporary places, connected with the Registry Office in Ireland. Although he did not complain of the Government wishing to distribute a hundred places among such discerning men as would give them their support, he did complain of any attempt to hoodwink the House of Commons by blinding them to the real object of the Bill. The Act of George IV., to which he had referred, provided that it should be lawful for the Treasury to appoint the registrar, assistant registrar, clerks, and subordinate officers necessary to discharge the duties, and that the registrar should enter into recognisances in a less sum than under the statute of Anne—he believed £10,000—for the due performance of those duties. It provided, that on complaint on oath before one of Her Majesty's superior courts in Dublin of any default or misconduct by the registrar, sub-registrar, or clerks, the court should hear and determine the complaint; and if the court were of opinion that the charge had been made out, then the senior judge was forthwith to communicate a copy of the judgment to the Lord Lieutenant, who thereupon might remove the person complained of. Another important section of the Act also provided, that no person not being employed in the office should be allowed to inspect any memorial except in presence of some officer acting in the execution of his duty. Then it was directed that abstract books of memorials should be kept, and an index of the lands in each barony, with the name of the owner; but that no information should be given with respect to the memorial or register of any deed otherwise than upon application duly made to the proper officer, and that there should be a certificate in each case by the proper officer. The object of that provision was to prevent the publication of a black list with reference to gentlemen who might feel it necessary, as Irish landowners had been known sometimes to do, to borrow a little money upon mortgage. It was hardly necessary to say that the present Bill was framed, as a matter of course, on exactly the opposite principle. The other sections of 9 *Geo.* IV., were all to the same effect, regulating the office, but never, in the slightest degree, changing the language of the ancient fundamental statute of Queen Anne. Another Act—the 2 & 3 *Will.* IV.—was passed in 1832. Before being read a third time it was considered by a Select Committee which contained some distinguished names. They were Mr. Hume, Mr. Spring Rice, Sir F. Baring, Lord Granville Somerset, Sir R. H. Inglis, Mr. Shiel, Lord Stanley, Mr. Goulburn, and the Chief Justice Lefroy. The Committee called evidence to ascertain whether they should preserve the responsibility of the registrar, and after examining Sir Mathew Barrington, Mr. Pierce Mahoney, and other competent witnesses, they decided that question in the affirmative. They raised the question whether it would be better to inflict a penalty upon, rather than give the right of action against, the registrar, if he omitted any deed; and they were told that the penalty would be of no use, and that no remedy would be so efficient as that by action. As finally passed, the Act provided over again that the Treasury should regulate the Registry Office in the manner that might be considered most calculated to promote the public convenience—a very wide discretion; and the Treasury was also empowered to lay out the surplus fees in such a way as might render the office most useful and convenient to the public. Some provisions of the next Act referred to he liked, and some he disliked. He approved its preserving the responsibility of the registrar, and the right of appointment in the Treasury to all the offices in the department of the registry, and its maintaining the statute of Queen Anne; but he regretted the departure from the old law and practice known in Ireland for so many years. Under the old practice a book was kept, in which every transaction with land appeared under any particular person's name, and the whole could be seen at a glance. The Act of 2 & 3 *Will.* IV., however, introduced a system of sectional indexes, which showed how a would-be reformer might meddle, only to spoil. Under the old law, as it had existed for ten years, everything done under any name, in a given county and barony, could be found under the name; but the Legislature of 1832 decided that it would be better that the registry and the search should be made, not in the name, but in the first two letters of it. Thus "Fortescue" would be looked for under the letters "Fo," which involved confusions with "Fox" and "Ford." Under that arrangement three hours were required in looking for information, which under the old system could be obtained in ten minutes. That was the species of improvement which was to be followed as a precedent on this occasion. The officers of the Registry Office did not adhere to so cumbrous a plan, but reverted, when they came to make the decennial index, as there was nothing in the statute absolutely to prevent them from doing, to the old and simpler system. Nothing further was done in the office till an Act of the 11th of *Vict.*, was passed, requiring copies of negative searches in the Register to be preserved in order to cheapen and simplify subsequent searches. But persons dealing in land were found to prefer having the whole thing done over again from the beginning, and to pay for it down on the nail, rather than trust to the accuracy of these copies. Thus the Act of the 11th of *Vict.* proved futile. A system of jurisprudence had been built up on the registration law of Ireland, which had existed for upwards of a century, and with which the legal men in Ireland were all familiar. Every word of the statute of Queen Anne had been expounded by the ablest Judges of the land, and his great objection to the Bill before them was, that where they had a law long known, settled, and judicially interpreted by the very highest authorities, it was most impolitic and unwise to change it, except under some overpowering necessity. When the Incumbered Estates Court was established, it was found that that tribunal could do nothing without the assistance of the registration officer, because every registered deed had priority over every deed that was not registered. It was then deemed necessary to improve the Registry Office, and, accordingly, Sir John Romilly's Act, the 13 & 14 *Vict.* was passed—a measure than which nothing more extraordinary had been seen, always excepting the Bill before them, some of the provisions of which had, indeed, been unwisely imported from it. That Act was announced as a very good law which ought to be the basis of registration; it was provided by one clause that it was not to come into operation until the Treasury proclaimed by order that it should; but as a warning to all theorists, although it had been drawn up with the most perplexing ingenuity, the Treasury were told, that if put in force, it would neutralize the effect of the Incumbered Estates Act, and create endless embarrassment and litigation. The Lords of the Treasury were at that time men of good sense, and from that hour to the present the Bill never had been put in force. How, then, could this measure, which was in the main a transcript of that Act, ever be enforced? The next question was, how had the Office for the Registration of Deeds worked to the present moment? The right hon. Baronet had been persuaded to say that this office was in a state of confusion; that there was a great arrear of business, and that many complaints were made of it. But when the law passed to improve the administration of the Incumbered Estates Act, how did the Registration Office transact its business? He was lost in astonishment at the hardihood of the assertion that the men in office were incompetent, and that the office had failed in the performance of its duties; for, unaided and unassisted, the office had contrived to transfer the greater portion of the soil of the kingdom. What office in the British Empire had done its work so well? The War Office broke down under a strain; the Commissariat Department also broke down; and what quantity of land had the office in the English Court of Chancery transferred? He challenged the right hon. Baronet or the Solicitor General to instance one single well-authenticated case in which the Irish Registration Office had failed in its duty in the transfer of many millions' worth of property. He admitted that searches of a difficult character might be held back for three months or so, but there was no instance in which a search had been imperfectly or irregularly made, or in which the office had failed to do its duty. But now, instead of receiving the thanks which they deserved, they were told by the right hon. Baronet that they were incompetent to perform the functions which the Legislature had imposed upon them. Was the House prepared to accept the speculations and theories of those who had invented certain clauses of this Bill, and to set at nought the practical results obtained through the working of the present law? It was true there had been a delay in the keeping up of certain transcript books, but that had arisen from an endeavour to assist those who desired to make searches, and this was the consequence of efforts to facilitate the working of the Incumbered Estates Court. Instead, however, of the office being in a state of confusion, he could testify that it was one of the most orderly and well-managed departments he had ever known. The mode in which the business was done was this:—The solicitor brought in the deed and the memorial; the deed was first examined to see that the proper stamp was upon it. That was a matter between the office and the Treasury. The guard against forgery under the old statute of Queen Anne consisted in this, that the deed and memorial were both deposited in the office for three or four days for examination, and he knew and had heard of no case of forgery but one in the last three-quarters of a century, for no one would like to risk leaving a deed containing a forgery for three or four days. The memorial was handed over to the abstract clerk, who abstracted everything from it of importance, and the abstract was given to a clerk in the office, who copied it into the abstract book, and those who came to search seldom looked at the memorial. This abstract was the basis of the land index, as the day book, containing the names of the persons conveying land, was the basis of the book of names. In a few days the deed was handed back, and he could assure the House that at present about a million of memorials were arranged in the fire-proof safe with such precision that a stranger could find any one of them in a space of time that would astonish his right hon. Friend. If time permitted, the memorial was sent into the transcribing office, and transcribed to be bound in a book. This transcribing the memorials was in arrear; and he asked what the right hon. Gentleman was instructed to say was the extent of that arrear. He was told the whole of it would be cleared off in three weeks, and that was ten days ago. The comparison of the abstract book was complete up to the latest possible period—that was to say, that the material for the land index was complete to within three weeks, and the day book and the names index depending thereon was made up to within three days. He believed he need not state what was the requisition for a search, or how it was made, but he might say it was made by a man perfectly competent; when they had fished out the names, and analyzed the requisition, they made the search with comparative speed. As to the books in the office, he had seen them. The books to 1785 were in dictionary order. Of these books there was a perfect transcript, which had not been compared for want of hands, from 1708 to 1785. There was a complete corrected register from 1785 to 1832; the books were in dictionary order, and all that was required there was to copy them into the parchment books to provide against accident by fire. From that time began the books under 2 *Will.* IV., commencing perversely with the two letters, and which he should recommend to be discontinued. They were kept to make the quinquennial book. That brought him to the great land sales from 1841 to the present day; and this brought them to the main question. These gentlemen had done their work successfully and well, and without any mistake, and the books were now in dictionary order. The fees of the office had been more than £30,000 above the expenses. The Treasury had given them an additional supply of thirty clerks, so that the work in arrear might be completed; and the dictionary from 1850 to 1859 contained 200,000 entries requiring to be consolidated and examined. That work had been done completely and perfectly. Indeed, the operations of the office were performed with mathematical accuracy, in his opinion, never equalled; and he was at a loss to conceive—having regard to the period of time, and the sales of such immense amount during the last twenty years—how it could be possible to construct an office upon any scale, contrivance, or speculation, that would do the work more safely, securely, and perfectly, than these two books proved it to have been done. And if that practical result had been obtained, he required to be informed, in a practical assembly, why that office was to be change, to be revolutionized, and what practical object was to be gained? One of the schemes propounded was printing on parchment. If several hundred copies were required it might be desirable to have the records printed instead of transcribed; but where only one or two copies were wanted it would be very costly to call in the aid of the compositor. He had seen a specimen of printing on parchment by Thom, of Dublin, one of the best printers in the Kingdom, but the impression was pale and illegible compared with the manuscript of the engrossing clerks. He did not say that they could not have matter printed on parchment as dark and as large as they pleased; but he contended that they ought to have a specimen of engrossing and printing laid before them, and an estimate of the expense of both, before they cast aside the old practice and adopted the novelty. Another obstacle to printing was the probibition against carrying any of the records out of the sight of the officers in charge of them. This order was essential, in consequence of the abstraction of a page of a will, and the substitution of a forged leaf, on the occasion of an important law suit. Although the fraud was, in the first instance successful, suspicions were aroused, and on inquiry it was detected. If, then, the documents were to be printed, were the records to be sent to the printing offices? He apprehended that no Parliament would assent to that project. Then were they to build a printing office in connection with the establishment? Where was the ground for it? The idea of printing the documents in daily use was altogether visionary. Having, then, explained the condition of the office, he would call attention to the clauses of the Bill. He objected to the provision in the Bill that the direction, management, and superintendence of all the departments of the Registry Office should devolve on the Judges of the Landed Estates Court. There was no similarity or connection between the duties which those gentlemen had discharged and those which would be imposed on them by the Bill. It might be very well to grant an appeal to them on points of law, or in regard to misconduct, but it would not do to burden them with the entire management of the office. The next clause, 11, revolutionized the entire establishment of the office. It enacted that the Register Office should consist of a registrar, two assistant registrars, and so many clerks and officers as the Lord Lieutenant of Ireland, with the sanction of the Commissioners of Her Majesty's Treasury, should, from time to time, think fit. He had already shown that the appointment to all these offices was fixed in the Treasury according to the Civil Service regulations; and were it not that the Bill emanated from his right hon. Friend opposite, he should have said that a ranker job could not have been suggested than to transfer the appointment to the Castle at Dublin. Another part of the Bill to which he objected, had reference to certain temporary officers. He had already stated that the Treasury had at present under their control some thirty or forty clerks, who were appointed merely for temporary purposes, and who, at the present moment, were on the point of dismissal. That branch of the service was to be given over to the Landed Estates Court, and to that proposition he objected. He did not object to see Judges appoint their sons and relations to places in the courts over which they presided, because he thought that the parties then worked harmoniously together; but he objected to those particular appointments being taken from the Treasury and given to Judges to whose court the appointments did not belong. It might be recollected that an Irish registrar general was once a Member of that House, and yet he maintained that the 80th clause dealt with officers of the highest class—such as the registrar and assistant registrars—as a police magistrate might deal with a drunken constable, enabling a Judge of the Landed Estates Court to stop their salary and dismiss them without appeal. That was a clause he would never agree to. Clause 32, which was an important part of the Bill, implied that registration might be effected either by memorial, or by copy, or by counterpart. Now, the first plan was the present practice in Ireland, and was short and cheap; but he believed that the gentlemen of the Landed Estates Court had come to the conclusion that the whole of the past law was wrong, and that the entire deeds of every gentlemen in Ireland should be put on the register. If the Bill passed, there would, no doubt, be a black list of every gentleman who had a mortgage on his estate placarded to the world, and those gentlemen would deserve it for allowing such a law to be put on the statute book. Then again there was an alteration of the existing rule, according to which, where a deed was executed by one of the grantors or grantees, it can be registered as against all parties. But this existing state of the law was to be abolished. The very form of making the affidavits by the witness who were to attest the execution of the deed and of the memorial was altered, unnecessarily and with considerable risk. Then he came to the question of making the Ordnance survey the basis of the registration. On this point one would have expected that the Bill would have been in accordance with the recommendations of the gentleman whom the Government had appointed to inquire and report on the subject, but it was not. They had appointed a gentleman of eminence at the Bar to make a report, and after a full consideration of the matter he abandoned the town land basis as impracticable, there being no less than 63,000 town lands in Ireland, it was said, of an average of 300 acres each, but some not containing ten acres. More than that, Mr. Lane, the gentleman to whom he referred, had prepared a sketch of a Bill; but the Government had never asked him for it, and he felt that in honour he could not communicate it to any one else in the present state of the question. That was Mr. Lane's reply when he asked him what his plan was. But if there were more town lands than one in the same barony bearing the same name, how was the consulter of the Ordnance survey to decide as to which of them the registration was against? In Westmeath there were two town lands of the same name; in Fermanagh three of the same name; in other counties there were ten and twelve of the same name. He wished to know how these were to be distinguished from one another by the registration proposed in the Bill? How was it possible to avoid confusion and error under such circumstances? The principle of compulsory registration, founded on the basis of the Ordnance survey, was opposed to the report of Mr. Lane, and of the Irish Courts. The Scotch Commissioners, also, after fully considering the subject, had reported against a similar change in the system of registration. The Bill further contained a most offensive clause against the respectable body of the solicitors of the country, for it provided that, instead of the pecuniary compensation from the registrar, any solicitor who wrongfully registered a deed should be tried at the Old Bailey for a misdemeanor. Why, how could such a provision be carried out, seeing that no means were provided for identifying with the names in the Ordnance map the names of the denominations in the title deeds, especially as the localities and boundaries were changing every day? Then under the Bill, what remedy was there for a man who might lose his land under a false or mistaken registry of a deed? Why, none whatever, because it would be no remedy to prosecute for misdemeanor a fraudulent solicitor. A capitalist might lend £30,000 on an estate, but his solicitor might not possess a penny. Suppose that solicitor wilfully and improperly registered the deed against the wrong townland; why, then, under the Bill, the capitalist must lose his £30,000. He would further ask the Government to strike out of the Bill all the clauses relating to the registration of judgments. There was at present a Bill on the table to abolish the existing law upon that subject; and the clause in the proposed measure would act as a positive embarrassment in the way of the transfer of land. Then it was highly objectionable that the registrar should be changed from a Ministerial into a judicial officer, as was proposed by the Bill, and that a man might be declared to have died intestate as to his real estate with such facility. If a man died this week, and his son, being a scamp, persuaded the Judge of the Probate Court that his father had died intestate, he might, by help of a certificate of intestacy, immediately sell the estate, and go to another country with his plunder; he then became a trustee for the family he had robbed, and the Bill, while enabling the Judge to recall the probate, declared the sale of the estate by the fraudulent heir good. He was willing to take for Ireland any law that might be passed for this country, no matter what that law was; but let not the House be so unwise or so impolitic as to pass a law for Ireland which they would not dare to pass for England, a crotchet of somebody's, but which nobody understood. The 76th clause enabled a single Judge to dispose of all priorities, to set aside deeds, to register deeds at his will and discretion, and to do as he might think particular documents conformed to the spirit, and not the letter, of the Act of Parliament. That astounding section rendered every other clause in the Bill unnecessary. The Bill, in short, introduced novelties of such a kind, and introduced such difficulties, that he did not believe it would ever become the law of the land. It was remarkable that a Bill so vast, and that concerned the land, the law, and the property of Ireland, should be represented on the Treasury bench by the right hon. Gentleman the Member for Tamworth *solus*. If he should carry it, he would be the political Coriolanus of the age, for he would be able to say, "Alone I did it." A vacancy in the metropolitan county of Ireland had now occurred, and there was an opportunity of enabling the right hon. Gentleman's law advisers, if they thought fit, to give him the assistance he required. The Irish Members did not desire to give the right hon. Gentleman more trouble than they could help, during the existence of his provisional administration; they did not wish to lay themselves open to the unnecessary censure of the Solicitor General, and to be accused of giving a "blind and indiscriminate opposition" to this Bill.

Question put.

The House *divided*:—Ayes 56; Noes 41: Majority 15.

Bill read 2°.

On Question that the Bill be committed for Monday,

Sir EDWARD GROGAN said, he wished to give notice of his intention to move that the Bill be referred to a Select Committee.

Colonel DUNNE said, he wished to ask the House whether they had ever witnessed such a scene as that which had just taken place. Upon the second reading of a Bill of the utmost importance to Ireland a right hon. and learned Gentleman had felt it necessary, in a most able and argumentative speech, occupying some hours, to show how objectionable the measure would prove to the sister country, and not one occupant of the Ministerial Bench had thought it becoming him to reply to it. He considered such conduct upon the part of the Government as an insult to Ireland. The division list on the following day would show, as usual in reference to the Bills of the right hon. Baronet the Secretary for Ireland, that the vast majority of the Irish Members had voted in the minority; but they were swamped by the votes of the English Members, who knew nothing, and cared less, about the interests of Ireland.

THE SOLICITOR GENERAL said, the Government had introduced the measure believing it to be one of a very useful character and to be called for by the people of Ireland generally. The progress of the Bill had been several times postponed to meet the convenience of the right hon. and learned Gentleman the Member for the University of Dublin. His right hon. Friend in introducing the Bill having stated very ample reasons for recommending it to the House, could not again be heard in the same debate, and he himself on the occasion when the Bill was last under consideration dealt with the principal objections then brought against it. His right hon. and learned Friend the Member for the University of Dublin, with his usual ability, had made a speech occupying no less than three hours, but he had not touched in the least on the general principle of the Bill. His objections, however important, were wholly to the details of clauses, and some of them had been answered by anticipation. As the speech of the right hon. and learned Gentleman only closed at twelve o'clock, if he had attempted to answer it, the House might have been compelled to sit till three o'clock in the morning, which would have been unreasonable. Besides, the only result would have been to play into the hands of any hon. Members who might wish to defeat the Bill by delay, a course which the Government had no intention of adopting.

MR. WHITESIDE said, the House had a right to hear from a Gentleman of the ability of the Solicitor General reasons for any measure he advocated, otherwise they must believe he had no reasons to give. The objections which he had just urged, so far from being points of detail, were regarded by many of the heads of the profession in Ireland as involving matters of the highest principle. It did not follow, because a Gentleman thoroughly unconnected with Ireland chose to say, "Here is a Bill; take it, and do not argue it; or if you do, you shall not be answered," that such a system of carrying on the business of the country could be tolerated.

SIR GEORGE GREY said, it seemed to have escaped the right hon. and learned Gentleman that the Bill had been debated for several hours on a previous evening, and that his hon. and learned Friend the Solicitor General made a speech on that occasion marked by all his usual ability. He would have learned this fact had he read the newspapers.

COLONEL DICKSON said, he thought the opinion they had heard that night from the right hon. and learned Member for Dublin University (Mr. Whiteside) was well worth waiting for. He would not be deterred by threats from offering opposition to every stage of an unjust and unnecessary enactment.

MR. VINCENT SCULLY said, the measure being one that would have the effect of almost confiscating the properties of Irish Members, they were determined to give it every opposition in their power. It was too bad that the Irish Members, who naturally felt deeply interested in the Bill, should find themselves outvoted by a number of English Members who cared not a farthing what injury the measure did to the sister country. The fact was, the people of Ireland were becoming every day more and more disaffected towards this country, and were looking with much hope and expectation to the United States of America for a redress of their grievances.

MR. LYGON said, he rose to order, and to ask what was the question before the House.

MR. SPEAKER said, that the question was, that the Bill be committed on Monday

MR. VINCENT SCULLY said, that if hon. Gentlemen were anxious to play the strict game, he might call them to order almost every second sentence. On a future occasion he would enter fully into the subject.

Bill *committed* for *Monday* next.

CHURCH BUILDING AND NEW PARISHES ACTS AMENDMENT BILL.

LEAVE. FIRST READING.

THE SOLICITOR GENERAL said, he rose to move for leave to bring in a Bill to consolidate and amend the Church Building and New Parishes Acts. At that hour of the night he would not state in detail the objects of the Bill. He wished, however, to explain that it was not intended to introduce any matter which would lead to controversy, and that therefore the clauses of the existing statutes relating to church rates would neither be repealed nor re-enacted, but would simply be left as they stood.

MR. F. S. POWELL (Cambridge) said, he approved of the Bill generally. At the same time, he would express a hope that some amendments, to which he would refer at a future stage, would be incorporated in the Bill, for they were absolutely necessary if the Church Building Acts were to be brought into harmony with the wants of the Church. There ought to be a power given to those who acted as trustees for the revenues belonging to the Church of England to invest monies in such a manner as would produce a better rate of interest than was then obtained. He hoped the same variety as regarded the mode of patronage would be retained, and the same elasticity, scope, and liberty of action, since they were alike in accordance with the general tendency of the English mind and beneficial to the Church of England.

Motion *agreed to.*

Bill to consolidate and amend the Church Building and New Parishes Acts, *ordered* to be brought in by Mr. SOLICITOR GENERAL and Mr. ATTORNEY GENERAL.

Bill *presented,* and read 1°. [Bill 82].

MUNICIPAL ELECTIONS BILL.

On Motion of Mr. *Wykeham Martin,* Bill to amend the Law relating to Municipal Elections, *ordered* to be brought in by Mr. WYKEHAM MARTIN, Mr. COLLINS, and Mr. SERJEANT KINGLAKE.

Bill *presented,* and read 1°. [Bill 83.]

House adjourned at half after Twelve o'clock.

HOUSE OF LORDS,

Tuesday, April 21, 1863.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Local Government Act (1858) Amendment (No. 69).

LOCAL GOVERNMENT ACT (1858) AMENDMENT BILL—(No 69).

SECOND READING.

LORD STANLEY OF ALDERLEY *moved* the second reading of this Bill. By the Act of 1858 it was provided that all parishes adopting that Act should be exempted from the obligations of the Highways Act. A number of small parishes had taken advantage of that provision, although there was nothing in their circumstances to justify an exemption from the Highways Act, which exemption was intended to be granted only to large and populous parishes; and the object of the present Bill was to restrict the adoption of the Local Government Act to populations of not less than 3,000, unless under special circumstances the Secretary of State should otherwise determine.

LORD CHELMSFORD said, he would offer no opposition to the Bill; but he desired to observe that several parishes in Lincolnshire had in public meeting unanimously resolved to adopt the Local Government Act, and publication in the *Gazette* was all that remained to be done in order to secure for those parishes the application of the provisions of the Act; but, in consequence of the introduction of the present measure, the publication in the *Gazette* was suspended, and everything done by those parishes would be frustrated through the retrospective operation of the Bill.

LORD STANLEY OF ALDERLEY explained that the adoption of the Local Government Act by any place previous to the 1st of March would not be affected by any retrospective action of the Bill.

Bill read 2ª, and *committed* to a Committee of the Whole House on *Thursday* next.

House adjourned at half past Five o'clock, till Thursday next, a quarter before Five o'clock.

HOUSE OF COMMONS,

Tuesday, April 21, 1863.

MINUTES.]—PUBLIC BILLS—*Ordered*—Metropolitan and City of London Police Amalgamation.

First Reading—Land Drainage (Provisional Orders) [Bill 85]; Local Government Supplemental [Bill 84]; Poor Removal [Bill 86].

ATTACK ON TRINGANU.

QUESTION.

Sir **JOHN HAY** said, he wished to ask the Secretary to the Admiralty, If he will lay upon the table of the House, the Report of the Attack upon Tringanu by Her Majesty's ship *Scout*, on the 11th November, 1862; and to ask the Secretary of State for India, if he will lay upon the table of the House any correspondence from the Governor of Singapore, or the Government of India on this subject; and to ask the Under Secretary of State for Foreign Affairs, if he will lay before the House the Papers containing a correspondence from the Government of Siam and Sir R. Schomburgh on the same subject?

Sir **CHARLES WOOD** said, the answer which he had to give to the hon. and gallant Member would equally serve for the departments of his noble Friend the Secretary to the Admiralty and his hon. Friend the Under Secretary for Foreign Affairs. When the whole of the Papers in question had been received, there would be no objection to lay them on the table. The last despatch received from India intimated that other Papers on the same subject were about to be sent home, and he therefore thought it would be improper to produce only a portion of them.

THE LATE SIR JAMES OUTRAM.

QUESTION.

Mr. **PERCY WYNDHAM** said, he would beg to ask the Secretary of State for India, If it is true that the Indian Government intend to defray the expenses of Sir James Outram's funeral; and if the sergeants of the 78th Highlanders, who volunteered to attend at their own cost from Folkestone, and did so, will not have their expenses allowed to them by the Government?

Sir **CHARLES WOOD**: Sir, on the part of the Government, and with the entire concurrence of the Council of India, I may say that we thought it only a tribute due to one of the bravest and most gallant officers who ever entered into any service, and who was distinguished alike in his military and civil capacity, that the expenses of his funeral should be defrayed out of the public treasury. With regard to the sergeants of the 78th Highlanders, it was a most touching tribute of respect to their old commanding officer that they should have volunteered to come to bear him to his grave; and it certainly ought not to be allowed that they should pay the expenses of their journey; those expenses will therefore be defrayed by the Government.

DISEASES OF CATTLE.

QUESTION.

Mr. **DARBY GRIFFITH** said, he wished to ask the Vice President of the Privy Council, Whether he has any objection to lay upon the table of the House the Report of the Commissioner sent by Government in the course of last Autumn to the Continent to inquire into the existence of sheep and cattle contagious or infectious diseases in Foreign Countries, and into the liability of their introduction into this Country?

Mr. **H. A. BRUCE** said, in the absence of his right hon. Friend, he could state that the Report alluded to by the hon. Member, which was a very long one, was now under the consideration of the Department; and if it were found suitable for official publication, it would be printed in the appendix of the usual Annual Report of the Medical Officer.

Mr. **DARBY GRIFFITH** said, he wished to ask when that document was likely to appear?

Mr. **H. A. BRUCE**: Very shortly; at any rate, in a few weeks.

POLAND—THE RUSSIAN AMNESTY.

QUESTION.

Mr. **DENMAN** said, he would beg to ask the First Lord of the Treasury, Whether Her Majesty's Government have received any information as to whether the amnesty offered by the Emperor of Russia to those engaged in the Polish insurrection is intended to suspend the execution of political prisoners taken since the commencement of those proceedings of the Russian authorities which led to the insurrection?

Viscount **PALMERSTON**: Sir, it is well known that the Russian Government have issued a proclamation of amnesty. It is stated that there is some variation between the copy issued at St. Petersburg and the copy issued at Warsaw, but we have no accurate information on the subject. Different interpretations have been put upon that amnesty, some persons understanding it to have the comprehensive sense mentioned by my hon. and learned

Friend, and other persons believing its scope and intention to be more restricted. All I can say is, that I hope the larger interpretation is the just one. It is impossible but that the Russian Government must be sensible that their troops in Poland have, unfortunately, committed so many acts of ferocious violence that there is a great arrear of mercy and indulgence due by that Government to set them right in the public opinion of Europe.

THE SECRETARIES OF STATE.

QUESTION.

MR. DARBY GRIFFITH said, he would beg to ask the noble Lord, Whether it is desirable for the public service, or, in fact, respectful to that House, that the chiefs of three Departments so important as the War Office, the Foreign Office, and the Admiralty should be concentrated in the House of Lords, and that the House of Commons should be left with only Under Secretaries to represent those Departments?

VISCOUNT PALMERSTON: All I can say, Sir, is that it has been my endeavour to make the best arrangement for the public service, and one which appeared to me to combine as many advantages and as few objections as possible. I am quite aware that it would possibly be desirable that the distribution of the Secretaries of State between the two Houses should be different; but I am persuaded that this House will feel no inconvenience from the arrangement made, in regard to those proper and full explanations which are always due to it on all matters connected with the public service.

UNITED STATES—CONDUCT OF ADMIRAL WILKES.

QUESTION.

MR. ROEBUCK: I wish, Sir, to ask the noble Lord a Question of which I have given him no notice, but which, if he is unable off-hand to answer it now, I shall repeat to him on Thursday next. I wish to ask him, Whether Her Majesty's Government have determined on any line of conduct to be pursued with respect to the proceedings of Admiral Wilkes, and whether he can state to the House what that line of conduct is?

VISCOUNT PALMERSTON: Perhaps the hon. and learned Member will allow me to take this as his notice.

WOODS, FORESTS, AND LAND REVENUES OFFICE, &c.

SELECT COMMITTEE MOVED FOR.

MR. AUGUSTUS SMITH rose to move for a Select Committee to inquire into the Office of Woods, Forests, and Land Revenues, and the Office of Public Works. The hon. Member said, that the attention of the House and the public had for some years past been directed to the increased and increasing Estimates for the different Departments of the Civil Service. He regretted, that in those Estimates for the present year, there were no sensible reductions. It might have been expected, that when they saw a million saved in the Army Department, and another million on the Navy Department, some considerable reduction would also have been proposed in the Civil Service Estimates, the complaints of the growing increase of which had always been stronger than against any other Department of the State. That increase existed more particularly in the expenses connected with the public offices; and in no Departments was it more remarkable than in the two to which he was about to call attention—namely, the Office of the Woods and Forests, and the Office of the Board of Works. It appeared to him that this was a favourable time for entering into an examination, before a Committee of that House, of the effects of the Bill passed ten years ago for the separation of those Departments. In his last Report, Mr. Gore gave an account of the Woods and Forests up to March, 1862, and, alluding to the change which took place ten years ago, said, "that the best criterion of the success of any system of management of property was the permanent pecuniary result." That was quite true; but the result should be tested, not as regarded the receipts only, but as regarded the expenditure also. Mr. Gore then drew a comparison. He took the gross receipts for three years previous to the passing of the Act of the 14 & 15 *Vict.*, and then also took those of the last three years under his own administration—namely, 1860, 1861, and 1862. Mr. Gore did not draw a very fair comparison. He took the years 1849, 1850, and 1851, and showed that the receipts were on the annual average, under the old system, £339,000, and under the new, £414,000, showing an increase of £75,000 a year, or 22 per cent. But, instead of there being an increase of £75,000, it amounted, in reality, only to £67,000, as the year 1852, instead of 1849, ought to have been taken. The comparison, however, he should have drawn was between the whole ten years since the passing of the 14 *Vict.* and the last ten years of the old system, and then a very different result would have been shown. He (Mr. Augustus Smith) found that the receipts for ten years, from 1843 to 1852, amounted to £3,495,000, from which must be deducted the receipts from Parks and Gardens, about £40,657, leaving a sum of £3,455,000; while under the new system ten years had produced £4,090,000, giving an annual average, for the former period of ten years, of £345,500, and for the latter period of £409,000, showing an annual increase of about £63,000 instead of £75,000 as asserted. It was difficult to draw an exact comparison, the mode of keeping the accounts being different, and various payments formerly allowed being now transferred to the Consolidated Fund. Under this head no less than £209,000 must be classed during the last ten years. Mr. Gore took credit to the Office for improvements which had taken place; but he should have entered a little more fully into the case, because there were various circumstances which of themselves must satisfy every one not only that there should have been an increase, but that the increase should have been much greater than it was. Thus the great outlays for improvements paid out of income, not only during the last ten years, but during former periods, are now beginning to tell. Next, many payments were formerly allowed out of the receipts which had been discontinued. Then, again, there had been a vast acquirement of new properties, either by encroachments on the public or private individuals. Through the foreshores alone, above £200,000 had been extracted, and great additions through Hull Citadel, Culmore Fort, and other similar properties. There was one source of improved income—namely, the large rentals charged to the public for the accommodation of several Departments of the public service. Almost in every instance this practice had commenced within the last ten years, and gives above £10,000 a year. The particulars are specified in a Return he moved for last Session (No. 8). He might mention the case of the Museum of Practical Geology in Jermyn Street. The country had laid out the sum of £111,000; but at first the Museum sat rent-free. Since then, a heavy rent of about £1,000 a year had been charged; therefore, not only was the money of the country spent upon an institution which it had no security for retaining beyond the lifetime of the present Sovereign, but the country was called upon to pay a large rent. There was also an item for timber cut down in the forests, the receipts for which were larger under the present Department. Of course, that result had been arrived at simply because more timber had been cut down in the forests during the last ten years than during the previous decennial period. The excess of timber cut down during the last ten years had been of the value of £160,000, which gave a sum of £16,000 a year. But, as the money of the nation had been annually voted for enclosing and planting, he thought the produce of the timber thus grown should be paid direct into the Exchequer. Mr. Gore went on to specify the outlay under different heads during the last ten years: 11,000 acres had been drained, and 546 different buildings had been built or altered; but the Report gave no intimation of what had been the cost. It did appear that no less than £72,000 had been expended during the last ten years upon drainage, exclusive of the forests; and as drainage was a permanent improvement, it was not right that it should be effected at the cost of the country, unless the country was allowed to enjoy a permanent interest in the results or improved value. The total outlay upon the Crown Lands, since the commencement of the present reign, had been upwards of a million and a half. The success of the Department must be judged, not only by the receipts, but by the expenditure. Mr. Gore stated that the land revenue before the passing of the 14 & 15 *Vict.* c. 42, was charged with a number of payments from which it was now free; and therefore the net income paid into the Consolidated Fund could not be compared with the net income of former years. That was quite true; but as Mr. Gore had the materials to set forth what those charges were, it would have been convenient if he had done so. According to that gentleman's statement, in the three years 1853-4-5 there was paid into the Consolidated Fund £784,571, or an average of £261,500; while the amount paid in the years 1860-1-2 was £870,000, or an average of £290,000 a year. Nothing could be more delusive than that statement, because many charges had been transferred from the Woods and Forests to the Consolidated Fund; but large sums by Votes of this House were given in aid of the actual expenditure, which therefore ought to be set against the receipts. Those charges in the last year of which they had any account amounted to upwards of £43,000. The proper comparison to make was to take the whole sums paid during the ten years, and to set off the expenses. The total receipts during the ten years had been £4,090,000. There had been paid to the Consolidated Fund £2,777,000 leaving a balance of £1,313,000, which the Commissioners had laid out without any Vote of Parliament and entirely upon their own responsibility. On the other hand, there had been laid out about £1,300,000 in addition to the sums annually voted by Parliament for the expenses of the office, making the total expenditure £1,707,500, which sum, deducted from the total receipts, left a balance of £2,383,000. The net income for the last year was only a few hundred pounds more than the net average income of the last ten years; so that there had not been that improvement in the management of the office for which Mr. Gore claimed credit. Since the appointment of a President of the Board of Works, and the substitution of that more high-sounding title for the title of Commissioner, there had been a great increase of expenditure both for the office expenses and for the maintenance of Parks and Gardens. The comparison of the office expenditure was most instructive and suggestive. The united offices of Woods, Forests, and Works, for ten years, from 1842-3 to 1852, cost £259,627; the Office of Woods and Forests for ten years, 1853 to 1863, £236,978; Office of Works, for the same period, £256,980; making together £493,958, and showing an increased office expenditure of £234,331. But if to this sum were added the various sums that properly belonged to these two Departments, as they were found scattered through the various Estimates for superannuations, stationery, postages, and similar charges, the actual increase in consequence of our having two offices instead of one amounted to the large sum of £321,830. While the charge for official management had thus nearly doubled, the expenditure on the Parks and Gardens themselves, which in the ten years previous to the appointment of a President of Works amounted to £640,000, was during the last ten years £1,050,000. The Parks themselves were under the Board of Works, but the fringe of the Parks was reserved to the Office of Woods; and he submitted that it was unreasonable that there should be this joint exercise of power. The principle seemed to be this—that if there was anything to receive, it went to the Woods; but if there was anything to pay, the Board of Works took charge of it, and saddled it on the public. This principle pervaded all the Crown properties. Thus the expense of keeping up Victoria Park was defrayed by a public grant; but the Office of Woods preserved all the building ground, though it was the Park which made the building ground valuable. Again, the tithes annexed to Glasgow Cathedral were received by the Office of Woods, but the painted windows were put in by the Board of Works at the public cost. The Report of the Committee on Public Monies expressed the opinion that all these matters should be brought within the control of Parliament; but a Treasury Minute said that "my Lords" were of opinion, that considering the peculiar nature of this revenue, it was advisable to postpone any further consideration of the point until a further investigation took place, preparatory to a new surrender of the Crown Lands to the public, and the grant of a new Civil List. Considering the enormous grants of public money which were made in connection with this Department, he thought that the House ought to have an explanation of the peculiar circumstances alluded to in this Minute. These Commissioners seemed to suppose that they were trustees of the Crown, whereas they were nothing but stewards or clerks under the control of the Treasury. Up to this time this recommendation of the Public Monies Committee had been resisted and set at nought on no valid grounds. Originally, the Royal forests were kept for the purposes of the chase, and afterwards they were retained as nurseries for the naval yards. But it appeared, that for many years past, the Admiralty had refused to receive the timber grown in these forests, because it cost £8 10*s*. per ton, while they were able to procure timber from contractors at about £6 3*s*. Therefore, as affording supplies for naval purposes, the forests were useless; but a great deal of expense had been incurred in growing the timber, and he wanted to know whether the country should not have the money that was received for it when cut down. From

1853 to 1862, the total receipts from the forests were £578,600, of which £496,000 was for timber, which the Commissioners of Woods coolly pocketed as profits of Crown Lands, though the result of outlays taken from the public purse. During the ten years preceding 1853, the Commissioners only cut £330,000 worth of timber, so that £166,000 worth more had been cut within the last ten years than in the ten years preceding. The expenses of the various officers and departments for the management of these forests were very large. Indeed, the payments were so great that the net income was actually *nil*. This gave rise to the question whether it would not be better to ascertain the nature and extent of the Crown interests and of the interests of the public, and to dispose of the forests to the best advantage. He put it to the Chancellor of the Exchequer whether, by the sale of portions of these forests, funds might not be procured for the purchase of sites for public offices. It was full time it should be ascertained whether, according to language now so frequently used, the Sovereign really had an interest in what are called the Crown Lands antagonistic to the interests of the public, and whether Crown property and public property were not one and the same thing. Lord Ellenborough once very correctly described it in a debate in the Lords on the King's Property Bill, in 1823, when he said, "Crown property belonged to the kingdom, not to the King." It appeared to him that the severance of the two offices, instead of leading to efficiency and economy, had led only to confusion and expense. On these grounds he asked the House to grant him a Select Committee; but in asking this he was, in fact, only asking for a re-Vote, for a Select Committee had been granted in a former Session, and he would therefore ask those hon. Members who supported him on that occasion to give him the same assistance on this.

Motion made, and Question proposed,

> "That a Select Committee be appointed, to inquire into the Office of Woods, Forests, and Land Revenues, and the Office of Works and Public Buildings, and the operation of the Act 14 and 15 Vic. c. 42, by which these were constituted as two separate departments."

MR. PEEL said, he was quite ready to admit that the condition of the Crown Lands was a fair subject to be brought under the consideration of the House, both on account of the large revenue derived from them and the considerable number of persons interested in the just and prudent management of them. They formed the subject of a compact between the Crown and the country, by which, in return for the Civil List, the Crown made over to the public the net revenue derived from the Crown Lands, after paying the expenses of management. The system under which these lands were managed, all the proceedings connected with the outlay of capital and the application of income, were strictly regulated and defined by law. They had always been administered by Commissioners expressly and exclusively appointed for the purpose, except between the years 1830 and 1850, during which period the management of them was combined with the management of the Public Works and Metropolitan Improvements. That experiment having proved a failure, the Offices of Commissioner of Woods and Forests and Commissioner of Works were separated by the Act to which the hon. Gentleman had referred in his notice of Motion. To decide whether that Act had worked successfully it would be necessary first to consider what were the objects with which it was passed; and the Prime Minister in 1850, in first introducing the Bill to Parliament, thus defined its intention—

> "By the proposed separation we get rid of what has frequently happened—namely, that when large expenses have been incurred for certain public works, the sums were raised by making them a charge on the Land Revenues of the Crown. This was calculated to keep from the public view the large expenses incurred in those cases. According to the statement I have now made, the Land Revenues will be in future managed as a Department of the Revenue. The persons employed in that office will have only to consider how best to manage the rents they receive from that property which is leasehold, and also what is the best mode of managing the Woods and Forests; and they will have nothing to do with the consideration of any expenses, except such as every owner of property would think it necessary to incur for the preservation and improvement of his property." [3 *Hansard*, cviii. 1319.]

The first object of the Act, therefore, was to remedy an evil which had arisen from the union of the two offices—that when large public works had been undertaken, the cost of which it was not thought expedient to lay before Parliament altogether, money was provided for by drawing on the land revenues. In this way these revenues appeared smaller than they really were, and expenditure was kept from Parliament which ought to have been submitted to it. Nothing of the kind had happened since the Act was passed; but, according to the hon. Member, an evil of the opposite character had followed. The hon. Gentleman complained that where public Departments required the use of Crown property they were not allowed to have it rent free, and he had referred to the Museum in Jermyn Street, and certain property in the temporary occupation of the War Department. Certainly, it could make no difference to the public whether the Departments paid rent or not, because the rent was of course transferred to the Exchequer; but it was important that the Commissioners should maintain the principle of making a fair charge for the use of Crown property in every case. If once a departure were allowed from that principle, the door would be opened to numerous claims which would not be altogether so clear and simple as those which the hon. Gentleman had mentioned. For instance, public bodies or corporations, or companies projecting schemes said to be for the advantage of the public, but often intended for their own profit, might claim the use of this property on the ground of public convenience. Another object of the Act was that the Department of Crown Lands should be a department of revenue, and that the administration of those lands should be such as would bring in as much as possible to the revenue consistently with a proper regard for the permanent improvement of the property; in fact, that they should be managed in the same manner as a private proprietor would manage his own property. Of course, it was a fair question whether this attempt to improve the Crown Lands had succeeded. There could not be provided a better test in answer to this question than to refer to the revenue derived from the Crown Lands. The hon. Gentleman said it was not fair to include in the account the income derived from the Woods and Forests; and taking, therefore, the account of the lands solely, and the houses under lease, it would be satisfactory to know that there had been a consistent and progressive increase in the income derived from this portion of the property. In the year ending March 1851, the income derived from the Crown Lands, excluding Woods and Forests, was £301,000; in the following year it had risen to £311,000; in 1858 it was £330,000; in 1859, 350,000; in 1860, £352,000; in 1861, £360,000; and in 1862, £370,000. Taking the gross receipts, including Woods and Forests, the average for the three years ending March 1851 was £339,000; the average gross receipts for the three years ending March 1855 were £384,000; and for the three years ending March 1862, £414,000. He was sorry to find that the hon. Gentleman was dissatisfied with this large increase, and that he had endeavoured to diminish it in every way, or to ascribe it to any other cause than improved management. The gross annual receipts for the three years ending March 1841, averaged £330,000, and they had only increased by £9,000 up to 1851; whereas in the ten years which had elapsed since the passing of the Bill, they had increased £75,000. The question was, to what cause this increase was owing. These Crown Lands were scattered over the whole country—the property was, in fact, situate in thirty-two counties, and in many counties there were detached outlying portions. One of the principal objects of the Commissioners had been to consolidate the property as far as possible by disposing of these outlying portions, and purchasing other lands more conveniently situate. It appeared from the Returns ending March 1862, that during the last ten years the Commissioners had sold in England and Wales 7,520 acres, of the annual value of £11,350, for which they had received £410,000, after all expenses had been paid, being at the rate of thirty-six years' purchase. They had also, during the same period, sold property in Scotland and Ireland, for which they had received £325,000; and they had sold waste lands and foreshores, which were producing nothing, to the amount of £209,000; making altogether £950,000. The whole of that sum had been, as was required by law, laid out in the purchase of new property, and it was invariably laid out in the purchase of that which adjoined property already belonging to the Crown. Up to March 1860, £785,000 had been expended in the purchase of 18,420 acres, and £25,000 in improvements of those and other properties; and these properties together produced a rental of £27,810 per annum; or a rental equal to about twenty-nine years' purchase on the amount paid. Although the property sold was usually unimproved and the property bought was in a valuable situation, the work of consolidating the Crown Lands had been carried on for ten years not only without loss, but with an increase in annual revenue amounting to the difference between £11,000 and £27,000 a year. He had stated that it was intended that the Crown Lands should be administered as a department of revenue, and it was not unnatural that observations should be made upon the expenditure out of the revenue before it passed into the Exchequer. It appeared from the last Report of the Commissioners that the expenditure, whatever the amount, was, at all events, not increasing. Upon an average of three years, ending March 1855, the gross receipts were £384,000, and the sum paid into the Exchequer was £261,000. Upon an average of the last three years, ending in 1862, the gross receipts were £414,000, and the sum paid into the Exchequer was £290,000. The increase, therefore, in the amount paid into the Exchequer was equal to the increase in the gross receipts. The total expenditure was about £125,000, and might be divided into three parts—first, the expenditure on Windsor Park; second, the expenditure on the Woods and Forests; and third, the expenditure upon Crown Lands under lease. The sum expended on Windsor Park was about £20,000 a year, and the sum received was £6,000. It ought to be borne in mind that Windsor Park was maintained for the enjoyment of the Sovereign, just as the London parks were maintained for the enjoyment of the public, and that no reduction could be made in that item. The Woods and Forests produced £40,000, and the expenditure was £30,000. The annual revenue of the Crown Lands under lease was £370,000, and the annual expenditure was £75,000. To the nature of that expenditure he wished to call attention. No less than £24,000 of that expenditure consisted in payment of taxes, ancient stipends charged by former sovereigns, and charges attached to the lands before they were acquired by the Crown. The next item of £35,000 was the amount expended in the improvement of the property. What had been done in Hainhault Forest was a very good illustration. When first disforested some years ago, it was let at a rent of £2,839 a year. In building farm-houses and cottages and in drainage £29,000 had been expended, and the tenants paid as interest £1,548 a year more, which brought the rent to £4,388 a year. What had happened in that case happened in every case. The outlay bore interest, and the occupier paid the amount in addition to his rent. It was said, that if these lands belonged to private owners, they would make no outlay from income, but would borrow money for the improvements; but inasmuch as he imagined that the Civil List and the Crown Lands would always be arranged upon the basis upon which they stood at present, it must be a matter of indifference whether the money was advanced from the revenue of the country or from the revenue of the lands, provided that in every case a fair interest was paid and a fair return obtained for the outlay. He had accounted for £59,000 out of the £75,000, leaving £16,000 as the actual cost of management; and as that was only 4¼ per cent on the amount of rents received, he could discover no proof of extravagance or bad management. The hon. Gentleman had referred to the circumstance that these expenses were not voted by Parliament; but it was provided by the Act that the cost of management, including all improvements, should be a first charge on the gross revenue, and he had only to say that after full discussion and a division the House decided in 1851 against the expenditure being made part of the annual Votes. It was quite true that the Committee on Public Accounts had pointed out the advantage of these expenses being placed on the annual Estimates, but they only made the recommendation provided that no objection whatever was offered to the change; and the Treasury, by their Minute, had dissented from that view, and advised the postponement of any alteration.

As to the Woods and Forests, the hon. Gentleman was under some misapprehension with regard to the nature of the Crown interests. The whole extent of forest lands was about 100,000 acres, but only one-fifth of these belonged exclusively to the Crown; with respect to the remainder, it was subject to rights of common. At the beginning of the century there was alarm lest the supply of timber for the navy should fall short, and Acts were passed by which power was given to the Crown to enclose a portion of the forest lands and plant timber upon the enclosed portions. About 30,000 acres out of the 80,000 had been so planted, making altogether about 50,000 acres which were planted with growing timber. The subject of the forests was inquired into by a Committee as late as 1854, and the Committee reported that they were satisfied with the manner in which it was being managed; and there was no doubt that the forests were of great value, and that they increased in value every year by about £60,000. The annual revenue which was derived from the forests arose from the necessary thinning of the wood, and amounted to about £40,000, being £10,000 more than the annual expenditure. There could be no question whatever that these forests would ultimately be of very great value, and it would be a most unwise proceeding to cut down the timber before it had arrived at maturity. He need not say much about the expense of the Central Office of Woods, because that subject was investigated in the year 1859 by a Committee of the Treasury, which made a very full Report on the nature and constitution of the office, and observed, in conclusion, that they had much satisfaction in reporting their opinion that this branch of the public service was in a very efficient state, adding that the value of the Crown Lands had been greatly improved, and that the arrears of rent were but trifling when compared with the large amounts which were received. He believed that the only arrears were rents which had been owing for a great number of years, principally quit rents in Ireland, which had not been collected for 120 years, and were now perfectly irrecoverable. The annual cost of the office was about £26,000, of which £9,000 was for the legal Department; but of this latter sum a considerable portion was repaid by persons in whose favour leases and conveyances were executed. It was not necessary for him to go into the question so far as related to the Office of Works, because his right hon. Friend the First Commissioner of Works would be ready to give any information on that subject which the hon. Gentleman might desire. A proposal for an inquiry was undoubtedly a very specious thing, but he thought an inquiry into these Departments ought not to be instituted unless it could be shown that the present system was working badly, or that some better system could be adopted. He ventured to say that the hon. Gentleman had not been able to make out either of these cases, and he trusted the House would not give any encouragement to the notion which was rather implied in the hon. Gentleman's Motion than expressed in his speech—namely, that it was desirable to re-unite the Departments of Woods and Works. They were united for twenty years, and their union was attended with many evils—such, for example, as that of one Department making use of part of the revenue of the other for the purpose of carrying out public works to a greater extent than Parliament had sanctioned. He believed that this property was as well managed now as it was likely to be after any inquiry which the hon. Gentleman wished to make. It should be recollected, that if this expenditure was incurred without the previous sanction of Parliament, a very full account was rendered to Parliament of the manner in which the money had been expended. The accounts were rendered year by year, and so clear was their arrangement that anybody who examined them carefully could make himself master of them. He therefore trusted the House would not adopt the Motion.

Mr. CAIRD said, that having, some years ago, called the attention of the House to the management of the Royal forests, he was bound to say that he believed that the discussion which then took place had had a beneficial result. The Report made by Mr. Gore in 1862, showed that a great improvement had taken place in the management of the Crown estates, the value of which had, by judicious outlay and judicious investment of money, been considerably increased. Even now, however, large sums were expended in the remuneration of law agents for the management of property which he should himself like to see administered by Mr. Gore himself, or some of the officers of his Department. During eleven years, the rental of the Crown lands had increased from £329,000 to £414,000, or about 22 per cent. Only 10 per cent of that increase had yet found its way into the public exchequer, the remainder being absorbed by the large outlay upon improvements. This result was a good illustration of the effect which free trade had had in improving the value of land. He did not know any example more clearly proving the increase of rental, not from mere outlay and improvements, but from the great advance which had taken place in the value of land, resulting from the greater demand that had arisen for it since the repeal of the Corn Laws. As to the Royal forests, he suggested a few years ago, when the House discussed the question of the camp at Aldershot, that instead of purchasing land such as Aldershot, they should appropriate part of the unproductive land in the Royal forests to the purposes of a camp, for which some portions of them were very well adapted, whereby the value of the surrounding land would be increased.

Question put, and *negatived.*

METROPOLITAN AND CITY OF LONDON POLICE AMALGAMATION.—LEAVE.

Sir GEORGE GREY rose to move for leave to bring in a Bill for the Amalgamation of the City of London Police with the Metropolitan Police, and said: Sir, the proposal which I have to make to the House is by no means a new one. The question to which it relates has been carefully considered and reported on by Commissions appointed by the Crown, as well as by Committees nominated by this House at, different times and under different circumstances. A remarkable unanimity of opinion has, I may add, been apparent in the conclusions at which those Commissions and Committees have arrived, and that unanimity is, I believe, pre-eminently due to the fact to which they have all adverted, to the fact which it is desirable we should, in dealing with the question, bear in mind—that an essential difference exists between the Corporation of the City of London and other municipal corporations in respect of the area within which their respective jurisdictions are exercised. Before, however, I advert further to that fact, or to the observations which have been made upon it by the Commissions and Committees to which I have alluded, I wish to say that the proposal which I am now about to submit to the House is not founded mainly or exclusively on the events which took place on the 7th of March last. The Bill, to the introduction of which I am about to ask the House to accede, is not, in short, a penal measure directed against the City of London on account of any mismanagement which might be attributable to them in connection with the proceedings of that day. The events of the 7th of March at the same time, no doubt, show great mismanagement, or rather great want of order and management on the part of the City authorities, and a very inadequate appreciation, of the emergency likely to arise, notwithstanding the warning given by the crowds who collected to witness the preparations previous to the 7th. These events also showed over-confidence on the part of the City authorities in their own means for preserving order unaided by extraneous assistance. The occurrences of the 7th of March, indeed, tend, I think, conclusively to show that the opinions formed by the Commissions and Committees to which I have already referred were well founded, and that the theory which they laid down as to the inconvenience likely to result from the existence of a divided authority, such as that existing in the case of the City and Metropolitan Police, was not of an imaginary character, but one which, when brought to the test by circumstances, was proved to be based upon a solid foundation. Before I allude more particularly to the opinions of those Commissions and Committees on the subject, however, I wish to state that the course which I am now about to take is one upon the expediency of adopting which the Government decided, after weighing all the circumstances of the case, without waiting to be guided by the opinion of the House as it might be elicited on the Motion with reference to the amalgamation of the City and Metropolitan Police of which the hon. and gallant Member for Westminster (Sir De Lacy Evans) had given notice. Had that Motion been made in the terms announced, it would have been impossible for me to dissent from it—because, having read the Reports of the several Commissions and Committees, as well as the evidence which was taken before them, I could not deny the practical inconvenience of that divided authority against the continuance of which the Motion was directed, as exemplified in the occurrences of the 7th of March. That being so, Her Majesty's Government think the proper course, and that most consistent with their duty, was not to wait for the passing of an abstract Resolution on the subject, but rather to submit to the House a practical proposal in the shape of a Bill, with the view of remedying the inconvenience in question.

The difference between the Corporation of London and every other, in respect of the area over which its authority extends, was pointed out very clearly by a Commission composed of men of great eminence, and who were not likely to disregard popular rights, which was appointed in 1853, and which made its Report in 1854. But before I make any quotations from the Report of that Commission, I think it due to that Corporation to state that the Commissioners expressed it to be their opinion, that the City of London was favourably distinguished from other corporations before they were reformed by the Municipal Corporations Act, inasmuch as the defect of power being vested exclusively in a few without responsibility to the many did not seem to them to exist in the City of London to the same extent, and that the Corporation of London was superior to other corporations by the predominance of the popular element. The Commissioners, however, go on to say, that although the ancient constitution of the Corporation of London had secured to the inhabitants a fair representation of their interests, that representation was confided to persons dwelling within the area of the City proper, and did not extend to the population of the larger part of London. They add, that the limits of that area were fixed at a very early period, and that there was no record of their having been enlarged so as to keep pace with the growth of the metropolis. Now, other great towns seem to have been similarly circumstanced before the passing of the Municipal Corporations Act; but there is a provision of that Act by which their corporate jurisdiction was made co-extensive with the real dimensions of those towns. In London, however, no such change took place. The area now is the same as it was, and the population is diminishing. It appears by the Returns which were laid before the Corporations Commission in 1854 that the population of London proper was then 129,125. The last Census shows that it has diminished to 112,063; while the population of the surrounding district — the Metropolitan Police District—is no less than 3,110,654. The area in square miles of the City is a mile and a half or a mile and three-quarters; in the surrounding Metropolitan Police District the area is 700 square miles. We have therefore these facts to deal with. We have a very small portion of this vast metropolis with a jurisdiction separate in police matters, and acting independently of the authority exercised in the surrounding districts. In that respect the case of the City of London differs essentially from every other existing corporation, and none of these can dread that the principle of the present measure will be applied to them, because it is impossible that the reasons urged in favour of the proposals we have now to make can by possibility be urged with regard to them. The Corporation of the City was once, in fact, the corporation of the metropolis; but the metropolis has long outgrown the limits of the City. The municipality is still entitled to respect, from its great historical associations, from the privileges which it has long enjoyed, and the charters of which it is in possession; but between the Corporation of the City of London and the remainder of the metropolis there is no connection, and, at the same time, the boundaries are in some parts difficult to be defined. It is situate in the midst of an immense aggregation of houses and streets — towns they might almost be called—and its limits are stationary, while theirs go on rapidly increasing. Prior to the introduction of the Metropolitan Police Act by the late Sir Robert Peel in 1829, a Committee was appointed to inquire into the state of crime in the metropolis, and the means existing for its prevention and detection. That Committee took a great deal of evidence, and suggested a scheme, which was embodied in the Bill of the following year. The object of that measure was the abolition of the separate jurisdictions of the parishes and the union of the metropolis under one police management. Sir Robert Peel had to deal with a state of things in which each parish provided its own nightly watch, and it followed that in one parish the force might be efficient and in another the reverse. Sir Robert Peel pointed out, that according to the boundaries, one side of a street might be well watched, while the other side, in a different parish, was hardly watched at all; and he showed conclusively that where a great variety of jurisdictions existed, they were not conducive to the public interest or to the security of life and property. The same objections were made to his proposals then that we have now to encounter—that they would interfere with local government, disturb existing rights and privileges, and abolish long established usages and authority. Parliament met those objections then in the same spirit which I hope it will show on the present occasion, and legislated for the general benefit of the metropolis. The limits of the City were not included in the limits of that Bill, but this immunity was not owing to any supposed inviolability conferred by ancient charter of privilege. It so happened that the question was put to Sir Robert Peel in the course of the discussion on the Bill, and the simple reason which he gave was that the Committee which sat the year before reported that the night watch in London was far superior to that of Westminster. He further stated that he wished to make the measure to a certain extent experimental, by including in it only a limited number of parishes at first, leaving the remainder to be added to the police limits about to be established, as experience showed the benefits arising from the new system, which he confidently anticipated would commend it to the general approval. The Municipal Corporation Commissioners presented their Report to Parliament in 1837, and they recommended no changes in regard to the Corporation of London, and it was not included in the scheme of corporation reform laid before Parliament, special reasons being held sufficient to exclude it, and to reserve it for separate consideration. Yet the Commissioners expressed their opinion on several points, and, among others, on the state of the police, and the contrast presented by the police of the City of London to that of the surrounding metropolis. It is right, however, that the House should bear in mind that the City Police existing in 1837 were the old night watch, who had not been reformed up to that period, eight or nine years after the introduction of Sir Robert Peel's Bill. Speaking of that force, the Commissioners say—

> "In one particular, and that a most important and practical one, the opinion of Parliament has been already declared by the establishment of a Metropolitan Police, under the orders of Commissioners appointed by and immediately dependent upon your Majesty's executive Government. We scarcely anticipate that any argument can be brought forward to show that this system can be partially right. We can see no middle course for the establishment of an efficient police throughout the metropolis between placing the whole under a metropolitan municipality and intrusting the whole to Commissioners or other similar officers under the immediate control of your Majesty's Government. This, indeed, is a point which cannot be treated as exclusively concerning the City; for, by the exemption of its territory from the authority of the Commissioners of Metropolitan Police, not only is its own security diminished, but great obstacles are thrown in the way of perfecting the improved system by which the City is on every side surrounded. There may be room for doubt which is the proper authority to which the superintendence of the police of the metropolis should be intrusted; we apprehend there can be none that the authority, whatever it be, should be supreme and undivided throughout the whole district."

That was the opinion to which those Commissioners came. A Committee was subsequently appointed to inquire into the constitution of the Metropolitan Police. That Committee sat in 1838, and presented a Report to the House, embodying the opinions which they had formed after receiving a great deal of evidence on various points. The Committee comprised men of great weight, among others the late Sir Robert Peel and the late Mr. Hume, who certainly were not indifferent to popular rights and privileges. It inquired minutely into the working of the Metropolitan Police, and also as to the expediency of keeping up a separate force for the City of London. That Committee came deliberately and, as far as I can make out from their proceedings, unanimously to a very decided opinion. Having heard the different objections to uniting the City with the Metropolitan Police, they classed these objections under four heads, to three of which they did not attach much importance, disposing of them in two or three sentences. But with regard to one class of objections relating to the alleged violation of privileges, they are most explicit in their opinion, and their observations are well deserving the attention of the House, as I understand this supposed invasion of the rights and privileges of the City of London forms one of the principal grounds on which the Bill is to be resisted. They say—

> "With regard to the third objection—namely, the alleged violation of privileges—your Committee would be indeed reluctant to do or recommend anything which could be construed into an infraction of the chartered rights of any part of the community, and nothing short of a case of paramount necessity for the promotion of the general good could, in their opinion, justify such an interference. Your Committee would observe, upon this point, that at the time when the City charters conferred on the authorities of the corporation of London the control over their own police their jurisdiction was co-extensive with the metropolis But now, while the metropolis has so far extended as to include within its boundaries another and a far larger city, by consolidating, as it were, the villages which formerly surrounded it, the jurisdiction of the municipal authorities is confined within the original limits. Hence, privileges which by these charters were granted to the whole, are limited to what, under altered circumstancee, is only a portion. It becomes, therefore, a duty to distinguish between those which merely concern the residents within the City walls, and those which may affect, though indirectly, the rest of the metropolis. Of the latter description one is, that of making laws for the regulation and maintenance of a good police, which it appears to your Committee is so much a matter of universal interest that it ought, under the peculiar circumstances of the metropolis, to devolve upon the Government, and the success which has attended that system of police which now so effectually and satisfactorily protects both person and property in the larger portion of the metropolitan district is the ground upon which it is recommended."

The Committee refer to the Report of the Commissioners appointed to inquire into the Municipal Corporations, from which I have just quoted, and they proceed to say—

> "Fully concurring in the opinion of the Corporation Commissioners as to the necessity of a supreme and undivided authority throughout the whole district, your Committee can entertain no

doubt that that authority, from the vast extent of the metropolis, and the various and conflicting interests involved, ought to be vested in the Commissioners appointed by and acting under the directions and control of the Secretary of State for the Home Department. Your Committee, have therefore agreed to the following as their first recommendation for the improvement of the Police Act of the Metropolis—namely, That, for the better prevention of crime, the detection of offenders, and the preservation of the peace, and the more effectually to promote these objects in conformity with the principle of the 10 *Geo.* IV. c. 44, 'An Act for Improving the Police in and near the Metropolis' (Sir Robert Peel's Act), it is expedient to consolidate the several constabulary forces of the metropolis, including those of the City of London and the river Thames, under one authority, responsible to the Secretary of State for the Home Department."

Mr. Alderman SIDNEY: What is the date of that Report?

Sir GEORGE GREY: That Report was made in 1838, and I ought to have stated that this Report was not made under the same circumstances as those which existed when the Municipal Corporations Commission reported. As I have already said, up to the year 1837 no advance had been made by the City of London with regard to the improvement of their police —it remained much in the same state as the Metropolitan Police had been before the passing of Sir Robert Peel's Act. When the Committee of 1838 sat, in consequence of the strong opinion expressed by the Commission of 1837 a Bill had been prepared by the City of London for organizing a police force resembling that of the other parts of the metropolis. In the following year Lord John Russell, who was then Secretary of State for the Home Department, having considered the recommendations of the Committee and the Commission, brought in a Bill to continue the Metropolitan Police Act, and to carry into effect various alterations suggested by the Committee of 1838. Their first recommendation had been the consolidation of the police force of the metropolis under one head, and the first ten clauses of the Bill proposed by Lord John Russell gave effect to that recommendation by consolidating the police of the City with that of the rest of the metropolis. That Bill ultimately passed, but with the omission of those ten clauses, for reasons which I will presently state. On the very same day, however, on which the Royal assent was given to the Metropolitan Police Act there passed also an Act for the regulation of the City Police, under the jurisdiction of the Corporation no doubt, but framed very much on the model of the Metropolitan Police Act. Although therefore the recommendation of the Committee and Commission were not acted on, yet I admit that under the pressure of these inquiries the City made an immense improvement in 1839 in their police, and ever since it has been much more effectively administered. A further inquiry took place into the affairs of the City of London in 1854. A Commission was appointed, and the question of the police was expressly referred to that Commission. The Commissioners took a great deal of pains to examine into the subject. They examined the very able Commissioner of City Police, the late Mr. Daniel Whittle Harvey; they also took the evidence of many persons connected with the Corporation, and of independent witnesses residing in the City, unconnected officially with that body. This was the conclusion at which the City of London Corporation Commissioners of 1854 arrived—

> "Upon the creation of the Metropolitan Police in the year 1829, by the Act 10 *Geo.* IV., c. 44, the City of London was alone excepted; but in the year 1839 a separate police for the City was established by the Act 2 & 3 *Vict.*, c. 94. We refer to the evidence of Mr. Harvey, the Commissioner of the City Police (who appears to have discharged the duties of his office in a very efficient manner) as illustrating the operation of the system, and as showing the principal grounds upon which a separate police for this small portion of the metropolis is maintained. We have carefully considered the reasons which have been adduced in favour of preserving the distinction in question, and have come to the conclusion that the reasons in favour of a combined system preponderate. The district of the Metropolitan District now (1854) contains an area of 571 square miles; the area of the City is little more than one square mile, and it is surrounded on all sides by the Metropolitan Police District. We believe that the incorporation of the City with the larger district by which it is environed is a measure recommended alike by considerations of efficiency and economy, and we do not doubt that the difficulty of communicating with the head office, to which Mr. Harvey adverts in his evidence, might by proper arrangements be overcome."

That was the result of the inquiry that took place into the police of the City of London in its improved state—in the state in which it now exists—namely, under a Chief Commissioner of Police appointed by the Corporation and acting independently of the Metropolitan Police force. Three inquiries into this subject have therefore resulted in the same opinion—namely, that inasmuch as the City of London no longer represents London itself—that London and the City of London are no longer convertible terms—that the City of London occupies only a small proportion of the metropolitan area, the City Police ought no longer to possess a separate and independent jurisdiction. The weight of authority in favour of the change now proposed has seldom been exceeded by that in favour of any proposal. The evidence given by Mr. Daniel Whittle Harvey before the City of London Corporation Commission of 1854 was, of course, given under a certain restraint, he being the servant of the Corporation, but it is impossible not to see that he felt the force of the arguments implied in the questions put to him as to the inconvenience of having two bodies under a different jurisdiction. There are certain minute points of difficulty in this separate jurisdiction, such as there being no broad line of demarcation between the City and the other districts—one side of a street being in the City and another in the Metropolitan Police district, and one portion of the river being in the City at high water and in the metropolitan district at low water. I do not wish to lay too much stress on these minor matters. I would rather rest the necessity for this Bill on broader grounds, and say that it is obvious that the police of a small area in the centre of a larger jurisdiction ought not to be under a separate jurisdiction. I am bound, however, to say that since the City Police has been established on its present basis the head of the force and the Chief Commissioner of the Metropolitan Police have maintained a good understanding with each other, and that much of the absence of any practical inconvenience has been due to the good sense, good feeling, and judgment of the respective heads of the City and Metropolitan Police. But it must be borne in mind that this is a state of things which may at any time be disturbed—it does not always follow that the same happy selection may be made; and if differences should arise between the two chiefs, very serious consequences may ensue. The number of the City Police bears a larger proportion to the number of the inhabitants than that of the Metropolitan Police bears to the inhabitants of the metropolitan district. As the City Police, however, only number 600 men, it is impossible to concentrate them at periods of pressure without withdrawing them altogether from other places where they are wanted. The Metropolitan Police, on the other hand, number between 6,000 and 7,000, and you may withdraw on special occasions a large body from various districts and concentrate them at that point where an emergency has arisen, without any risk to the districts from which they are withdrawn. It is impossible that this can be done in the City, because the numbers are not sufficient; and this was clearly shown by the occurrences of the 7th of March. It was impossible that the City Police could all be taken to London Bridge or the Mansion House, or wherever the greatest pressure existed. The consequence was that being dispersed throughout the whole City without any assistance being given them, it naturally followed that they were completely lost in the multitude of the people. I have heard some gentlemen who were present say that they hardly saw a policeman, and that the police were so insufficient in number that they were utterly unable to discharge their functions. Provision was made in the City Police Act which enables the Metropolitan Police, under certain circumstances, to act within the City. Their right to do so is, however, contingent upon a request being made by the Lord Mayor; and unless that request is made, not a single policeman can be sent into the City. On this occasion, no such request was made. I do not think this is a matter which should depend upon the will of the Lord Mayor for the time being. They are men of great respectability, who discharge their duties well, as I have had many occasions of observing, but they hold their office only for a year, and are therefore generally inexperienced in the conduct of arrangements of this nature. On a former occasion—the visit of the Emperor of the French to the City—a request was made by the then Lord Mayor for the assistance of the Metropolitan Police, and I believe they kept the streets along the line of route from Temple Bar to St. Paul's. On the occasion of the funeral of the Duke of Wellington no similar assistance was required, because order was preserved by the presence in the City of a military force of 1,000 infantry and 500 cavalry, who kept the streets from Temple Bar to St. Paul's. That was, however, a great military spectacle, and so large a body of troops in the City were quite able to keep the peace and maintain order.

Sir, after the delay in legislating on this subject, I may be asked why this proposition is now made. Looking at these Reports, and bearing in mind the evidence on which they were founded, the cause of the delay is not difficult to discover. I have had some experience in dealing with matters connected with the City of London, and have had a great deal of intercourse with its functionaries during the time I have been in the office which I now have the honour to hold. I have always found that I could easily conduct that intercourse on terms mutually agreeable to the authorities and myself. I never met with anything but courtesy from them, and I trust they never met with anything but courtesy from me. I have found them always anxious to discharge their duties; but whenever I touched any question which affected their alleged rights and privileges, a power of resistance was shown which it was difficult to admire too highly. The Commissioners, in their Report of 1854, say, that though various changes have been made by the Common Council, no substantial reforms have been accomplished either by Act of the Legislature or by the Common Council, and I believe, subject to some modifications, that is true at the present time. The Corporation is possessed of very great wealth, they exercise very great hospitality, and have a prestige which carries with it very great influence. It is represented in this House by four Members, and very frequently, as at the present time, it has the advantage of having its chief magistrate a Member of Parliament; and though not as representatives of the City, there are four or five other hon. Gentlemen Members of the House who are also members of the Corporation. I have great satisfaction, in making this proposition, in knowing that these gentlemen are able to bring a very able, very united, and very powerful advocacy to bear in defence of what they consider their rights and privileges; and it is not very likely that this House will override those rights and privileges without full consideration, and a conviction that it would be for the public advantage that they should be set aside. I have said that the Bill proposed by Lord John Russell for the amalgamation of the City with the Metropolitan Police did not pass—at least, that part of it which related to the amalgamation. Upon this point I was struck on reading the evidence given by Mr. Rogers, a gentleman who had held an important office under the Corporation, before the Commission of 1854, who appeared as advocate of the Corporation. Being asked whether he had anything else to say before he left, Mr. Rogers replied—

> "I wish to say that I think it would be a very difficult matter to deprive this City of any part of their charter, which is considered one of the brightest gems belonging to the Corporation. I am quite sure it will be fought quite as earnestly as the proposal with regard to the police, which happened in my year of office. In that case the Minister of the day, Lord Melbourne, brought in a Bill to unite the City Police to the Metropolitan Police; it was objected to by the Corporation. They petitioned the House of Commons. They saw that the Minister was determined. They then addressed the Crown, and a gracious answer was given, but they understood its nature. The Minister was still determined, and they then acted on the French maxim, 'Help thyself and Heaven will help thee.' They immediately fixed their Town Clerk in New Palace Yard; they gave him a large body of assistants, and instructed him to communicate with every corporation in the United Kingdom. The consequence was, by the influence of those country corporations, the Minister found that his support fell like a rope of sand. He gave up his measure, and the police of the City has been in the hands of Mr. Commissioner Whittle Harvey since that time."

That shows the means which the City has of resisting every attack upon its alleged rights and privileges; but resistance may be carried too far, and I trust the House will not be influenced by circumstances of this kind, but will exercise its own judgment, and that, after attentively considering the recommendations of these Commissions and Committees, it will look simply to this question—what is conducive to the public interest, and to the maintenance of peace and order of the metropolis; and if convinced that the amalgamation of the City with the Metropolitan Police will have that effect, that it will act upon the recommendation that the two forces should be placed under one control. I must do the City authorities the justice to say that they have exhibited the greatest ability, the greatest energy, and the most unwearied activity in resisting every improvement which did not originate with themselves. Sir, it has been my fortune, good or bad, to have had to deal frequently with these matters when I introduced Bills for corporation reform founded on the Report of the Commission of 1854; and others have made a similar attempt with a similar result. We failed in every instance except one—namely, that which related to the removal of Smithfield Market, and that only after a most determined opposition. It was urged then also that the rights and privileges of the City should not be interfered with. I have the petition presented by the City on that occasion; it is very much in the same terms as that which was presented in 1839 against the Bill for the amalgamation of the City and Metropolitan Police, alluding to the ancient rights and privileges of the City—but I will not trouble the House by reading it—I shall only say that those rights and privileges were given for the benefit of the whole community, and now belong to an infinitesimal portion of it.

I do not wish to detain the House longer, as I understand there will be no objection to the introduction of the Bill. Nor is it necessary that I should state the details of the measure at any length, because the Bill is contained in its principle—namely, the amalgamation of the City with the Metropolitan Police. The Bill repeals the Act under which the City Police was constituted, and makes provision for placing the parishes of the City on the same footing as the other parishes of the metropolis, securing to them the same benefit as the other parishes derive from the contribution from the Consolidated Fund. All this will be done with due consideration for the officers and men composing the City force, and with due regard to the convenience of the great mercantile and trading community of the City. But the Bill is so much one of detail that it would be inexpedient at present to go into its various provisions. The question now is, whether this Bill, which proposes to carry out changes recommended by so many authorities, should be introduced. I trust, Sir, that the House will entertain this Bill; and I have no doubt, if it should pass, the City itself will find it to its advantage, not in that trifling saving of money the payment of which is put forward as one reason for retaining the management of its police, but in the increased security to life and property, and in the greater facilities for maintaining peace and order within the City on those occasions when large bodies of people are brought together within its precincts. I do not want to go into the disputed points with regard to the arrangements of the City on the 7th of March, when it is alleged that the whole of the confusion arose because the Lord Mayor and the Corporation were not allowed to head the procession through the whole of London. I may, however, remark that the crowds were attracted, not by a desire merely to see the Lord Mayor and the City procession, but by the magnificent preparations which were made—especially at London Bridge—to give welcome to the Princess Alexandra. London Bridge, the very first place where the procession entered the City, attracted great crowds, no doubt, by the magnificent scene which it presented to their view, and it would have been utterly impossible, but for the great good humour and forbearance of the dense crowds pressing around the Royal carriages, that disastrous consequences should not have occurred. The events of that day, I think, demonstrate the necessity of some change. It has been suggested that it would be sufficient to give authority to the Secretary of State to send the Metropolitan Police into the City upon occasions which might appear to him to call for such a step. But that would be probably equally objected to, it would not be equally effectual, and might produce a conflict of authority. I hope the House will agree to the introduction of the Bill. I will not fix its second reading for an early day, and I hope the other corporations which have received circulars similar to those I have mentioned will feel that their circumstances are essentially different. I believe, that if Manchester, Bristol, or Liverpool had in their centre a few streets separated by no visible boundary from the others, but under distinct police arrangements, so far from resisting such a change, their inhabitants would be the first to see that it was for their own good, and would give it every support; and I hope the same feeling may be entertained by the inhabitants of this metropolis. Sir, I beg to move for leave to introduce this Bill.

Mr. CRAWFORD said, it was neither usual nor courteous to offer opposition to the introduction of a Bill, especially when the Motion was made by a Member of the Government. It was therefore not his intention to ask the House to express an opinion at the present moment upon the Motion of the right hon. Baronet the Home Secretary; and, that being the case, he would best perform the duty he owed to his constituents on this occasion if he contented himself with saying, that on the proper and fitting occasion—upon the Motion for the second reading of the Bill—he would be prepared, on their part, with other Gentlemen, to discuss the matter with reference to the general principles which had been stated to the House by the Secretary of State. He thought he should best perform his duty to his constituents by moving, on a future occasion, that the Bill be read a second time that day six months. He hoped there would be a full and fair discussion of the measure on the second reading, and, for his own part, he entertained but little fear of the result.

MR ALDERMAN SIDNEY said, he was unwilling, even at this early stage, that the statements of the Home Secretary should be allowed to go forth unaccompanied by any counter-statement. Although the right hon. Baronet had introduced the measure in a tone of considerable moderation, yet the principles involved in the Bill were not less important to the public at large. The right hon. Baronet had stated that the Bill was founded mainly upon the Reports of Commissions and Parliamentary Committees. He had laid great stress on the Report of the Committee which sat in 1838, and of which no less a personage than Sir Robert Peel was a Member; and on this Report he rested his opinion that it was desirable that the City and the Metropolitan Police forces should be amalgamated. Now, if any weight was to be attached to that Report, it must be regarded as a most extraordinary fact, that instead of its being acted upon, in the following Session Parliament, by the 2 & 3 *Vict.*, vested the control of the City Police force in the Corporation, as it now existed. That circumstance was the best answer which could be given to the Report that had been held forth as the groundwork of the present Bill. He could not but express his surprise that twenty-four years after that Act the City should be put upon the defensive in reference to its right to govern itself. Upon what ground, he asked, was the privilege of municipal government to be taken from the City of London? The right hon. Baronet had rested his case upon the limited area of the City as compared with the whole metropolis. He (Mr. Alderman Sidney) differed entirely from the conclusion he had arrived at. On the contrary, he thought that the comparatively limited area of the City rendered it the duty of the Government, not to take into their own hands the control of the City Police, but to grant municipal institutions to the various metropolitan districts, and then to have no further concern with them. It must be borne in mind that the Government had, in modern times, acquired a great increase of power by the increase of the force at its disposal. We had now a large standing army, and of late years our military and naval expenditure had been enormously increased. He wanted to know upon what principle of the Constitution it was that we were to have, in addition, a vast standing army of policemen, who were to be concentrated under the authority and direction of the Home Secretary? This was not a question affecting the City of London alone; the principle was applicable to every other municipality in the kingdom. A few years since the counties had been induced to come into an arrangement by which they to a great extent lost the control of their police force, which came into the hands of the Secretary of State, in consideration of one-fourth of the cost of the police force being paid out of the Consolidated Fund. One fourth of the expense of other police forces was now paid out of the public purse; but hitherto the City Police had cost the country nothing, and he was at a loss to know why the public exchequer should be loaded with a burden which the City was ready to continue to bear. There was nothing novel in the argument of the right hon. Baronet founded upon the limited area of the City. It had been propounded before by the leading journal, the conductors of which, for some reason best known to themselves, had stepped forward as the advocates of the proposed change, though every writer in every other daily paper had taken the opposite side. The great argument of that newspaper had been, that while the area of the City was not more than one square mile, the area of the metropolitan districts amounted to 570; and that while the population of the metropolitan districts had increased to 3,100,000, the population of the City had dwindled down to 112,000. But this question must also be looked at in connection with the property of the City, and the amount of rating levied upon it. What did he find in a Parliamentary Return? He found that the whole of the ratable value of property assessed for the relief of the poor in the year ending March 1852, was in the metropolitan districts £9,011,238, and in the City, £953,000. In other words, he found that the rateable value of property in 1852 showed an average of £7 12*s*. 4*d*. for each of the 112,000 persons in the City, as against £2 18*s*. for each of the 3,100,000 persons in the metropolitan districts. So that in the City the property per head was three times what it was in the metropolitan districts. But the truth was that 112,000 was only the sleeping population in the City, for it was well known that the business population, or the population which resorted to the City by day, was considerably in advance of 500,000. Was it reasonable that a city which year by year and month by month had added immensely to the value of its property should be deprived of its ancient privileges and immunities on account of a single circumstance which occurred on the 7th of March last? He would impale the right hon. Baronet on the horns of a dilemma. If his present Motion was founded on the proceedings of the 7th of March, the cause was ridiculously inadequate to the effect; if not, he ought to have introduced his Bill years ago. The fact that he had not done so proved conclusively that hitherto there had been no ground of complaint against the management of the City Police. Much had been said about the popularity of this Bill in the metropolitan districts. What intimation had been given of that? A considerable time had elapsed since notice was given of the measure; stirring speeches had been made and clever articles written on the subject; and yet the House had not seen the semblance of a Petition in favour of the Bill. The fact was that the metropolitan districts were almost as much opposed to it as the City. Meetings had been held in the Tower Hamlets, Marylebone, Westminster, and Lambeth, and Resolutions had been passed strongly condemnatory of the proposed amalgamation. In Lambeth, for example, the meeting, which was a very large and influential one, resolved—first, that the time had arrived when municipal institutions should be extended to the metropolitan boroughs; and secondly, that the proposal to amalgamate the City Police with the Metropolitan force was a direct attack upon the principle of local self-government and another step in a series of encroachments upon the rights and liberties of the people, tending to a system of centralization, and ultimately vesting all power in the hands of the Government; and the Resolution concluded with the assertion that the time had arrived for municipal institutions being extended to the metropolitan boroughs. He did not know how the principles of common sense could be better expressed than in the language of those Resolutions. He warned the right hon. Gentleman that he was not striking at the rights merely of the City of London, but raising a question affecting every borough, every municipality, and, indeed, the entire middle class throughout the kingdom. If the City was small as compared with the rest of the metropolis, so was England itself compared with the area and population of India and Canada. Yet what would be said of a proposal to transfer the seat of our Empire from this country to those other more populous or more extensive parts of Her Majesty's dominions? He wished briefly to refer to the events connected with the procession of the 7th of March. He must say, that on that occasion the right hon. Gentleman the Secretary of State for the Home Department did interfere with the customs and privileges of the City, and, in his belief, the disasters of that day were chiefly owing to such interference. It had always been the practice in these Royal processions for the City authorities to pass beyond the boundary of the City of London. In the year 1236—[*A laugh.*]—he knew the date was a long way back—the historian of the City recorded that on the solemnization of the King's marriage with Queen Eleanor at Canterbury the Royal pair were met on their way to London by 360 members and officers of the Corporation, most pompously apparelled in silken robes and riding on stately horses, and carrying silver cups in token of the City's privilege as Chief Butler to their Majesties. They were preceded by the King's trumpeters; the streets of the City through which the cavalcade passed displayed rich pageants and a variety of pomps and shows; and the procession attended the King and Queen to Westminster where they had the honour of officiating as Chief Butlers at the coronation; and at night the City was beautifully illuminated. In 1558, again, on the Proclamation of the Princess Elizabeth as Queen, the Mayor and Corporation, with a great cavalcade, went as far as Highgate to meet her. Similar precedents were furnished by the Royal processions of 1603 and 1714. In 1603 the City officials met the King at Stamford Hill, and accompanied him to the City. In 1714 George I. was met with great magnificence at St. Margaret's Hill, in Southwark. It was all very well to say that the civic grandees were very fond of showing themselves; but he would venture to remind the House that there was a principle in those shows which every Government would do well to recognise. The persons who could take part in Royal feasts or receptions were the favoured few, but the many should not be denied an opportunity of testifying their loyalty to the throne; and these shows offered almost the only opportunity for the great bulk of the people to do so. He would ask the right hon. Gentleman whether there was anything to alarm him in the demonstration of loyalty on the 7th of March, and whether the City did a service or disservice by it? The City ascertained that such a demonstration would be agreeable to the highest person in the realm. But what did the right hon. Gentleman do? The City were anxious to follow the ancient precedent; they desired to meet the Prince and Princess at the Bricklayers' Arms Station, and to form their cavalcade in the Borough. Had the City procession been formed in the Borough, not the least confusion would have occurred throughout the entire distance. But the right hon. Gentleman not only limited them to having their procession in the City, but he positively dictated to them, that if they made any demonstration, they were, contrary to every precedent, to follow in the wake of the procession instead of preceding it. The City authorities demurred to this, and thus several valuable days were lost. The City authorities saw the right hon. Gentleman, but he declined to alter his decision; they then saw the Lord Chamberlain, who concurred with the Secretary; and then they went to the Premier, who admitted that the City only sought to follow the ancient precedents, and that the course they desired to adopt was quite correct. In the course of the following day they heard that they would be allowed to go in the procession in the usual way, but it was directed that the City procession should commence at London Bridge and terminate at Temple Bar. He must say that the present Bill was a return to the City for the demonstration it had made which was quite unworthy of the Government, and the conduct contrasted vividly with the generous conduct of the Duke of Wellington, after winning the battle of Waterloo. There were, no doubt, many mistakes committed on the day of the battle, but the Duke said, "I will hear of no complaints; I will have no courts martial or inquiry into the conduct of others. We have a great victory, and it shall not be sullied by any such proceeding." In what position did the City authorities now stand? They had been thanked for what they had done by Her most gracious Majesty and by the Prince and Princess; and now advantage was taken of the mishaps that had occurred through an enormous concentration of people within a small area, caused by the right hon. Gentleman's own interference. He begged to submit that the time had arrived when the Government ought to take into its consideration not only the police, but the amusements of the people. On the night of the illuminations millions, he might almost say, paraded the streets. True, seven or eight women were unfortunately trampled to death within the City, but this occurred through some sudden panic in two narrow passages. He was extremely sorry; but was not the Government to blame for allowing illuminations to take place? With all the excitement that prevailed in the narrow streets of London, it was only a wonder that more deaths did not take place than actually occurred on the 10th of March. But if the police of the City was to be blamed for those accidents, was there to be no inquiry as to the manner in which the Metropolitan Police performed their duty? What were the regulations adopted by Sir Richard Mayne? Had they been so very successful? His experience was only that of several others. He wanted to get from Pall Mall to Cockspur Street or Charing Cross, having Sir Richard Mayne's regulations with him. He was prevented by the police, and desiring to comply with the instructions, he showed them to the inspector, who admitted that those were the regulations, but said it was impossible to carry them out. He turned into the Park, and was glad to get into the country as fast as he could. He had asked several Members who had gone out with their families in their carriages, but they could not move more than the length of that House in the space of three or four hours. There never was, in fact, a more lamentable failure than in the matter of the regulations issued by the Police Commissioner in Whitehall on that occasion. No lives, to be sure, were lost, but that was only because no carriages could move, and everything being brought to a dead lock. He wanted to get through the Horse Guards, and he was told by the sentry he might pass; but before taking his carriage through he went into Whitehall, where he saw the street jammed with all sorts of vehicles four abreast. He gave up the idea, and returned into the Park, passing up Constitution Hill, where egress was just as difficult. He did not wish to overlay the case which he thought the City could make in defence of their privileges; but he could not help expressing his great astonishment at the measure proposed by the right hon. Baronet. He said the Bill was intended for the City of London only; he begged therefore to refer the right hon. Gentleman to the case of Manchester, Salford, and the surrounding townships, where there were, without inconvenience, not fewer than three independent bodies of police under three separate and distinct local jurisdictions. What an anomaly must they be if the City of London was an anomaly! He would only say that the right hon. Gentleman, if successful in carrying this measure, would be flagrantly inconsistent if he did not extend his measure to Manchester and every other municipality in the kingdom. How could the right hon. Gentleman reconcile his measure to the principle of self-government? He asked the Prime Minister how he could reconcile such a course with what he said to the people of Manchester in 1856? He then said—

> "What peculiarly distinguishes the people of these islands from the nations of the Continent is that system of local self-government which has been so fortunately established, and by which the affairs of the country are carried on with little interference on the part of the executive Government. Under that system the affairs of the country are conducted by the people themselves, whose own fault it is if they be not conducted to their satisfaction."

And at Glasgow the other day the same noble Lord told the people of Glasgow that—

> "Municipal institutions are deserving of the highest veneration and respect. They are founded on remote antiquity; they are the basis upon which everything that is good in free institutions is built up and perfected. They give to man the privilege of local self-government. They educate locally the people of a country, some afterwards to take a part in the large concerns of the nation, all to be able to form a correct judgment of the conduct of those by whom the national affairs are guided. They instruct and enlighten the mind; they practice the human intellect in all those exercises which render it manly and energetic; and they are therefore deserving of the highest possible commendation and encouragement."

He deeply regretted that the practice of the House prevented a division on the Motion for the introduction of a Bill. Personally, he would desire to divide on this Motion, believing the measure of the right hon. Baronet most unconstitutional, and likely in every way to prove eminently mischievous, and that if carried, it would strike more deeply at the independence of the middle classes of the country than any measure which had been introduced or passed into law in modern times.

The LORD MAYOR (Mr. Alderman Rose) said, he felt some little difficulty in rising to address the House because he had thought that, in all probability, the Motion for leave to introduce the Bill would be agreed to without any debate, and he had not intended to speak; but the remarks of the Secretary of State for the Home Department were so erroneous, and the conclusion to which they pointed so mischievous if left unanswered, that, contrary to his own feelings and intentions when he entered the House, he felt bound to offer a few remarks. He believed, that in the history of this House, there never was a more unconstitutional proposition brought forward than this. Why, the House had been in the habit yearly of protecting the country, and the constitution of the country, from the evils of a standing army by passing the Mutiny Bill, and yet the right hon. Gentleman proposed a measure to give him the control of a body of 10,000 armed and disciplined men — an army which, under his direction, would be at liberty to come and go as it liked, to carry on any system of espionage, under no other control whatever. The circumstances connected with the existence of the Metropolitan Police were these. They had been tolerated by the country because they had been in juxta position and in competition with the City Police force—the one under the control of the Secretary of State, and the other under local self-government. He fearlessly said in that House that these two bodies could not be compared for efficiency. The City of London Police had a better physique, they possessed more intelligence, and in everything that made a policeman valuable they were far superior to the Metropolitan Police, and the Corporation of the City of London, he was perfectly sure, were prepared to go into any inquiry whatsoever on this point. The police was essentially a local force, and must be under local control; they must be seen and known, and must exercise their power under local supervision; and these were the only terms under which the police force would be safe. They had seen this centralizing influence extending first to one district and then to another; it had been extended over a fifteen miles radius of the metropolis, besides finding its way into the dockyards. It was said that the introduction of the police into the dockyards had effected a saving to the country, but that saving was effected at the expense of the safety of the metropolitan districts, where outrages were being continually committed on life and property. He did not hesitate to say, that if the outrages and garotte robberies which had recently occurred in the metropolis had happened in the City of London, the Corporation would have at once dismissed their Commissioner of Police, and would have regarded the men who failed to arrest the perpetrators as unworthy to wear the uniform of policemen. They had seen that much had been said in the leading journal as to the expense of the police of the City of London; but he was prepared to show it was not only more efficient, but less expensive, than the Metropolitan Police. They had to exercise their vocation amongst great masses of people every day. Some 700,000 or 800,000 persons daily thronged the streets of the City on business, and it was known that those persons, who were chiefly concentrated in a small part of the City, carried about their persons millions of property. There the police mingled with the people, and, with a stretch of vigilance and activity really surprising, took notice of every one that passed, and kept a record of all. There was scarcely a known thief passing through the City whose movements were not noticed. Scarcely a robbery took place in the City that was not traced out by its police. Why, the late Lord Mayor would tell the case which occurred during his mayoralty, where the most skilful of the class of thieves were engaged in the fabrication of forged Bank of England notes; that scheme, in all its extensive ramifications, was unravelled by the City Police, and the parties brought to justice. Another instance of the intelligence and efficiency of that body might be found in the detection and suppression of the extraordinary system of fraud, conducted successfully for years by the notorious "Jim the Penman"; that organization, one of the best and most cleverly contrived, was traced to the parties who conducted it by the City Police. He had a right, then, to say that the right hon. the Secretary of State for the Home Department was not justified in the charges he had made against the City Police. Then, as to the cost, the leading journal stated that the City Police were maintained at an expense that was perfectly absurd, as compared with the cost of the Metropolitan Police. The datum on which that assumption was based—and it had been adopted by the right hon. Gentleman—was the population that slept within the City. But what could be more fallacious and absurd than such a basis? The smallness of the sleeping population of the City showed the value of the police, because the 700,000 or 800,000 persons who conducted business in the City during the day left in their warehouses and counting-houses the millions of property with which they dealt during the day; and probably the only person sleeping on the premises was the housekeeper, to lock the door when they left, and open it to them in the morning. Was it reasonable or right to take the sleeping population within the City as the real population with which to measure the services of the police. It was a point too absurd for argument, and, as a noble Lord had said in the other House, was suited only for declamation. He hoped the right hon. Gentleman would find that the City of London was true to its trust; that it was true to upholding a better police than that of the metropolitan districts, and at a less cost; that it represented the principle of local self-government, which, if destroyed in the City of London, would soon cease to exist elsewhere, and which the noble Lord at the head of the Government had spoken of in the eloquent terms quoted by the last Speaker. The House and the country ought to know, that before anything was done with regard to the procession of the 7th of March, he (the Lord Mayor) put himself in communication with Sir George Grey, and said the City desired to make a loyal demonstration, if it met the approval of Her Majesty the Queen and the Government. The answer was that it would be most acceptable to the Queen and to the Government. The result was that the Corporation put themselves into communication with the public bodies, involving a great expenditure of time, and made every preparation for a demonstration which should be suitable to the occasion and cost the Government nothing. Then came the order altering the precedence. If the right hon. Gentleman had had his way in that matter, the display would have failed altogether. However, after interviews with the Home Secretary, with the Lord Chamberlain, and the noble Lord at the head of the Government, he succeeded in obtaining an alteration; but, unfortunately, a condition was imposed that the civic procession should commence at London Bridge and terminate at Temple Bar. If that condition had been imposed in the first instance, they would have said at once that it was utterly impossible to carry out the demonstration, and that they must, with very great submission, say that they could not enter into the arrangement, and that they would not undertake it. But they were committed to it, they could not draw out of it; and if there was any failure, it arose because this impracticable condition was imposed—a condition which was utterly adverse to success. He thought it a most ungenerous thing that the culminating point of all this demonstration, which cost the Government nothing, should be that the most cherished right a Briton had, that of local self-government, was to be attacked through the police; and that that force should be handed over to a Minister of Police; and that the system carried on in France should be imported into this country; and that the right hon. Gentleman the Home Secretary was to have the control of 10,000 armed men, and give no account of the manner in which he exercised it to the country. He (the Lord Mayor) believed the country would have something to say on this question—he believed that the City of London was doing good service to the country in resisting this movement. Believing the City Police to be better than the Metropolitan—and if he did not believe it he would not have spoken—believing its management by local authorities to be one of the elements of the liberty of this country, he raised his voice in that House—and he was confident the country would support him—as he would always raise it, whenever he had an opportunity—and no doubt it would be raised successfully—to resist a proposition which he believed to be injurious to public liberty and to constitutional principles.

Mr. NORRIS said, that being connected with the Corporation of London, he might naturally be supposed to have strong sympathy with its views; but in opposing this Bill he was not actuated solely by that sympathy, but also by a firm conviction, after considerable deliberation, of its ultimate extension, if passed, to the borough which he represented. He had received a request from his constituents not only to oppose the Bill, but to invent a new name for the Government if they supported it, as they would no longer be entitled to call themselves a liberal Government. The Secretary of State had told them that from time to time in other places there had been an extension of the municipal boundaries, consequently an extension of the police authority in those places; but it must be remembered that in these towns the extension had been from the centre to the circumference, whereas what was now proposed was that the outer circle should absorb the centre of action. The right hon. Gentleman had mentioned the Police Act of 1829, and the several inquiries and Reports which had since been made in reference to the police. None of these had resulted in any legislation, and he took it that this was some evidence that the inquiries would not justify it, and that such legislation was unnecessary. In 1856 the right hon. Gentleman introduced his Bill for the better regulation of the Corporation of the City of London; but in that Bill there was no clause effecting any change in regard to the police, and he stated on that occasion that the greatest harmony had existed between the heads of the City and Metropolitan Police and the Government. Further on he said—

> "There existed in the City a body of great influence and power, and it would require a strong case of practical inconvenience—stronger than any that he had yet seen—to induce Parliament to leave that corporation in a condition in which no corporation in the country was placed, namely, without any police force under their immediate authority."

Now, nothing had occurred since that period, save the unfortunate occurrence on the 7th of March, that would justify the introduction of any Bill to make any such change. It was not fair to judge the efficiency of a force by its conduct in a great emergency; and he ventured further to suggest that it was not the duty of a local body to make provision to meet such an emergency as that referred to, and that the confusion that occurred in the City would have occurred in other parts of the metropolis, if the streets had been as narrow, and the attractions equally great. The right hon. Gentleman stated that the area of the City was only a mile and a quarter, and he argued, that on that account, the force could not be so easily concentrated. But there were 470 policemen to the square mile in the City; whereas in the Metropolitan District there were only ten men to the square mile, and therefore the concentration could take place much more easily in the City. And there was this advantage in the City, that the members of the Police Committee knew the men, and having business in the streets they could keep a vigilant eye on them, and were, in fact, in some sort inspectors of police—a supervision that could not take place in a wider district. Allusion had been made elsewhere to the cost of the police force, and it was said that the cost of the City force was greater than the cost of the Metropolitan force. Now, a Return was made on the 12th May, 1862, of the cost of the various descriptions of police force in the country, and taking five different classes of policemen who were employed in the service of the public, he found that the dockyard police was the cheapest, each man costing, on an average, £63 2*s.* 10*d.* The average cost of each policeman in all the boroughs throughout England was £63 17*s.* 6*d.*; in the Metropolitan District it was £78 3*s.* 2*d.*; and in the City of London, £79 1*s.* 7*d.*, showing a difference of only 18*s.* 5*d.* in favour of the Metropolitan police. The cost of each man in the county constabulary was £78 10*s.* a year. He did not consider that the City paid too highly for its police force, considering its merit and efficiency. He took it that before the House agreed to the second reading of this Bill it would require a case to be made out that there was a more efficient police force to be had by amalgamation than there was now by having two separate forces. He believed that there were almost a million of men assembled every day in the City to perform their duty or look after their business, and who retired every night, leaving their premises and all they contained to the care of the police. One gentleman, named Perkins, told him that he had for many years carried on business in the City, and that his business premises had always been perfectly safe; but that his residence, which was in the Metropolitan District, had been robbed four times in fourteen months. There were many other arguments that might be used in defence of the ancient rights and privileges of the City, but he would not enter into them now. He ventured, however, to hope that the boroughs of the kingdom would rally round the City in defence of the great principle of self-government, and that the House would not deprive the City of London of its privileges, that it would not take from the City the control of its police, a body which did its duty without being subservient to the Government, and with respect to which no case of suspicion had arisen that they had been employed as spies, as policemen had been employed at Liverpool, or as members of the Metropolitan police had been at Warsaw; but who by their vigilance prevented robberies, and who, when robberies were committed, brought the offenders to justice.

SIR GEORGE BOWYER said, he was totally unconnected with the City, and took an impartial view of this question, and was therefore desirous of making a few observations. If he could see any serious practical inconvenience affecting the security, the peace, or the prosperity of the people in the jurisdiction of the City over its own police, he should offer no opposition to this Bill—on the contrary, he should give it his cordial support, because no privilege, however venerable or cherished, ought to stand in the way of the public interest. But he listened with great care to the speech of the right hon. Gentleman, and in the whole of that speech he did not find that the right hon. Gentleman showed any such inconvenience arising from the jurisdiction to which he had referred. He had read a good deal on the subject, and he had read the articles of the ablest of the public journals, which had embraced the views of the right hon. Gentleman; and certainly if there had been such practical inconvenience, it would have been pointed out in that journal. But none such had been pointed out, and therefore he must assume, till the contrary was demonstrated, that the jurisdiction of the City over its police occasioned no real practical inconvenience, and that it did not diminish the security to life and property. He believed that great misapprehension existed as to the power of the Metropolitan Police to seize offenders in the City, and of the City Police to seize offenders in other parts of London. The fact was, that practically the two forces acted as one in that respect, and that a City Policeman could arrest a thief in Regent Street, and a Metropolitan Policeman could arrest a thief in the front of the Mansion House, and take him before a City Magistrate if the offence had been committed in the City. All the talent and ingenuity of the right hon. Baronet the Home Secretary, and of the ablest of the public journals, which had espoused his view, had failed to discover any such practical inconvenience, and he felt bound to conclude that none existed. There was, in fact, such perfect harmony between the two systems that they were practically as one. Then, as there existed no practical inconvenience or grievance in the existing state of things, and as no Petition had been presented for the measure now proposed to be brought in, he was at a loss to conceive on what ground it was possible for the House to give its assent to the Bill of the right hon. Baronet. The jurisdiction of the City over its police was said to be an anomaly; but, if it were so, it did not necessarily follow that the jurisdiction should be abolished. The privileges of that House were in many instances anomalous, but that was no reason why they should be destroyed, when the anomaly worked well and produced no evil to the country. If the Corporation of London could not be intrusted with the same jurisdiction over its own police as the smallest borough town enjoyed, the consequence was that the Corporation of the City of London, one of the most ancient institutions of the country, must be abolished. He would ask the House whether they were prepared for such a conclusion as that? It would next be argued that it was anomalous for the different Corporations throughout the country to have jurisdictions over the police separate from the county jurisdictions, and that therefore they must be merged in the county police. He believed that there was, in fact, some small agitation with that view. Well, if they did that, the next step would be to say that it was anomalous that the counties should have separate jurisdiction, and that they must be merged in one general authority, and then the result would be the appointment of a Minister of Police for the whole nation. He believed that the country would never agree to such a change, paving the way to the adoption of the French system, which was utterly incompatible with the free institutions of England, which were its pride and the great source of its power and prosperity. He was quite sure that the noble Lord at the head of the Government was not prepared to arrive at that conclusion; and he could not believe that the noble Lord in his own heart agreed to the measure brought forward by his Home Secretary. He was convinced that the noble Lord was attached to the free institutions of this country, and the noble Lord must see that the proposal of the right hon. Baronet contained the germ of a system destructive of the principles of self-government, on which the Constitution of this country was founded. If the House agreed to this first step, he defied it to stop short, in common consistency, of the adoption of the French system, with a Minister of Police at the head of a body of police not under the Mutiny Act, and not subject to the annual Vote of Parliament, but dependent solely on the Secretary of State. That system would be utterly destructive of the free institutions which were the glory of this country. He regretted that the etiquette of that House prevented a division taking place on the introduction of the Bill; because, viewing the Bill in a constitutional light, he regarded it as a measure which ought to be met boldly, and at the earliest opportunity, with a most decided rejection. There seemed, however, to be an understanding that there should be no division on the Motion for leave to introduce the Bill. He should certainly give the most strenuous opposition to the Bill in its future stages, and in doing so he should not be acting merely in reference to the City, but as a constitutional lawyer, having a regard to the principles of the Constitution. He did not agree that what happened on the occasion of the procession afforded any justification for the introduction of the Bill. He believed that the inconvenience which arose on the occasion of the Royal procession was mainly owing to the Government. A long programme appeared in the newspapers, and people were told that the whole procession was only to be seen between London Bridge and Temple Bar. Besides this, the City preparations were much more magnificent than they were on any other part of the route, and the accumulation of people in the narrow streets of the City was thus beyond all proportion to be found in the rest of London. If the entire procession had been allowed to go along the whole line, the crowd would have been distributed between the Bricklayers' Arms and the Great Western Railway, and there would not have been the enormous pressure complained of in the City. The noble Lord the Clerk Marshal (Lord Alfred Paget) said, that when he came through Temple Bar, he felt like a sailor who had emerged from among icebergs into the open sea; and this exactly made out his case, that there was an immense crowd in the City and comparatively few outside. Why, what was the procession along the other parts of the route? It consisted only of half-a-dozen carriages and some soldiers. To be sure the noble Lord was there, and no doubt he was a great attraction. Thus Her Majesty's Government placed the Corporation in a position of great difficulty, and were the main cause of the enormous mass of people being congregated in the City. Another misfortune was the death of the Chief Commissioner of the City Police, a man of great experience, just before the date of the procession; and then, again, the authorities of the City, instead of having full time to make their arrangements, were occupied in deputations to the right hon. Baronet, to the Lord

Chamberlain, and the noble Viscount, endeavouring to effect some change in the mischievous arrangements which were proposed, and which afterwards impeded so greatly the orderly progress of the Royal carriages. On an impartial review of these circumstances, he thought the Government would come to the conclusion, that if there was any fault, they had a large share in it, and that it did not now become them to turn round on the City and throw the whole blame upon it. The right hon. Gentleman based a bill of pains and penalties against one of the most ancient jurisdictions in the country upon extraordinary and exceptional circumstances, which might never occur again. If a permanent inconvenience could be shown, if it could be proved that the separate jurisdiction over the City Police was injurious to the security of life and property, he would at once consent to the passing of this Bill; but until then he should give it the utmost opposition in his power. This Bill was most ungraciously timed. The City was invited to give the Princess a Royal reception, and did so, presenting her Royal Highness besides with a most magnificent gift, and doing everything in its power to pay honour to the Prince and Princess, and show its loyalty to Her Majesty; and, after this, he thought it very ungracious of the Government, through the Secretary of State, to bring in a Bill depriving the City of one of its most cherished privileges.

Lord ALFRED PAGET said, it must be confessed that up to that time the City of London had had the best of it with regard to the number of speeches, and he could assure its representatives that he should be very sorry to disturb the harmony of the proceedings. But he must observe, that from what he had heard from the right hon. Baronet the Secretary for the Home Department, he did not think this Bill had been introduced in consequence of what had occurred on the memorable 7th of March. He should be very sorry that anything which happened on that day should be the cause of hostility towards the City of London, because there was no doubt that the reception given to the Prince and Princess of Wales by the citizens was most magnificent. He was quite sure that it was most gratifying to the Prince and Princess, and the other Royal personages who witnessed it; and, above all, he was sure it was most gratifying to our beloved Queen, whose long and unsullied reign had contributed more than anything else to call forth such enthusiasm on the part of an important portion of her subjects. Of course, it was not for him, who was not a Minister of State, to speak of the feelings of Her Majesty; but he was proud to say, he had served her for more than twenty of the best years of his life, and from observation he could state, that the Queen highly appreciated, and had always appreciated, the sympathy that had been shown her, and the general loyalty of her people. He confessed, that if he stood in the shoes of his right hon. Friend the Lord Mayor, he would rest his case on the fact, that on the day of the entry of the Princess the masses of people assembled in the City were so great it was beyond the power of any force to manage them. There was an old saying, "All's well that ends well;" and in this case the carriages were not upset, the Princess was not frightened, and, to the best of his knowledge, no one was killed. Perhaps, if the Lord Mayor had dropped the matter there, we should not have heard so much of what did happen on the occasion. But the question which the House had to consider was a very simple one. He, for one, should be very sorry to interfere with the privileges of the City of London, or to curtail any of their magnificence. He should be sorry to interfere with their hospitality. That hospitality was famous throughout the world; he had many times enjoyed it, and he hoped that nothing which he might say on this question would lead to a different arrangement in future. But the question was, was it desirable to have the whole of the police of the metropolis under one head? That was a very simple question. Every hon. Member, whether he belonged to the City or did not, must feel anxious that the police of London should be under the best management; and for himself he could not conceive what well-founded objection there could be to have them under one controlling power. He should rather see the whole police of the metropolis put under the management of the City, than see them under a divided management. Every one must allow, that in the event of a serious disturbance of the peace at a particular spot, it would be most desirable to have the power of concentrating a sufficient body of men at that particular point; but he understood the Metropolitan Police authorities had no power to march a body of their men into the City without the leave of the civic authorities. That was not a proper state of things. A great deal had been said about local self-government. On that point he would refer to the blue-book published by the Corporation, containing an account of the arrangements on the 7th of March. From that publication it appeared there were 608 men in the City Police force. On the 7th of March there were 111 of those engaged in other duties than those connected with the procession. That left 497 for the procession. Among them were "detectives" and "plain clothes"—1 inspector, 10 sergeants, and 11 constables. Then there were in front of the procession 1 inspector, 5 sergeants, and 38 constables; in a leading portion of the procession, 1 inspector and sergeant and a number of men. Other members of the force were placed in the centre of the procession. Altogether, there were 125 used for what might be called "ornamental purposes," which, taken from the 497, left 372 men to keep the whole line of the procession from London Bridge to Temple Bar. Now, that force was manifestly inadequate to the performance of such a duty; and that was the reason why he had ventured to say that the Lord Mayor would not be able to manage the affair with the force at his disposal. He had no wish to say a word in disparagement of the excellent qualities and intelligence of the City Police force—always excepting his friend No. 68—for with 372 men to occupy such a line it was utterly impossible to preserve order on such a day. The hon. Member for Stafford in his paper had threatened all manner of things to the Members of that House who might support the Bill. [Mr. Alderman Sidney: I beg the noble Lord's pardon; I have nothing to do with any paper, and never had.] Well, at any rate, pretty nearly every Member of the House had received one. His hon. Friend would not deny that in a speech which he had made he had said all sort of strong things of the Home Secretary—called him imbecile, and said he was not fit for his situation; that the hon. and gallant General who was to have made a Motion on the subject (Sir De Lacy Evans) was one of those who ought to have died thirty years ago, and the hon. Member for the Tower Hamlets (Mr. Ayrton) was never to look his constituents in the face again. That was the sort of way in which hon. Members were threatened. The hon. Alderman was Member for Stafford, and he himself was Member for Lichfield, which was only ten miles off, and he would invite his hon. Friend to come down to the next election, to bring his corporation with him, and his men in armour if he liked, and he would find that on a question like this all that influence would not prevent his re-election.

Mr. BOVILL said, it must be gratifying to every one who felt an interest in the Corporation of the City of London to listen to the high testimony which had been borne to their loyalty and enthusiasm on occasion of the late Royal procession, by a noble Lord who held so high a position as that of Clerk Marshal; but those sentiments contrasted very strongly with the course adopted by the Government. If ever there was a time when the Corporation of London had a right to expect generous treatment from the Government of the day, it was after the magnificent display which they had recently made, and after the opportunity they had afforded to the people to express their enthusiastic loyalty. It was certainly a matter for great regret that the right hon. Baronet the Home Secretary should have chosen that particular moment to introduce his Bill, particularly as he disclaimed any reference to recent occurrences, and based it on the Report of the Commission of the year 1854. The right hon. Baronet had told them that in consequence of the opposition of the Corporation it would at that time have been useless to introduce a Bill founded on that Report. But the right hon. Gentleman might depend on it that this Bill would meet with as strong resistance as any Bill which might have emanated from that Commission. The right hon. Baronet said that he would not propose the second reading for some considerable time; and perhaps, after the strong feeling which had been manifested both in that House and out of it, the best way of carrying out his pledge would be for him to defer the second reading for six months, which would save the hon. Member for London (Mr. Crawford) the trouble of moving his Amendment. The Government would certainly consult their own interests and those of the country by not involving themselves in a combat which might prove very embarrassing to them, and, as the hon. Alderman opposite had said, might be the means of crushing the right hon. Baronet. This was not a matter that exclusively affected the City of London — it had created a strong feeling in all our municipal boroughs. Proposals had of late years been made in many parts of the country for the amalgamation of the borough and county police forces; and in every instance those proposals had met with the most strenuous opposition; and those hon. Members who represented boroughs which possessed a separate police establishment would, he believed, vote almost unanimously against the present measure, from a conviction that it would introduce a principle that would, no doubt, in due time be applied to the rest of the country. If that Bill were to receive the sanction of Parliament, and if the police of the whole metropolis were all to be under one management, why should not the police of Middlesex and of Surrey—indeed, why should not the police of the whole country—be under one system of management? Some people were not altogether satisfied with the Metropolitan Police when it was placed under the orders of a Minister of the Crown, and there had been occasions when the Metropolitan Police had been employed under the Minister of the Crown in a manner which would not altogether be approved of by the country. There certainly was not a single argument for introducing the Bill now which had not been in force for the last nine years. The strongest argument against the Bill was, that, on the whole, the City Police had been found to act well. The right hon. Baronet had not alleged a single instance in which they had failed, since he had abstained altogether from relying on the 7th of March—and wisely too, perhaps; for if that matter had been gone into, something might have been said which would have involved the conduct of the right hon. Gentleman himself. Who were the parties to be protected by the City Police? There were about 700,000 or 800,000 persons carrying on business in the City of London; it was the most crowded part of the metropolis; there was an immense amount of property to be guarded, both in warehouses and shops, and carried about on the person, and yet not a single petition had been presented from a citizen of London complaining of the police. They certainly were the parties who ought to complain if there were any ground for complaint. What ground, then, was there for saying that the present system was inefficient? The right. hon. Gentleman, being driven to rely entirely on the Reports of 1839 and 1854, admitted that the only ground on which he could come forward was that of paramount necessity. But what ground of paramount necessity had been shown? Most Members probably had read an able article which based this Bill on the ground of expense; but there was a material difference of opinion on this point. There was a different estimate of the relative cost of the Metropolitan and City Police forces. It certainly was not fair to distribute the expense at so much per head of the population sleeping in the City, which gave no idea of its real population; they must take into account not merely the number of people who slept in the City, but the hundreds of thousands who transacted their business there in the day-time. But, however the case might be in that respect, it was useless to argue the question on the ground of expense, as long as the citizens of London were disposed to incur the charge which the maintenance of their police involved. The whole of that charge was at present defrayed by the citizens themselves; a portion of it would fall upon the Consolidated Fund if the present Bill were passed; and yet the inhabitants of the City were decidedly opposed to the measure, and did not wish that their police should be placed under the control of a Minister of the Crown. This was a matter of considerable importance to every municipal corporation throughout the country. No one knew better than the right hon. Baronet the form in which charters of incorporation ran. They were generally granted for the sake of preserving peace and order. Was the City of London to be told that it was incompetent to keep order and maintain good Government in its own district? Where was the proof of it? No case of failure to keep peace and good order had been shown. No one could say that on any fitting occasion the Lord Mayor had refused to receive the Metropolitan Police within the City. All the City privileges had been secured by Act of Parliament; and if London was to be deprived of the right of managing its police, what security was there that in another Session it would not be proposed to appoint paid magistrates and supersede the magisterial functions of the Lord Mayor and Aldermen? There was no more reason to complain of the City Police than of the City justices, and for any such complaints there was no ground whatever. He was unwilling to enter upon any comparison of the Metropolitan and City Police forces. He desired to bear ample testimony to the intelligence and zeal with which the Metropolitan Police stationed in and about the Houses of Parliament discharged their duties, and it was only due to Sir Richard Mayne to express admiration for the mode in which he managed the Metropolitan Police. But, at the same time, more important interests were under the charge of the City Police within the small area of the City than within three or four times the space of the metropolitan districts; and he believed that they performed their onerous duties most efficiently. The public mind was set against any change, and they could not fail to see that at numerous ward meetings the ratepayers, who were most interested in having the best possible police force, passed resolutions, without a dissenting voice, in favour of the rejection of this Bill. The efficiency of the City Police must be judged by the ordinary performance of their duties, and not by the result of an extraordinary pressure upon a rare occasion and under exceptional circumstances. Now, he ventured to say that in the protection of life and property, in the detection of crime, and in intricate investigations connected with fraudulent bankruptcies, and bringing to the bar persons who sought to evade justice, the City Police had displayed energy and intelligence unsurpassed by any force; and merchants daily left their wealth and merchandise under their guardianship with a confidence and security, perhaps, exceeding their confidence in the security of the property which was in their own residences at the West End of London. Of course, there were occasions when there was a great pressure on the City Police force, and the 7th of March was one of those occasions. But he should like to know where would the Metropolitan Police have been in the comparatively crowded parts of the West End without the assistance of the military in keeping open the line of the procession? His Royal Highness the Commander-in-Chief sent to offer to the Lord Mayor the assistance of the military on that occasion; and as soon as that suggestion was communicated to the Lord Mayor, he accepted the offer, and stated that he would gladly receive the assistance of 300 or 400 of the Life Guards. So great, however, was the demand for the Life Guards, that only 200 mounted Horse Artillerymen could be sent. In addition to this, the duties of Chief Commissioner, by that official's death within two or three days, had devolved upon the Superintendent, who was more accustomed to carrying out details than organizing arrangements; a misunderstanding occurred with a brigade of the City Volunteers, and in consequence of unprecedented crowds, collected by the most enthusiastic feelings of loyalty, the procession was slightly delayed. No blame really attached to the City of London, and there was not the slightest pretence for assailing the rights of the Corporation. The right hon. Baronet was driven to base his proposal upon the Report of the Commission of 1854, since which the City Police had acted efficiently, and no complaints had been made against it. All the citizens were unanimous in desiring to retain the control of the police and to bear the expense of it, whether small or great. There was ample proof that the Bill was not required, and he recommended the right hon. Baronet to postpone the second reading to as distant a day as six months from that time, when they were not likely to be troubled either with the Motion or the Amendment of which the hon. Member for the City of London had given notice.

Mr. HIBBERT said, that as the representative of a town which deeply cherished its local institutions, he felt it his duty to object to the Bill as another step towards carrying out the principle of centralization. He could find nothing in recent events to justify Parliament in taking away the rights of the City of London. The Metropolitan Police could serve warrants in the City, and the City Police could serve warrants in the metropolis. In cases of emergency the Secretary of State, upon the request of the Lord Mayor, could send Metropolitan Police into the City, and he did not know whether the Lord Mayor ought not to have applied for that assistance on the recent occasion; but it seemed to him that to obviate any inconvenience that might arise from the existing state of the law, all that was required was the introduction of a measure by which the Secretary of State should be authorized to send, in case of emergency, the Metropolitan Police into the City without any requisition from the Lord Mayor. It was quite unnecessary to make as sweeping a change as was proposed, and he should support hon. Gentlemen in opposing the Bill.

Mr. AYRTON said, that questions such as that under discussion were debated year after year, and turned over by Commissions and Committees; but somehow or other no legislation with respect to them took place until what might be termed an accident occurred. The House could not fail to perceive that there was a wide difference between the Corporation of London and the City of London—the two things were utterly distinct. Some of the representatives of the City of London differed altogether in opinion from the Corporation of London on this subject. Now, that was a remarkable index to the true character of this discussion; and he had no doubt, that when the proposal immediately before the House came to be seriously weighed, the practical considerations in its favour would be found to prevail over that parade of reminiscences of the past in which it was the habit of corporations to indulge. For his own part, he believed he might say without fear of contradiction, that no Member of the House of Commons had given more practical evidence than himself of appreciation of the principle of local self-government. He had, in support of that principle, made more Motions bringing odium on his head, in opposition to the Government as well as to the schemes of private Members, than any one whom he addressed, and it could not therefore be imputed to him that he was friendly to the system of centralization. Indeed, it was only a few evenings before, that after midnight, when corporators were sleeping, he had protested, as far as he was able, against the rights of individuals being transferred to a central office in London, while he had repeatedly upon similar occasions, and night after night, kept the Government at bay. If there were the remotest indication that the present Bill, therefore, was meant to trench upon the principle of local self-government, he need scarcely assure the House that he should be the first to oppose it even in its present shape. He had considered the question, however, which it was introduced to settle, calmly and deliberately, altogether apart from any excitement by which it had been surrounded by recent events. Two years ago, he might further observe, a Committee had been appointed on his Motion to inquire into the local government of the metropolis. Into the investigation which took place before that Committee he had entered with the impression that it was possible to carry out a system of local self-government such as that which was dangled before the eyes of politicians in the metropolis by the artful contrivances of corporate agitators. But when he had examined the subject with all the attention which his position had compelled him to bestow upon it, when he had duly studied and reflected upon the Reports of preceding Commissions, he had come to the conclusion that, in the interests of the great body of its inhabitants, it was desirable and expedient there should be only one police administration in this great metropolis. If they were to admit the principle contended for by the Members of the Corporation of London, that that section of the metropolis was entitled to a local administration of the police, there was no good reason why there should not be three or four or twenty separate police administrations, because each district in the metropolis was naturally as important in the eyes of its inhabitants as the City of London was in those of any of its Aldermen. If, however, such a state of things were to come to pass, the metropolis would be unbearable. A man might have his pocket picked in a street under one jurisdiction, while he might see his handkerchief immediately afterwards in the next street under another; he would thus be bandied about from jurisdiction to jurisdiction somewhat like an unfortunate being who happened to be trampled upon by an elephant, and who was tossed from point to point until nothing remained of him but an impalpable mass of humanity. It had been the system in the City, whenever a question such as that before the House was discussed, and while it maintained itself rights at variance with the rights of the metropolis generally, to imitate those who, when appropriating the property of others in the streets, raised a cry and shouted out, "Look ahead!" But, notwithstanding the threats which had been addressed to him, he felt assured there was that amount of discrimination and intelligence on the part of his constituents which would enable them to see through such shallow arts, which would lead them to judge of the measure under consideration on its own merits, and induce them to give it that support to which it was really entitled as a mere measure of improved police administration. It was not a measure which ought to be inflated to the magnitude which the City sought to ascribe to it, as he should, he hoped, be in a position to show when it came on for second reading; and he felt surprised that the City should put upon it a construction to which it was not open, and should try to palm off upon small corporate towns in the country a delusion which had no foundation in fact. The more the measure was discussed upon its real merits, the more it would be appreciated by the inhabitants of the metropolis, who, he felt assured, would not fail to understand that whatever police system was good enough for them was also good enough for people living in the City of London. How a great police force ought to be governed, so as, while rendering it efficient, to provide for the maintenance of public liberty, was not the question immediately at issue; while it was one which some accident might raise, and which was well worthy, no doubt, of careful consideration. To the solution of that question, the proposed amalgamation having been effected, hon. Members might with advantage address themselves. That was a question which interested the inhabitants, and in regard to which he and every other metropolitan Member would be ready to co-operate with the City authorities. That, however, was not the way in which these corporations treated public questions. They always set up something which was factitious, unsound—something that was ancient and useless. They always paraded the mere phantom of the past before the people of the metropolis, and employed their stipendiary corps of agitators to mislead the public, and to withdraw its mind from the consideration of really important questions; while the metropolitan Members endeavoured to bring before the House questions of real permanent and practical advantage to the inhabitants, and did not trouble themselves about these mere parades of office, the gabardines, gold chains, and gewgaws of municipal authority and institutions, the realities of which had long since been dead and buried.

Sir HENRY STRACEY said, he was unwilling to take a part against the introduction of the Bill, and should not oppose the Motion of the right hon. Baronet unless a division was taken upon it. He considered the speech made by the noble Lord the Member for Lichfield (Lord A. Paget) was one more in favour of the maintenance of the City Police force than against it. The whole gist of the noble Lord's arguments, in the shape of complaint, appeared to centre in Policeman 68. He, for one, did not think that any blame attached to the City Police on the occasion of the Royal procession. They all knew the pressure that was occasioned within the limits of the City; a pressure caused by the enormous influx of the people to that quarter, in order to see the Royal pageant in its full splendour. But who was answerable for that extraordinary pressure? The right hon. Baronet the Secretary of State for the Home Department himself. With respect to the Metropolitan Police force, he had no fault to find with it; but he was at a loss to know how it had particularly distinguished itself. They heard a great deal about garrotting last winter at the West End; whereas in the City nothing was heard of it—a proof of the admirable conduct of the police, and their efficacy as a preventive body. He objected to make the Chief of Police, in this country, a kind of Fouché; and he wished to know why it was, when the City of London were perfectly willing to pay the expense of supporting the City Police, the people at large were to be called upon to do so. The Metropolitan Police force was, after all, nothing more than the child of the City Police; and although he did not attach much weight to what had been said about centralization, yet he had a great respect for the corporations of the country, and more especially for that of the City of London, as well as for that force which protected so well the great riches of the City, which spread not only throughout the metropolis, but also throughout the country and even our Colonies. He conceived it to be most unjust to interfere with its rights and privileges, and should certainly oppose the present measure on the second reading.

Mr. Serjeant PIGOTT said, he wished to disabuse Gentlemen, connected with borough corporations, of the notions propagated by the hon. and learned Member for Guildford (Mr. Bovill), that the question of self-government was at all involved in the measure; and he hoped those intelligent communities would not be led away by any such fallacy. The object of this measure was simply to place under one management the police of one town; and in no borough in the country would a different system be for a moment tolerated. The real fact was that the City authorities were afraid that the adoption of this Bill might lead to further legislation with regard to others of their rights and privileges. If legislation of that sort were to follow, because this proved successful, so much the better; but with that the House had on this occasion nothing to do.

Sir HERVEY BRUCE said, that however willing he might have been at some other time to discuss the propriety of modifying the present police arrangements, he thought that this was a most inopportune moment to raise the question. Every one would suppose that the action of the Government was founded upon the accidents which occurred at the reception of Her

Royal Highness the Princess of Wales, and it would be impossible to proceed with the Bill without creating an unpleasant feeling between the City and the Royal family.

Sir JOHN SHELLEY said, he could not help commenting upon the extraordinary vivacity of the hon. Members who represented the City, and their outcry in favour of local self-government when their privileges were in danger; but he should have had more faith in their sincerity if they had raised a similar outcry in favour of attempts which had been made to give local self-government to other parts of the metropolis. They were, however, mute when any interests but their own were concerned; and while they took very good care of the City, they left the other parts of the metropolis to shift for themselves. So far as the police question was concerned, there could be no question that the whole metropolis should be under one governing body. The question of patronage was, after all, at the bottom of the matter, and he trusted his constituents would not suffer themselves to be misled by the statements with which they were so copiously supplied at the expense of the City. The terror felt by the Corporation had been inspired not by any blow levelled at the principle of self-government, but by the dread, that if any such measure as this were adopted, common sense might some day take from them the 4*d*. coal duties. He complained of the insincerity of the Corporation of London; for surely, if they were sincere, they would have endeavoured to maintain those rights for the rest of the inhabitants of the metropolis which, now they themselves were affected, they pretended to hold so dear.

Sir GEORGE GREY said, he was anxious to say a few words in reply to the arguments used in the course of the debate, and mainly in reference to the time and circumstances under which the Bill had been introduced. No one was more sensible than himself of the loyalty evinced by the Corporation of London on the occasion of the arrival of the Princess of Wales. It had taken a leading part in those demonstrations in which the rest of the inhabitants of the metropolis fully shared, and it had been his pleasing duty to express to the Lord Mayor on the part of Her Majesty the deep sense of gratification inspired by those demonstrations of loyalty to the Sovereign herself and the Members of the Royal family. But he could not understand why the Government should be debarred, in consequence of those demonstrations, from introducing a measure called for by considerations of expediency and public utility. The hon. and learned Member for Guildford (Mr. Bovill) had put into his mouth the statement that the circumstances occurring on the 7th of March had nothing to say to the Bill. He had not said that. The Bill, as he had stated, was not prepared exclusively or mainly with reference to the occurrences of that day, but in connection with the considerations adverted to in those Reports of Commissions and Committees, extracts from which he had read to the House; and the events of the 7th of March had confirmed the wisdom of these recommendations, and forced public attention upon the question which had lain for some time in abeyance. The Government would have shrunk from their duty if, in deference to public opinion, they had not proposed a measure which they thought calculated to prevent the recurrence of disorder and confusion which might have been attended with the most disastrous consequences. It was said that unusually great crowds had been attracted to the City by the magnificence of the preparations. Undoubtedly, the magnificent pageants that were exhibited in the City, especially at London Bridge, in the neighbourhood of the Mansion House, and at Temple Bar, and which could not be moved from place to place, were calculated to draw great crowds to particular spots; but those who had charge of the arrangements must have known that at particular points where the principal decorations were erected—as at London Bridge and the Mansion House—the throng would be densest, and should have taken precautionary measures accordingly. As the Lord Mayor had adverted to the official correspondence which passed on the subject, he (Sir G. Grey) must remind him that he had most distinctly stated, and the members of the Corporation with whom he had the pleasure of communicating had as distinctly admitted, that the sanction of Her Majesty to the arrangements was given on the express condition that effectual means should be taken by the City authorities to prevent confusion and delay; and that assurances had been given to that effect. The apprehensions which he entertained on that score led him to offer various suggestions; but ultimately the City had their own way, assurances being repeated that they could and would take effectual precautions against any disorder or delay. He was sorry to say that those assurances had not been fulfilled. He found no fault with the City Police; he believed them to be a most efficient body—but he did find fault with the arrangements on the day of the public entry in this respect, that there was no one directing head, no controlling authority, and therefore there had been a total want of that unity of action which was essential to the necessary arrangements. There had been great crowds along the entire route traversed by the Royal procession, but it was only in the City that delays occurred; elsewhere the line was kept perfectly open, and the Royal carriages passed without impediment, owing to the admirable arrangements of Sir Richard Mayne. He felt confident, that if the direction of the whole of the police arrangements had been in the hands of Sir Richard Mayne, the streets in the neighbourhood of London Bridge and from thence to Temple Bar would have been kept as well as they were from Temple Bar west through the remainder of the town.

Motion *agreed to.*

Bill for the amalgamation of the City of London Police with the Metropolitan Police, *ordered* to be brought in by Sir George Grey and Mr. Bruce.

LAND DRAINAGE (PROVISIONAL ORDERS) BILL.

On Motion of *Mr. Bruce,* Bill to confirm certain Provisional Orders under the Land Drainage Act (1861), *ordered* to be brought in by Mr. Bruce and Sir George Grey.

Bill *presented,* and read 1°. [Bill 85.]

LOCAL GOVERNMENT SUPPLEMENTAL BILL.

On Motion of *Mr. Bruce,* Bill to confirm certain Provisional Orders under the Local Government Act (1858), *ordered* to be brought in by Mr. Bruce and Sir George Grey.

Bill *presented,* and read 1°. [Bill 84.]

POOR REMOVAL BILL.

On Motion of *Sir Hervey Bruce,* Bill to amend the Law relating to the removal of Destitute Persons from England and Scotland to Ireland, *ordered* to be brought in by Sir Hervey Bruce, Mr. Gregory, and Mr. Longfield.

Bill *presented,* and read 1°. [Bill 86.]

House adjourned at a quarter before Eleven o'clock.

HOUSE OF COMMONS,

Wednesday, April 22, 1863.

MINUTES.]—Select Committee—on Ordnance, the Marquess of Hartington *added.*

Public Bills — *First Reading* — Metropolitan and City of London Police Amalgamation [Bill 89].

Second Reading—Innkeepers' Liability (No. 1) (*Mr. Wykeham Martin*) [Bill 18]; Elections during Recess [Bill 48]; Borough Residence Uniform Measurement [Bill 60].

Committee—Marriages, &c. (Ireland) (*Sir Edward Grogan*) [Bill 40].

Report—Marriages, &c. (Ireland) (*Sir Edward Grogan*) [Bill 88].

Withdrawn—Innkeepers' Liability (No. 2) (*Mr. Butt*) [Bill 43].

INNKEEPERS' LIABILITY (No. 1) BILL.

[*Mr. Wykeham Martin.*]

[BILL 18.] SECOND READING.

Order for Second reading read.

Mr. P. WYKEHAM MARTIN, in moving the second reading of this Bill, said, it was an attempt to deal with a very extensive and gross system of robbery. According to the existing law an innkeeper was liable for the safe custody of the goods brought into his house by his guests, because it was assumed that they were intrusted to his care. Some responsibility of the kind he ought to be saddled with, for his guests had no control over the management of his house—they knew nothing of his servants, and had no control over the fastenings of the doors and passages of the inn. But if the innkeeper was bound to take care of the goods of his guests, surely there should be a reciprocal obligation on the part of a traveller to pay some little attention to the security of his own property. At present no such obligation was imposed upon him; the law entitled him to recover the full value of any goods lost —and, indeed, to put his own value upon any property which he might choose to say he had lost, and to recover the amount from the innkeeper. The law was different in France, where an hotelkeeper, by giving public notice that he would not be responsible unless the goods were specially deposited with him, could exonerate himself from all liability with respect to them. So, too, in Belgium, an innkeeper could divest himself of responsibility by proving that his customer had not exercised due care. Even in England, if a shopkeeper chose to expose his goods in the public streets, and they were stolen, although the thief was punished for the robbery, yet the courts invariably did their best to discourage such negligence; yet here the landlord was held liable, even if he had given distinct warning. The only person entirely relieved from the care of his own property was the guest in a good hotel. In a case tried at the Maidstone summer assizes of 1862, Mr. Baron Martin told the jury that the question of negligence on the part of the owner of the lost property had nothing whatever to do with the matter, and that they must not, by taking it into consideration, make themselves wiser than the law. The jury found a verdict of £70 for the plaintiff, or £21 less than he had asked; and they also found that the traveller had been guilty of negligence; and the learned Judge refused to take Mr. Lush's exception to his ruling, saying, "This is the law; you must get an Act of Parliament if you desire to alter it." Now, that was the very thing for which he (Mr. Wykeham Martin) was now asking. That case showed. that the negligence of the guest did not exonerate the unfortunate hotelkeeper. But hotelkeepers were exposed to various other risks. Passing over those which arose from the mistakes of travellers, who often declared that they had brought property into their inns when they really had not, and so sought to make the landlord pay, they were also subject to risks from gross and deliberate fraud. Of the former case—he once heard a gentleman say he had lost a parcel, containing jewellery, at an hotel; all the porters declared they had not seen it, but the gentleman was positive that he had lost it at the hotel, and used all kinds of threats against them. While the parties were wrangling on the subject, the railway porters brought the very parcel in dispute, which had been left at the railway, and, consequently, had never been brought to the hotel at all. Yet, supposing the parcel had been stolen from the platform, the guest, without intention of fraud, would have sworn he brought the parcel into the hotel, and the keeper would have been liable, not only for the goods of his guest, but for the errors of his guest. In former days, our ancestors, or some of them, thought they found their highest comfort in their inns. We were no longer content with the accommodation of the old-fashioned inns which satisfied our forefathers, and a new class of large hotels had sprung up in answer to the complaints which frequently appeared in *The Times* and other newspapers. These establishments, founded by companies, and conducted on improved principles, were, however, more exposed than their older and smaller rivals to the arts of the swindler. Indeed, they were quite as defenceless against frauds of that kind as the monster of the deep was against the assaults of the swordfish, and no possible precaution could afford them the least protection. There was great competition in the trade, and unless Parliament provided some remedy for the evil, fraud on the one side would engender fraud on the other, and they would have bankrupt proprietors put in to manage these hotels; and if there were capital behind them, it would be covered by bills of sale or by mortgages on the buildings, and so the public would lose the protection it was supposed to enjoy under the present state of the law. He had known claims to be made against landlords of inns by persons who said they had lost property worth many hundreds of pounds, but which they had afterwards found in their own houses. But there were frequent cases in which, although there had been actual loss, that loss had not been incurred in the hotels, and yet the parties, either to avert disagreeable consequences from themselves or for a fraudulent purpose, claimed compensation from the innkeepers. In one instance two brothers-in-law went to a very respectable hotel at Manchester, where they had a double-bedded room allotted to them, at their own request. They dined together in the coffee-room. Shortly afterwards the single brother went to bed, and the married brother expressed his intention to follow him as soon as he had finished his cigar. That intention was not quite borne out by his subsequent acts, for he retired to a house in the neighbourhood, and there, with his own hand, surrendered £200, in notes, to the "bully" of the establishment. He returned to the hotel, and next morning made a claim for the £200 against the hotelkeeper. To disarm suspicion, the hotelkeeper did not refuse to pay; but asked the single brother when the married brother came to bed, and his reply was, that he did not know, but certainly not while he was awake. The owner of the notes made a circumstancial statement as to his having had them in his coat-pocket, which he hung against his bedroom door. But the landlord spoke about the matter to a detective officer, who went and recovered the notes, and the owner was obliged to sign a statement at the police office as to where he lost them. The delinquent husband, however, was so alarmed lest his wife should come to know the circumstances that he returned the notes to the "bully," who was probably now living on the proceeds. In another instance a gentleman made a claim on an innkeeper for a pocket-book containing bank notes which he said he had lost at his house. While, however, they were talking about the occurrence, a policeman brought back the pocket-book and the notes, which he had picked up, because the owner had retired, but not to his own couch, immediately after dinner. These were but samples of many other cases hardly fit to be mentioned, showing the hardships under which landlords of inns were placed by their present liability. But a third class of claims made upon hotel-keepers were still more serious. Persons were in the habit of going to hotels and obtaining compensation for the loss of goods which, perhaps, never had any existence at all. In the month of June 1862, a certain lady claimed compensation from the Grosvenor Hotel Company for valuable jewellery, which she said had been stolen from her room. When the police came, she valued the property at £50. Nobody had seen her bring any jewellery to the hotel. She afterwards consulted a gentleman learned in the law, and then fixed her demand at £117 14*s*. The company were advised that they had no defence to the action, as she swore positively that she had lost the articles while at the hotel, and they paid her the sum of 100 guineas. A little later a gentleman made a similar claim on the same company for £32, and though he could not state what were the articles he had lost, or their value, he had to be paid in full. Six weeks afterwards another gentleman claimed compensation from the same parties for £215 in Bank of England notes, which he said he had lost while staying at their establishment. On his own showing he left the notes in an open portmanteau on the floor of his room, the door of which was open; and if that was not negligence, it would be difficult to say what was. He could not give the numbers of the notes himself, and he added that on reference to the banker who had given him them, the banker could not tell the numbers either. Now, one of the first bankers had assured him the other day that such a thing as the banker and the customer being both ignorant of the numbers of the notes in such a case was scarcely within the bounds of possibility. His own firm belief was that they were not lost at the hotel, and, as a juryman, he would strongly suspect that they had never been lost at all. The remedy he proposed to apply by his Bill was this:—He would generally leave the law as it stood, but would limit the innkeeper's responsibility for the goods or property of his guests at not more than £20, unless the property were deposited with him expressly for safe custody, in which case he would be answerable for its full value. He had taken the limit of £20, because that was the sum named in the Carriers Act; but he was not wedded to that precise amount, and would be willing to modify it in Committee. The hon. Member for Reading (Sir F. Goldsmid) said the interpretation clause was faulty; but that might be amended. The hon. and learned Member for Youghal (Mr. Butt) had introduced a Bill very much to the same effect as his, but he might be excused for preferring his own child. It would be for the House to choose between the two measures, or to say whether they ought not to be amalgamated. But he entreated them not to check the investment of capital in a trade beneficial to the public and most respectably conducted, and he hoped that in common justice and fairness they would not refuse to affirm the principle of this Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."

Colonel EDWARDS had great pleasure in supporting this measure, which had long been required for the protection alike of the innkeepers and the public, and he believed it would be a great boon to both. The publicans were unanimously in its favour, and no Petitions, that he was aware of, had been presented against it. He would appeal to the hon. and learned Member for Youghal, who had brought in a Bill nearly identical with the present one, to withdraw his measure, and allow this one to go into Committee. The principal, if not the only, difference between the two Bills was as to the amount at which the innkeeper's liability should be fixed. For himself he cared little whether the limit was £20 or £50. That point, however, like all the other matters of detail, could be satisfactorily arranged in Committee, and he trusted that the House would now give this Bill a second reading.

SIR FRANCIS GOLDSMID rose to move that the Bill be read the second time that day six months, and said, that a measure similar in its title and substance was introduced a few years ago by the hon. and gallant Member for York (Colonel Smyth). That Bill was read a second time, but was thrown out at a subsequent stage on the suggestion of one whose loss they all deplored (Sir George Lewis), then the Home Secretary. The present Bill was liable to the same objection as the former measure. The preamble was false in fact. It stated that the facilities given to travelling by railways and otherwise had so increased the quantity and value of property brought to inns as to render the trade of an innkeeper extremely hazardous and dangerous under the present state of the law. Why, the facilities for banking and our improved police had tended to diminish rather than increase the risks which in ancient times attended the operation of the common law rule in this matter. In *Hone's Every Day Book* he found a citation from a report of the reign of Elizabeth, in which it appeared that the hundreds objected to pay for the loss sustained by some clothiers who travelled on the highway—first, because they had not joined the great troop of travellers; and secondly, because they carried their money openly in wallets on their saddles. All that, however, was now changed, and he thought the change had diminished rather than increased the risk. The hon. Mover himself spoke of one thing, and the preamble of his Bill of another; because he talked of the frauds committed on innkeepers in respect to goods not brought into and not lost in their houses, while his preamble referred to goods actually brought there. Again, the fact that great capital had lately been embarked in this particular business was not an indication that those who were about to enter into it were much alarmed at the present state of the law. The common law principle as to the liability of innkeepers had prevailed from time immemorial; and it was adopted in substance from the civil law of the Romans, and might fairly be assumed to have something reasonable about it. It was for the landlord to see that he had good bolts and locks to his doors, and that his servants were trustworthy—matters for which his guest could not be responsible. These were reasons why the responsibility should rest on the landlord. The hon. Member had overstated the innkeeper's liability. They were not to look to what a Judge of Assize had decided at Nisi Prius for an authoritative exposition of the law, but to the decisions of the Court sitting *in Banco* to review his decisions. The difference between the position of an innkeeper and another person was this:—In the case of ordinary bailees in charge of other people's goods the want of care must be shown to make them liable, while in regard to the innkeeper the want of care would be presumed; but if the contrary could be shown, and the loss had been incurred by the guest's own indifference or negligence, the innkeeper was no longer responsible. The law, therefore, was already in the state in which the hon. Member intended to place it. In *Smith's Leading Cases*, vol. i., on "Calye's Case," decided in the Court of King's Bench, there was this passage—

> "The Judge, Richards, C.B., told the jury, that *primâ facie* the innkeeper was answerable for the goods of the guest in his inn, but that the guest might by his own conduct discharge him from responsibility, and left it to them to say whether he had done so here. The jury found that he had; and on a motion for a new trial the Court approved the direction of the learned Judge, and thought the verdict was correct."

But this Bill would absolve the innkeeper from responsibility altogether, except for goods not exceeding £20 in value. It would not leave him in the position of an ordinary bailee, but would convert him, from a bailee with extraordinary liability, into a bailee with extraordinary immunity. The proposed condition as to specially depositing articles of high value could not possibly be fulfilled. How, for example, could a lady deposit with the innkeeper her wearing apparel? How, again, was a traveller to deposit with him a horse, which must necessarily be left in a stable? The innkeeper might be absent, and a servant entitled to receive the deposit of goods might not be found; or if he could be found, this was hardly a case in which they could apply the maxim, *Qui facit per alium, facit per se.* How was the guest then to act? The interpretation clause of the Bill was a singular piece of legislation. It defined "property" to mean "money, securities for money, title-deeds, precious stones, jewellery, wearing apparel, goods, wares, merchandise, chattels and effects, animals, and things of every description;" and, not content with these last exhaustive words, the draughtsman added "and the receptacles for the same," as if the box containing a guest's goods were something different from "a thing." What was that but proposing to repeat, in the solemn language of an Act of Parliament, the old joke *De omnibus rebus et quibusdam aliis?* If the state of the law required remedy, a proper remedy would not be applied by a Bill like this, so false as it was in its preamble, so vague and general in its enactments, and winding up with a climax of absurdity in its concluding sentence. He therefore begged to move, as an Amendment, that the Bill be read a second time that day six months.

MR. PACKE, in seconding the Amendment, said, he wished to protect the innkeeper in a fair way, provided equal protection were given to the public; but to require persons staying at hotels to exhibit the contents of their trunks and boxes, or their pocket-books to the prying eyes of an innkeeper, as the condition of being allowed to deposit them with him for safe custody, was a thing quite intolerable. Yet that would be the effect of this measure. On the days of Drawing-rooms ladies would come to hotels with diamonds and jewellery of great value. Was it to be required that they should exhibit all these things to the landlord? Was a man to exhibit all his money and bank-notes to the landlord on penalty of not being able to recover it if it should be stolen from his room.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. ROEBUCK said, he had come down to the House for the express purpose of hearing what possible reason could be urged against this Bill. He thought the speech of the hon. and learned Member for Reading (Sir Francis Goldsmid), in opposition to the Bill, consisted of much that was wholly irrelevant. He would brush away all that had been said about the preamble—he did not care for the preamble or the interpretation clause. He would come to the real matter. An innkeeper, as the law stood, had placed on him a responsibility which he believed to be unjust; and the Bill provided a mode of relieving him without doing harm to anybody. An innkeeper was responsible for everything which a traveller said he brought—not only for what he brought, but for what he said he brought—into his house. Well, the difficulty started by the hon. Gentleman who last spoke might be met in this way—The hon. Gentleman was the representative of a fox hunting country;—if he (Mr. Roebuck) went down into the hon. Gentleman's county to hunt the fox, which, unfortunately, he could not do, and had in his pocket-book a £100 note, why should he not say to the landlord, "I have such a note in my possession; is it safe in my own room, and will you be answerable for it there, or will you take it into your own custody?" Surely that was no hardship on the gentleman who went to hunt the fox. But he would put another case:—Suppose a suspicious-looking person, perhaps a swindler, alighted at an inn, and said he had a £100 note in his possession, the landlord might say, "Will you have the goodness to let me see it?" There could be no harm in that. If it was a note of the Bank of Elegance, the innkeeper would see it, and that would put an end to all chance of his being swindled. In such a case the innkeeper would be relieved of an unjust responsibility. It appeared to him, then, that this Bill sought a good end by right means. It could do no possible harm to any human being, except the rogue, and that, he thought, was a good thing as far as it went.

COLONEL SMYTH, having formerly promoted a Bill with a similar object, begged to state that the necessity for such a measure had since increased enormously; and, if better reasons were not urged against it than those which had been stated by the hon. Baronet, he felt assured the House would not only read it a second time, but give its provisions all the consideration which they deserved.

MR. LOCKE said, he did not think the technical objections which had been stated to the Bill deserved much attention from the House. Railway companies were protected by Act of Parliament, and so were common carriers. If railway companies were protected in this matter, why should not the proprietor of the railway hotel? He thought, the preamble, which had been found fault with, was extremely sensible, and he should cordially support the second reading.

SIR GEORGE BOWYER said, he desired to call the attention of the House to the law upon the whole question on which the Bill turned. It was very well stated in *Stephen's Commentaries*, vol. ii., p. 133, in these words—

> "Before we quit the subject of bailment, we must advert to two kinds of bailees, distinguished from others, as subject, by the custom of the realm, to a higher degree of responsibility than that which attaches to bailees in general, according to the rule before laid down; and first, a com-

mon innkeeper (which includes the keeper of every tavern or coffee-house in which lodging is provided) is responsible for the goods and chattels brought by any traveller to his inn, in the capacity of guest there, in every case where they are lost, damaged, stolen, or taken by robbery, with the exception only of certain instances in which it would be obviously unjust to apply that general rule; as where they are stolen by the traveller's own servant, or companion, or from his own person, or from a room which he occupied otherwise than as a mere guest, or entirely through his own gross negligence; the object of the rule being to protect travellers from the danger of loss, to which they would otherwise be subject in committing their goods to the charge of a person with whom they have had no previous dealing, and with whose character they are presumably unacquainted."

The civil law, from which the law of England was derived, laid it down thus—

> "Art. Prætor.—'Nautæ, caupones, stabularii, quod cujusque salvum fore nisi restituent, in eos judicium dabo.' Maxima utilitas est hujus edicti; quia necesse est plerumque eorum fidem sequi, et res custodiæ eorum committere."—*Pandects*, L. iv., t. ix.
>
> " . . . . . In deposito dolus dumtaxat præstatur; ut hoc edicto omnimodo qui recepit teneatur, etiamsi sine culpa ejus res periit vel damnum datum est, nisi si quid damno fatali contingit. Inde Labeo scribit, si quid naufragio aut per vim piratarum perierit, non esse iniquum exceptionem ei dari. Idem erit dicendum si aut in stabulo aut in caupona vis major contigerit."—Lex ii., ibi.

Everything depended on the word *recepta.* The innkeeper was liable for the things he "received" into his house. A man did not receive a thing without knowing that he received it. Yet the innkeeper was made liable for property although there was no evidence that he had received it. Proof should be given that he had received the property, or he ought not to be liable. He should support the Bill.

Question, "That the word 'now' stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Wednesday* 10th June.

INNKEEPERS' LIABILITY (No. 2) BILL.

[MR. I. BUTT.] [BILL 43.]

BILL WITHDRAWN.

MR. BUTT said, the Bill he had on the paper was on the same subject, and had the same object in view, and therefore he would not press it.

Order for Second Reading read, and *discharged.*

Bill *withdrawn.*

Sir George Bowyer

ELECTIONS DURING RECESS BILL.

[BILL 48.] SECOND READING.

Order for Second Reading read.

MR. COLLINS moved the second reading of this Bill. About a hundred years ago, power was given to Mr. Speaker to fill up vacancies on notice being given by two Members of the House, and after fourteen days' notice in the *Gazette.* A hundred years ago, when there were no railways, steamboats, newspapers, or telegraphs, it might have been necessary that fourteen days' notice should be given; but circumstances had now completely changed. He had referred to the seven elections which took place during last recess, and he found, that leaving out of view Kent and Reigate, the shortest vacancy was twenty-eight days, the longest being thirty-two days, on an average thirty days. He proposed, therefore, by this Bill, that the notice should be four days, instead of fourteen, and elections might then take place twenty days after vacancies, which even in the recess would afford to constituencies ample time to fill them up.

MR. H. A. BRUCE said, he did not intend to oppose the second reading, on the understanding that the House should not be considered bound by the exact wording of the Bill, and that it should not be imperative on the Speaker to issue his warrant within a shorter time than fourteen days. These matters would have to be settled in the Committee.

MR. HALIBURTON: Sir, the hon. Gentleman who moved the second reading of the Bill must surely make a mistake when he says that a hundred years ago Parliament gave you the power to fill up vacancies.

Bill read 2°, and *committed* for *Monday* next.

BOROUGH RESIDENCE UNIFORM MEASUREMENT BILL.

[BILL 60.] SECOND READING.

Order for Second Reading read.

MR. COLLINS moved the second reading of this Bill, which he said was intended to get rid of an electoral anomaly. The Chancellor of the Exchequer had last week proposed to get rid of what he called certain fiscal anomalies, and on the previous evening the House had been engaged in discussing an anomaly with regard to the City Police, and this Bill was intended to remove a legislative anomaly which was really an absurdity. The Reform Act provided that the burgesses of boroughs who resided within seven miles of the borough should be entitled to vote for the election of Members of Parliament, and the anomaly which he complained of was that with regard to England, Wales, Scotland and Ireland, there were different modes of measuring the seven miles; and in the boroughs of England this was productive of positive injustice to a certain class of electors. This Bill was to establish uniformity in the three kingdoms upon this matter. In Wales, as to one class of voters, the distance was measured from some place scheduled in the Reform Act; in Scotland the sheriffs had a great deal to do with fixing the boundary of measurement; in Ireland the distance was measured from the usual place of holding the election; while in the English boroughs there were two modes of measuring the seven miles. With regard to the ratepayers of a borough who resided out of the limits of the borough, the distance was measured from the boundary of the borough; whereas with regard to the freemen in a borough, the distance was measured from the chief polling place. The effect of this was to deprive many freemen of their franchise, although they lived within seven miles of the borough. The whole course of the legislation of late years had been to establish uniformity in the law. No doubt there were many hon. Members on that (the Conservative) side of the House, such as his hon. Friends the Members for West Norfolk (Mr. W. G. Bentinck) and Northamptonshire (Mr. Knightley), who were satisfied with the Reform Act as it stood, but he thought they could scarcely oppose this Bill; and he could not understand how any Liberals could be opposed to any extension of the franchise, and he thought that some good reason ought to be shown for the maintenance of the existing anomaly, which in some instances had the effect of disfranchising a considerable number of electors. It might be thought that as the Bill came from the Conservative side of the House, and though calculated to extend the franchise, it ought not to receive support; but although he sat on the Conservative side, he was not trammelled by party ties, and this Bill had been introduced by the hon. Member for Nottingham, who was a Whig and something more, and by the hon. Member for the Tower Hamlets, who was a Radical and something more. He would be glad to know what was the opinion of the Members for such boroughs as Liverpool with regard to this measure, creating identity of residence between the old and the new class of electors. He could not believe that they would be desirous of keeping up the existing distinction. A ground of objection to his proposition might be that a great part of the corruption which had been shown to exist in certain boroughs was traceable to the freemen voters, but that was hardly a sufficient objection, because recent experience had shown that in constituencies which were the creatures of the Reform Act, and where there were no freemen, there had been equal corruption. Even if in some cases freemen had been found tainted with corruption, they were the freemen resident in the borough, and not the outlying freemen. He hoped, that upon the grounds of common sense and common justice, he should receive the support of the House on the Motion which he made that the Bill be now read a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. Serjeant PIGOTT said, that in the absence of the right hon. Gentleman the Member for Kilmarnock (Mr. E. P. Bouverie), who had given notice of an intention to move that the Bill be read a second time that day six months, he should himself propose that course to the House. He thought that no good reasons had been assigned for changing a state of things that had endured since the passing of the Reform Act. If there was any anomaly, it was not of such a character as to call for express legislation, but he denied that there was any analogy between occupying householders and freemen. These classes of voters were dealt with, specially and intentionally, in separate sections of the Reform Act, and the Legislature at the time evidently thought that there was good reason for the distinction. No doubt the reason was that Parliament thought it desirable to limit as much as possible the number of freemen voters. Originally, it was proposed that the freemen should be left out altogether; but that giving rise to much opposition, the present provision was agreed to as a kind of compromise. This was a Bill certainly intended to extend the suffrage; and if it were only in the right direction, he should be inclined to support it. But as at the time of the passing of the Reform Act the freemen enjoyed a certain notoriety for accessibility to bribery, which they still retained, he did not consider they were specially entitled to legislative interference in their behalf. There was a reason for the distinction made by the Reform Act. The lists of occupying householders were made out by the overseers of each parish and thus the labour was divided. But the list of freemen voters was to be made out by the town clerk, and it was necessary that there should be some fixed point from which the distance of the freeman's residence should be measured; otherwise, if the distance were reckoned from any part of the borough boundary a special measurement would be necessary in very many cases. He thought there was no necessity for the change proposed; for if the Bill would cure one anomaly, it would leave untouched a greater—the different mode of measurement adopted respectively in the cases of Parliamentary and municipal voters. He thought that no case had been made out in favour of the Bill, and would move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. KNIGHTLEY said, he was not going to speak about the Bill, because he did not know much about it; but he wished to repel an imputation upon the hon. Member for West Norfolk and himself, whom the hon. Gentleman who moved the second reading had described as being satisfied with the Reform Act of 1831 as it existed. Now, his hon. Friend and himself had always stated that they were not satisfied with it, and had protested against the Act as unfair and inequitable towards the rural districts, and that, whether population or property be accepted as a test, they were entitled to a larger representation. He thought it a monstrous anomaly that a small peddling town like Knaresborough should have two Members while large and influential constituencies like West Norfolk and South Northamptonshire possessed only an equal representation. He would certainly support a Bill to disfranchise Knaresborough, provided the two Members were given to the counties.

Mr. H. A. BRUCE said, that against uniformity of measurement itself nothing could be said, but it could not be overlooked that there was a great distinction between freemen and householders. It was just and reasonable that men possessing property within a borough, but not actually living within its limits, should not be precluded by that latter fact from Voting for Members of Parliament. In the case of a freeman, however, when he removed from the borough, his interest in it was gone. If this Bill were passed, it might happen that a man having acquired the freedom of a borough by apprenticeship might leave it and take up his abode in another borough ten miles distant; but as his residence might be within seven miles of the nearest boundary of the first borough, he would retain a right to Vote where he had ceased to possess any interest. The different mode of measurement prescribed by the Reform Act had been adopted after full discussion, and it must be assumed for good reasons. It had been agreed on both sides of the House that the present suffrage was too restricted, and ought to be extended; but he had never before heard of any proposition to that effect which was not based upon the possession of property or superior intelligence or education. The effect of this Bill would be to increase considerably the number of freemen in some boroughs, the aggregate number of freemen in all the boroughs being some 40,000. Surely the freemen were not a class deserving of being treated with special favour. Upon no ground could he discover any necessity for the Bill, and therefore he hoped the House would not assent to the second reading.

Mr. COLLINS, in reply, said, that no good reasons had been urged against the Bill. In the Reform Bill as originally introduced, with the concurrence of the entire Cabinet, was the very provision which he now sought to establish by his Bill, and the alteration was only made in the course of discussion, by Lord Althorpe, at the suggestion of Mr. Rigby Wason. It was true that there was an anomaly in the differences existing between the Parliamentary and the municipal franchise; but he hoped that anomaly would be removed, and the same mode of measurement adopted in both cases.

Mr. E. P. BOUVERIE said, that he had been accidentally absent in the early part of the discussion; but he wished to point out to the House that there really was no anomaly to cure. The distinction between householders and freemen was a substantial one, and the only effect of the

Bill would be to enlarge the area of residence for one particular class of voters. The Reform Act required residence within the borough as a condition from the freeman to entitle him to vote ; and the substantial effect of enlarging the area of residence to seven miles from any part of the borough would be to introduce a class of non-resident freemen as voters—the very worst class of voters that could be found. He was an advocate for an extension of the suffrage, but not in favour of that class of which the records of the House bore testimony that those who composed it were the most corrupt portion of the most corrupt constituencies. Any one who desired to promote purity and economy in elections would be slow to add to that class. Having referred to some of the Reports of investigations that had taken place by direction of that House, he was able to cite a few proofs of how undesirable it was to increase the number of freemen voters—a class that, happily, did not exist in Scotland. In the case of Hull, the Commissioners, who reported in 1852, said—

> "There remain 1,017 cases of persons on the register of 1852 who have been proved to have been bribed at one of the three elections of 1841, 1847, and 1852. Of these, 177 are occupiers and 840 freemen. But it is clear that 840 are not all the freemen on the register of 1852 who had been bribed at one of the three elections. We are fully justified in concluding, that of the 1,494 freemen, whose names appear on the register of 1852, 1,100 were bribed at one or more of the three elections just mentioned."

More recently, in 1860, the Commissioners appoined to inquire into the proceedings at elections at Gloucester, speaking of the freemen, reported—

> "The Reform Act, although it mitigated, failed to destroy the evil thus introduced. It lopped off, indeed, a large and costly portion of the constituency, but it retained the portion most calculated to infect, by its presence, the new class of electors whom it had created."

The Commissioners then referred to a practice of paying for the admission of freemen, and then added—

> "Such a system is essentially corrupt, and the evidence we have received has left on our minds a strong impression that the perpetuation by such means of a class of electors whose hereditary corruption has greatly deteriorated the character of the constituency, is most calculated to nourish and permanently maintain the demoralization which we have found prevailing at Gloucester."

The next instance he would give was in the case of Great Yarmouth, where it was proved to the satisfaction of a Committee of that House, and they reported, that gross systematic bribery had prevailed, and they recommended disfranchisement of the freemen. A Bill to that effect was introduced by the Chairman of the Committee, Mr. Ker Seymer, and the freemen of Great Yarmouth were disfranchised. In a still more recent instance, that of Berwick-on-Tweed, the Commissioners reported—

> "The freemen were generally represented to us as the class most accessible to the influence of bribery. Mr. Weatherhead, the Conservative agent, said he thought he had heard that head money was considered by the freemen as a sort of right ; it went by the name of 'gooseberries.' Mr. Forster, thrice returned as the Liberal Member, stated that his own impression was, that while he sat for the borough 'two-thirds of the old freemen and some portion of the householders were corrupt.'"

He contended that that class of voters formed a permanent element of corruption. The freemen were the source of most of the corruption and bribery which entailed so much trouble upon the Legislature and such discredit upon our constitutional system. The hon. Member for Knaresborough (Mr. Collins) asked the House to enlarge the area of residence in favour of that class ; but if the House did so, after all its legislation with the object of putting an end to corruption, it would lay itself open to the imputation of not being really desirous of putting an end to such disgraceful practices.

Mr. BENTINCK said, he felt bound to notice some of the observations which had fallen from the right hon. Gentleman (Mr. Bouverie) ; but he wished first to express his concurrence with the remarks of his hon. Friend the Member for South Northamptonshire (Mr. Knightley), with regard to their disapprobation of certain provisions of the existing Reform Act ; for they had always held that nothing could be more unjust or unfair than the present state of the representation of the country, by which the rural districts were compelled to bear more than their fair share of the taxation of the country, and he had always been ready to give his assistance towards removing that evil. The right hon. Gentleman the Member for Kilmarnock had told them that he was not in favour of the extension of the franchise in the particular direction suggested by the Bill of his hon. Friend (Mr. Collins). Was that because he apprehended that the class of electors so enfranchised would be unfavourable to the opinions he held ? That was obviously the meaning of the opposition of the right hon. Gentleman. Now, what were the arguments in favour of that view of the case? The right hon. Gentleman said that this class of electors were those who were always found to be venal. But the right hon Gentleman advocated lowering the borough franchise. Had he forgotten the fact that almost all the grossest cases of venality were found to exist among the lower classes of borough electors? But the two grossest cases of corruption brought of late years under the consideration of the House had occurred in constituencies — Huddersfield and Wakefield — in which there were no freemen. He was at a loss to know upon what ground the right hon. Gentleman ventured to tell the House that there was more corruption among the freemen than among the lowest class of borough voters. He could only understand it upon the assumption that in the eyes of the right hon. Gentleman corruption was extremely objectionable when the result was unfavourable to the party whose opinions he shared, and highly desirable whenever it would conduce to the spread of those opinions.

Mr. LOCKE said, he could not understand the logic of the argument, that because freemen were corrupt, therefore honest working men who desired to enjoy the franchise would also take bribes for their votes. In the case of Wakefield the bribery was indiscriminate. About one half the voters were bribed, and the amount reached £100, £200, and even, he believed, £300 for a vote. From a want of honesty among thieves—the bribed voters on one side offering to take bribes from the other —discovery had followed. But, where all classes were tainted, no inference could be drawn that £10 householders as a class were venal. He believed that in large constituencies they were not open to bribery at all, and that the working classes, except where they were exposed to the pressure of strong intimidation, exercised the franchise as honestly as any other portion of the community—much better than any above them, who ought to know better. No one disputed that freemen, whose numbers this Bill would increase, were venal, and that the effect would be to add largely to the number of out-voters, who were the most expensive voters to poll. He should therefore vote against the second reading.

Mr. WHITESIDE said, he should be glad to see persons punished who were convicted of bribery, and prevented ever afterwards from voting. But Parliament seemed rather chary of following up the precedent of St. Albans. He believed the best mode of reform was to take away the representation of such places and to give it to large counties, such as had been mentioned by the hon. Member for Northamptonshire (Mr. Knightley). As to the argument of the right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie), it amounted to this—that because some freemen were bribed, others, who were not bribed, should not be allowed to vote. If the right hon. Gentleman were a sincere admirer of the political wisdom of the Reform Bill and a devout believer in the theory that everything in that Act must be right, and everything not in it must be wrong, he ought to perceive that by its provisions the freemen were preserved; and if the franchise was preserved to them, they ought to have the opportunity of exercising it.

Mr. BUTT said, that instead of disfranchising all freemen when the Reform Bill passed, a compromise was effected, retaining those who resided within seven miles of the principal polling-place. The freemen in Ireland were exclusively Protestant, and, as a general rule, belonged to one particular party. This Bill would disturb the settlement arrived at in 1832, and introduce in Ireland a new set of freemen exclusively of one religion and one party.

Lord LOVAINE said, he was not aware before that hon. Gentlemen on the Government side of the House deemed Protestantism a positive disqualification for the elective franchise in Ireland. The freemen were the lowest class of voters, and the liberal party pretended to wish to extend the franchise to the very class whom they now charged with being most corrupt. He should not vote for the Bill, because he had no desire to see the franchise extended to these persons. He did not object because they were freemen, but because they were a low class of voters.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 171; Noes 135: Majority 36.

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Monday* next.

MARRIAGES, &c. (IRELAND) BILL.

[Sir Edward Grogan.] [Bill 40.]

COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 *agreed to.*

Clause 2 (Form of Notice of Marriage to Registrar, 7 & 8 *Vict.*, c. 81, s. 13).

Mr. BUTT said, this first clause would have the effect of making the law of Ireland different from that of England. It was a great mistake to suppose that there was at present any very essential difference between the marriage law of Ireland and England. In England there were three modes adopted. In the first place, persons might be married by the clergymen of the Established Church; secondly, they might be married by the registrar in his own office; and thirdly, they could be married in any licensed Dissenting place of worship. The law in Ireland was the same so far as those three modes of performing the marriage ceremony were concerned. Still there was a difference affecting Dissenters which ought not to exist. In Ireland, before a marriage was celebrated, notice was given to the registrar, who also gave notice to the board of guardians, in order that the circumstance might be made public. That law had been common to both England and Ireland, but it had been repealed so far as England was concerned, and he did not himself see any objection to its being repealed in Ireland, if securities were given, which would have the effect of preventing clandestine marriages. At a future stage of the Bill he should propose the insertion of clauses which would make the law the same in Ireland as in England. He wished to know from the hon. Baronet who had introduced the Bill, what security it would give against clandestine marriages? It appeared to him that the law ought to be assimilated to that of England, and that the parties ought to be required to verify their statement to the registrar.

Sir HUGH CAIRNS thought that it was hardly possible to assimilate exactly the law of England and Ireland on this particular matter. The laws of the two countries had not kept pace with each other, and a system of things had grown up in Ireland which made it impossible to extend exactly the same rule to England as to Ireland. The Presbyterians had the advantage given to them of being able to marry by their own ministers; but this privilege was not extended to any other denomination of Dissenters from the Established Church. This was a state of things which the Dissenters of Ireland could hardly be content with. Their grievance was admitted, and their demands, urged from year to year, had been as reasonable as could be expected. The hon. and learned Member for Youghal (Mr. Butt) had not fully considered the provisions of the Bill. The 22nd clause of the Act of 1844 was embodied in this Bill, and in that manner sufficient security was taken in regard to declarations. In the same way the registration of places of worship was provided for by the incorporation in the Bill of the 27th clause of the same Act. He quite agreed, that if sufficient security were not taken in the Bill on these points, it would be necessary to take it by some additional words.

Mr. DAWSON said, there was nobody in the North of Ireland more desirous of seeing the marriage law of Ireland put on a clear and intellible footing than the members of the Presbyterian Church.

Mr. MACDONOGH pointed out that there was a schedule containing a form of declaration, and a clause which fixed a penalty for making a false declaration. The Bill contained sufficient provisions to prevent clandestine marriages, and it had met with the complete approval of the Wesleyans and Independent Congregations of Ireland.

Mr. LONGFIELD was satisfied that the Bill contained all necessary securities; but he was sure that the promoters of it would willingly accept any Amendment which might be proposed to make this more certain.

Mr. BUTT said, the hon. Baronet who had introduced the Bill (Sir Edward Grogan) had taken from the English Act the first portion of the declaration which was required to be made before a marriage was celebrated, but had omitted the most solemn part, and the part which persons would consider in conscience equivalent to an oath. If he should be informed by the hon. Baronet, that when they came to the schedule the declaration contained in the English Act would be inserted in the present Bill in its entirety, he should offer no further opposition to the clause.

Sir ROBERT PEEL said, it was their desire to relieve Dissenters from the grievances which they laboured under from the passing of the Act of 1844. He pointed out that there was no provision made in the clause with reference to persons residing in England and Scotland.

Sir HUGH CAIRNS believed that his hon. Friend had adopted a mode of publicity that would be satisfactory to the public.

Mr. WHITESIDE inquired whether the Bill was intended to apply to marriages of members of the Established Church duly solemnized in Church. If so, he should object to it, for the members of that Church were quite content with the security which they enjoyed under the existing law.

Sir EDWARD GROGAN said, the Bill did not extend to members of the Established Church. If there was any doubt upon the point, he was willing to insert any Amendment that would have the effect of making the point perfectly clear.

Clause *agreed to.*

Clauses 3, 4, and 5 *agreed to.*

Clause 6 (Place, Time, &c. of Marriage).

Mr. BUTT said, the clause was the most important in the whole Bill, inasmuch as it made a distinction between the English law and that which would become the law in Ireland if the Bill passed. At present in the Dissenting chapels the ceremony of marriage must be performed in the presence of the registrar. That was considered a grievance, and therefore it was proposed to dispense with the presence of the registrar; but it was necessary that there should be a security that the marriage was properly solemnized. The clause enacted that the ceremony should be performed by the "ordained minister" of the Dissenting body to which the parties belonged; but who was to determine that the minister present was a properly "ordained minister" of that particular body? Who was to show that he was ordained at all? He feared, that if this provision were retained, questions would be raised as to the validity of marriages founded on the validity of the ordination of the person who had officiated? In the whole history of our legislation there was no instance of a clause having been inserted in a Bill establishing the validity of the ordination of Dissenting ministers. He moved that the words "an ordained" be struck out of the clause.

Sir HUGH CAIRNS said, he did not object to the Amendment, but said the question was not as to what the Church of England considered ordination. It was perfectly well known that the Wesleyans, for instance, had ordinations, and it was well understood what an "ordained minister" meant.

Mr. MACDONOGH suggested that the words "officiating minister" should be substituted for the words "ordained minister."

Sir EDWARD GROGAN admitted the force of the objection to the word "ordained," but said the word "ordained" had been used at the request of the Dissenting bodies to whom the Bill was to apply, as there were two classes of clergymen belonging to these denominations.

Mr. BUTT was sorry that the hon. Baronet had consented to adapt the clause so as to meet the differences between the different Dissenting bodies.

After a short discussion, words "an ordained" *struck out* of the clause.

Sir ROBERT PEEL said, the clause introduced a serious alteration in the canonical hours set apart for marriage. It provided that marriages should only take place between the hours of eight and twelve instead of eight and two.

Sir EDWARD GROGAN said, the alteration introduced into the Bill was for the express purpose of bringing it back to the canonical hours, which were eight to twelve.

Mr. BUTT thought the right hon. Baronet had fallen into the mistake in consequence of the Act of 1844 having fixed the hours between eight and twelve.

Sir ROBERT PEEL: The Rubric says eight and two.

Sir EDWARD GROGAN: No, the Rubric says eight and twelve.

Clause, as amended, *agreed to.*

Clause 7 (Marriage under this Act good and cognizable).

Proviso *added,*

"The presence of the Registrar shall not be necessary at any marriage celebrated under the provisions of this Act, in any house of worship registered or certified under the said recited Act."

Clause, as amended, *agreed to.*

Clause 8 (Entry of Marriage by Minister in Registry Books).

Amendment,

"And such minister shall, in April, July, October, and January every year send to the Registrar General, on a printed form (supplied to him by the Registrar General), a copy, certified by him under his hand, of all entries in the duplicate marriage register books in his keeping, made in the quarter of a year then last past, or certify under his hand that no such entry has been made in such quarter, if the case so be;"—(*Sir Edward Grogan;*)

—*agreed to.*

Clause, as amended, *agreed to.*

Remaining Clauses *agreed to.*

House *resumed.*

Bill *reported*, with an amended Title; as amended, to be considered on *Wednesday* next. [Bill 88.]

House adjourned at half after Five o'clock.

HOUSE OF LORDS,

Thursday, April 23, 1863.

MINUTES.]—Public Bills—*First Reading*—Vice-Admiralty Courts (No. 79).

Second Reading — Office of Secretary-at-War Abolition (No. 71); Dockyards Protection Act Amendment (No. 66).

Committee — Local Government Act (1858) Amendment (No. 69); Alkali Works Regulation (No. 55).

Report—Alkali Works Regulation (No. 77).

ALKALI WORKS REGULATON BILL. (No. 55.) COMMITTEE.

House in Committee (according to Order).

Clause 1 (Short Title) *agreed to.*

Clause 2 (Commencement of Act)—Act not to come into operation until the 1st January 1864.

The Earl of DERBY said, he did not see why the Act should not come into operation before.

Lord STANLEY of ALDERLEY said, the apparatus that would be required would take some time to erect; but he had no objection to alter the clause so as to enact that the Act should come into operation on the 1st January 1864.

Clause, amended, and *agreed to.*

Clause 3 (Interpretation Clause) *agreed to.*

Clause 4 (Conduct of Alkali Works).

Lord STANLEY of ALDERLEY proposed to substitute for the present clause (which imposed a penalty not exceeding £50 in respect of the first offence, and for the second offence a penalty not exceeding £20, or not less than £2 for every day during which the alkali work is carried on in contravention of this section) a new clause which would impose a penalty not exceeding £50, and in respect of a continuing offence, after notice, a penalty not exceeding £30 nor less than £5 for every day.

The Earl of DERBY proposed that in the case of a second or any subsequent offence the penalty should be increased to not less than £50 and not more than £100. He would leave the Board of Trade to define what a "continuing offence" should be held to be.

Lord CRANWORTH said, that until a court of law had decided that the owner of the work had committed a violation of the law, it would be rather hard to double the penalty.

Lord CHELMSFORD said, that every alkali work was to be carried on to the satisfaction of the Inspector. Not to do so was in itself an offence under the Act, and he did not therefore see the hardship of increasing the penalty.

Lord STANLEY of ALDERLEY said, he would consider the suggestion proposed by the noble Earl.

Amendment *agreed to.*

Clause *struck out,* and new Clause inserted.

Clause 5 (Registration of Alkali Works) *agreed to.*

Clause 6 (Appointment of Inspectors).

Lord STANLEY of ALDERLEY proposed to add a proviso enabling the Board of Trade, on the application of an Inspector, to appoint and remove sub-Inspectors.

Motion *agreed to.*

Clause, as amended, *agreed to.*

Clauses 7 to 11 *agreed to.*

Clause 12 (Recovery of General Penalties).

The Earl of DERBY desired to call the attention of the House to a feature in the Bill which, unless it was altered, would render it inoperative. The difficulty which had always arisen in cases of nuisance, and which rendered the Bills to remedy them inoperative, was the power which was given to the party charged with occasioning the nuisance to appeal to the superior courts; for it was frequently well worth while for a wealthy manufacturer convicted of occasioning a nuisance to appeal to the superior courts, knowing full well that the informer was not likely to incur the expense of such a proceeding. The Committee on this subject recommended strongly that there should be no such appeal from the Court of

Quarter Sessions, and it appeared to him that the questions to be determined upon the evidence of the Inspector were so simple that he could not see any necessity for giving an appeal except when some point of law should arise. He therefore proposed to omit that part of the clause giving the appeal, and to insert the words—

> "And no appeal may be had from such orders to any of Her Majesty's Superior Courts, except in cases in which the Court shall certify that some question of law is involved which renders expedient such appeal."

He felt so strongly, as did the Committee on the subject, that he should feel it his duty, if necessary, to divide the House upon the subject.

LORD STANLEY OF ALDERLEY said, their Lordships must remember, that while the expenses of an appeal were very moderate, the consequences to the manufacturer of a conviction would be very serious, as numerous actions for damages would, of course, follow, and be sustained, as a matter of course, by the fact of the previous conviction. An additional reason in favour of allowing an appeal was that the tribunal of primary jurisdiction decided without a jury.

LORD CRANWORTH said, that the Amendment was quite unnecessary, because the provision contained in the Bill was that the appeal should be had in the same way in which appeals could be had under the existing law, and such appeals were now allowed only where there was a question of law, and not upon a matter of fact. There was, in fact, no appeal in the proper sense of the word; but the proceedings being removed by *certiorari*, the superior court would take notice of any errors which appeared on the face of them.

LORD CHELMSFORD said, his noble and learned Friend was quite right; but he would observe that this clause distinctly gave an appeal, which must mean something more than that which now existed by means of *certiorari*. He suggested that the clause be struck out altogether, and the law left as it now stood.

After a few observations from LORD WENSLEYDALE, the words giving the appeal were struck out.

Clause, as amended, *agreed to.*

Remaining Clauses *agreed to.*

The Report of the Amendments to be received on *Monday* next; and Bill to be printed as amended. (No. 77.)

The Earl of Derby

OFFICE OF SECRETARY AT WAR ABOLITION BILL—(No. 71.)

SECOND READING.

EARL DE GREY AND RIPON, in moving that the Bill be now read the second time, said, that the object of the measure was to bring the law into conformity with the existing practice, according to which the offices of Secretary at War and Secretary of State for War were now held by the same person, and to provide for the discharge of the duties of the former office by the Secretary of State. There would be a convenience in making this alteration of the law, because the commission of the Secretary at War, which had to be held by the Secretary of State for War, ran as to an inferior officer, and directed him to obey the orders of the Commander-in-Chief in certain matters, an obedience which it was not the duty of a Secretary of State to render.

Moved, That the Bill be now read 2ª.

THE EARL OF ELLENBOROUGH said, that as this Bill made no practical alteration in the powers now exercised by the Secretary of State, it would be better to let matters remain as they were, and to leave to the Crown the power which it now possessed of separating these two offices. He did not think that an experience of ten years was sufficient to justify Parliament in giving its sanction to their union. Indeed, inconvenience might arise from such a sanction, because it might become desirable to separate the offices at a time when Parliament was not sitting. He had always objected to the union of these two offices, which appeared to him to be incompatible with each other. The duty of the Secretary at War was to check the issue of money, and see that the Votes of Parliament were duly applied, and that no larger sums were issued than were actually voted; while that of the Secretary of State was to direct the expenditure and the issue of money. These two functions were, in his opinion quite incompatible, and ought not to be discharged by the same individual. In 1836 the Duke of Wellington thought that the business of the Secretary at War was as much as could be done in one office. Since that time the duty had materially increased; and if they amalgamated the two offices, he thought it might be that the Secretary of State alone would not be equal to the proper performance of all the duties. Nothing could be more prejudicial to the public service than to heap upon one individual a vast amount of business, to the whole of which he could not possibly attend. So many duties were now cast upon the Secretary of State for War that he could not be really responsible for what was done in his office. He hoped the noble Earl opposite, whose acceptance of the office of Secretary of State had been received with great satisfaction, would apply himself to the re-consideration of that concentration of power in the War Department, which, in a hurried manner, in the midst of the Crimean war, Parliament had imagined itself forced to adopt. It would, indeed, be contrary to ordinary experience if a great change, carried out in great haste, should turn out the perfection of human wisdom. In the present instance, he believed the case to be directly the reverse, and he trusted, therefore, the noble Earl would illustrate his tenure of office by improving, as far as he could, the general scheme for the administration of the army.

EARL RUSSELL said, that the Bill before their Lordships would increase the power of the Secretary for War in a very slight degree. He thought that considerable advantage had resulted from the alterations that had been made, and what was proposed in this Bill would be so far an improvement.

THE EARL OF ELLENBOROUGH said, that there were eight or ten great Departments under the responsibility of the Secretary of State for War, and he thought that it was quite impossible for any one functionary to discharge satisfactorily the duties appertaining to all of them.

EARL GREY said, that if voting for this Bill was to be understood as an approval of the existing organization of the War Department, he should object to give such vote, for he believed that organization to be vicious in principle and inconvenient in practice, and that the military affairs of the country would never be satisfactorily administered until the system was improved. That, however, was a question which was not, in any way, affected by the Bill under discussion. The office of Secretary at War, however, had been, it appeared, virtually abolished, and therefore it was not desirable to keep it up in name.

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House *To-morrow.*

SEIZURE OF BRITISH VESSELS BY FEDERAL CRUISERS.

QUESTION.

THE MARQUESS OF CLANRICARDE said, that before their Lordships adjourned, he wished to ask the Secretary of State for Foreign Affairs two or three Questions, of which he had given him notice, upon a matter of the greatest importance—namely, the proceedings of naval officers of the Northern States of America with respect to British ships in the West Indian and Mexican waters, which was apparently sanctioned by their Government. He was well aware of the gravity of this subject; but he thought the circumstances which had taken place were so gross, and were so notorious, and of a character so deeply affecting some of the best interests, as well as the honour of this country, that he did not think any further time should be allowed to elapse before it was made known to the world that Parliament could not hear of these transactions without strong feelings of disapprobation. He did not know what answer the noble Earl would be prepared to give him; but he was sure that if he did not give good reasons for forbearance, or such an assurance as would tend to allay the feeling which he knew their Lordships and every other Englishman had, some action must without delay be taken in Parliament. The first case to which he wished to advert was the case of the ship *Dolphin.* The accounts of the capture of that vessel, he presumed, were correct; and he must say, that a greater outrage on property, or a greater insult to the British flag, had seldom or never been offered. The *Dolphin* was a Liverpool ship, trading to a port in the British Colonies. Her papers were perfectly correct. She was a legitimate trader from Liverpool to Nassau, with orders to touch at Madeira and St. Thomas. As she was coming out of St. Thomas, she was visited and seized by an American cruiser, and carried away as prize, her crew being detained upon the ship of war which seized her. If the accounts received were correct, there was something very striking in the details of the way in which the commander of the ship of war behaved. While some of the crew were sent to Key West, or some other port, with the vessel, to be dealt with by a prize court, the Englishmen were detained on board the American ship of war, and she did not stir to put them on shore either at an English port, of which there were several in the vicinity, or at Porto Rico; but they were detained on board until Her Majesty's ship the *Nile* had left the port of St. Thomas's, and they were then taken to and put on shore there on Danish ground. Supposing there was any pretext—which there was not—for seizing the *Dolphin*, it was quite contrary to the proper course to set the crew on shore on a foreign soil; and it was perfectly evident—at least, it was a fair inference to draw—that when they waited for the departure of the English ship of war, the captain of the American ship well knew that the outrage he had committed was of such a character that it would probably not have passed unavenged by the ship on the spot, had her captain been aware of it. He should like to know whether any official account had been received at the Foreign Office of this transaction; and, if so, what had the Government done in the matter? They could not view this as a mere case of reckless imprudence of a foolish officer, for it was impossible to look at it as an isolated case. Their Lordships must remember that the case of the *Peterhoff*, which occurred about a month ago, was very similar to this. In many instances, as in the case of the *Adela*, there was no foundation whatever upon which any charge could rest; and their Lordships must not forget that these transactions took place immediately under the eye and by the command of Commodore Wilkes, who had brought his Government to shame and humiliation in the affair of the *Trent*, when he committed an outrage for which the Federal Government had to make an apology and give reparation. These were things that the common sense of the country could not overlook; and therefore he thought it necessary that the Government, Parliament, and the country should bestir themselves not to allow the commerce of the country to be attacked in such a manner. The effect of treating these cases with too much forbearance hitherto was that other agents of the United States behaved in a manner that was wholly unprecedented, unlawful, and unjustifiable. A deputation that waited upon the noble Earl the Foreign Secretary recently, according to the newspapers, laid before him an example of such audacity as had seldom taken place in any country, certainly never before in London. Mr. Adams actually gave a certificate to ships in order to enable them to reach neutral ports in safety. Ships sailing from London were held to require an American licence to enable them to pass freely the waters of the West Indies and Mexico. He apprehended that his noble Friend had said something officially on this subject, as he saw that to-day in the newspapers there was a sort of excuse put forward by Mr. Adams, stating that there had been some misapprehension of what he had done, or attempted to do, in giving a certain certificate. It appeared that the owners of a ship called the *Sea Queen*, now at Falmouth, applied for one of these certificates. Mr. Adams seemed to be quite surprised that he should have had such an application, and in a letter dated yesterday, in which he acknowledged the receipt of the letter, he said—

> "I regret to perceive that you labour under some misconception with regard to the course taken in reference to the certificate. It must be obvious to you that I have no authority to exercise any direction in regard either to the vessels or the voyages of Her Majesty's subjects."

Then came what seemed a grave piece of irony—

> "When they are engaged in a lawful undertaking they have a right to rely upon the protection of their Government, and undoubtedly they will obtain it. When it is otherwise, of course they will not expect it from them, or seek it of the representatives of the United States."

He (the Marquess of Clanricarde) suspected that that reply was produced by some sort of hint that Mr. Adams had received after the first certificate he issued, and he asserted in that letter that he would not issue any certificate to Her Majesty's subjects or to English vessels. This naturally inclined them to consider to what persons or what ships the United States Envoy did issue his certificate, and what were the circumstances under which the matter became known to the public. He thought their Lordships would agree with him that both the ships of another Power and the subjects of another Power, so long as they were in this country, were under the municipal authority of the country, and under the law of the land, and that no ship clearing from the port of London was under the necessity of obtaining a paper from Mr. Adams to manifest her lawful character. Now, what were the facts? A Mr. Howell, a New York contractor, in conjunction with a Mr. Zerman, made a contract to supply the Mexicans with arms to fight against the French. Thereupon the representative of the Power which insisted so much upon neutrality gave his certificate to this New York contractor and Mexican captain; who, having purchased £80,000 worth of arms, went to Lloyd's to get a ship and insure with the underwriters. But would any one tell him (the Marquess of Clanricarde) that Mr. Adams, when he gave the certificate, did not think it would be a British ship that would convey those arms to Matamoras? What was the use made of the certificate? If it was not for a British ship, and for Her Majesty's subjects, why was it taken to the underwriters at Lloyd's in order to effect an insurance by showing that the ship would be secure from capture by Americans? This transaction was altogether a gross departure from all rule, all propriety, and all the practice of diplomacy, such as could not be allowed to pass unnoticed by that House. He did not know, but he concluded that it could not pass without the notice of his noble Friend at the head of the Foreign Office, and he should therefore like to hear, as far as official convenience and the interests of the public service would permit, what representations had been made upon the subject. There was a third topic upon which he wanted explanation, which he approached with more sorrow, because it was a matter which appeared to rest very much with Her Majesty's Ministers themselves—he meant the withdrawal of the mails from on board a ship called the *Sea Queen*, and the issuing of a notification, that for the present British ships trading in the Gulf of Mexico to Matamoras and the Mexican ports in general would be what was politely termed "relieved from the necessity of carrying any ship letters." This might not mean that they would be relieved from the necessity enforced by law; but that, as had been announced by the Foreign Secretary, the Post Office did not intend, for the present, to send any ship letters by traders trading to those ports. He should like to know if Her Majesty's Government could give any reason for taking such a step except that of fear of the American fleet? He used the words with shame and with some indignation. But what else could it mean? The letters had been put on board; but the owners of the vessel said they would not let her sail with them on account of what had occurred in former instances, unless the Government gave them some protection. They alluded to what had happened in the cases of the *Adela* and the *Peterhoff*, in which the grossest violation of international law took place, and acts were perpetrated which could not be described otherwise than as piracy. In those cases a direct insult had been offered to the British Crown by the violation of the seals of the royal mail-bag. And for what purpose was this done? In the case of the *Adela* the mail-bags, bearing the seals of Her Majesty's Post Office, were opened, and the letters searched, in order to find some correspondence on which they might fix a charge against the ship which carried the letters. Could they bear such things with temper, and could they submit to them tamely? Of course, the official position of Ministers required them to assume a calmness which he was sure they could not as Englishmen feel in the matter. But he thought it was time that Parliament spoke and spoke strongly. He had spoken strongly because he felt strongly, but he thought the time had come when they should act. The owners of the ship, to which he had alluded, stated that they were willing to sail if the Government put a mail agent on board, as his presence would afford some guarantee to any officer of the United States who might visit the ship that she was engaged in legitimate trade, and therefore would serve as a protection against capture. The Postmaster General and the Secretary for War refused, he thought very properly, to send a mail agent on board. But he thought that they ought to have afforded them protection of another kind. They ought to have immediately applied to the Admiralty for a reinforcement of our naval force in the Gulf of Mexico, and to have sent out a fast sailing steamer to the Admiral in command in those waters, telling him that such a reinforcement was at hand, and that he would be held responsible that no further outrages of this kind should be committed on British ships. It was a farce to talk of sending the ships to prize courts. In January, 1862, the noble Earl laid down, in an able despatch, the rules and principles upon which we must insist, and which the Government of the United States must observe, or take the consequences. He knew it would be said that it was very dangerous to talk of these delicate matters; but he was not of that opinion. His experience had convinced him that, on former occasions, there had been too much reticence and reserve exercised in Parliament on patent facts. He had no wish that the country should drift into another war. He thought it best that the American Government should know what the British people would not submit to. In the affair of the *Trent* there was no great difficulty in coming to an arrangement, when the feelings of the country were excited, and it was known that there was considerable activity in the Admiralty and the Military Departments. He thought it right that the Government of the United States should be called upon virtually to decide whether they did or did not mean to go to war with us. He did not think they did. But so flagrant had been the outrages committed, even independent of the two last cases, that the newspapers abroad believed that it was the intention of that Government to drive this country into a war with them. He remembered the speech of Commodore Wilkes at the dinner at which he was entertained by American merchants, when he was fresh from the glories of the *Trent* affair, and it amounted to this—that he would lose no opportunity of insulting the British flag or of injuring British commerce wherever he might find it. If these matters were allowed to go on as they had been; if it were a fact that Her Majesty's Government did not dare to send ship letters in their own mail-bags into those seas; if our traders did not dare to venture there, and our merchants were obliged to apply to foreign nations for ships in order that their trade might be protected, Commodore Wilkes might set a broom at his mast head, like the Dutch admiral of old, and proclaim that he had swept British ships and British trade away from that coast. That was what was at the bottom of it. They were determined to drive British ships away from that coast. Since he came down to the House that evening, *The Shipping and Mercantile Gazette* had been put into his hands. That journal invited attention to the following advertisement, for the *bona fides* of which they were in a condition to vouch:—"Wanted, a French vessel to load for a good English island in the West Indies. Apply to Kay & Co., shipbrokers, Pudding Lane, E.C." We had come to this then—we were driven to apply for French ships for our merchandise, because French ships were protected, while our own were not. This was a state of things that must lead to serious results; and he should be glad if, upon the points he had mentioned, his noble Friend would be in a condition to give satisfactory explanations. He had great confidence in the noble Earl and the noble Lord at the head of the Government; but these were things that Parliament could not pass over in silence, and it would be for the Government to satisfy Parliament and the country that it would uphold the mercantile interests of the country, and, above all, that it would maintain the honour of the British Crown.

EARL RUSSELL: My noble Friend has made a very warm speech upon this subject, and would be perfectly justified if the points to which he alluded had been facts proven, and were not, for the most part, assumed by him to be facts. For instance, he stated that various vessels had been condemned by the prize courts—the *Adela*, the *Peterhoff*, and others. That, certainly, is unknown to me, because though the *Adela* has been condemned by the Prize Court of Key West, an appeal has been made; and with regard to the *Peterhoff* we have no account that any trial has taken place. For my own part, instead of proceeding on assumptions, I have thought it my duty, in the grave and responsible position which I hold, not to proceed in any of those cases without seeking, in the first place, the best information as to the facts that could be procured, and, in the next place, without referring to the Law Officers of the Crown in order to know the character to be attached to those facts. I have not thought it right to proceed in matters of such difficulty without taking soundings at every step. That has been my course in the various instances to which my noble Friend has referred. First, with regard to the *Dolphin*, I thought it necessary, having received the reports with regard to that vessel, to refer those reports to the Law Officers of the Crown; and what they say is, that it does not appear to them, from the papers, that there was a *primâ facie* ground for seizure; they do not see any probable reason for her capture; but, they add, there may be facts unknown to me and unknown to them, with respect to the master of that vessel, which may have afforded sufficient grounds for sending the vessel to a prize court. But they say that two evident violations of neutral rights have taken place with regard to that vessel. They state that the ship of war which took the *Dolphin* had made use of a neutral port for the purpose of watching British merchant vessels, and that as soon as the *Dolphin* left the port, she was immediately pursued, and when she had passed beyond the three miles of water of the neutral Power, she was seized by this United States vessel of war. There is another point upon which they say there is great reason for complaint—namely, the taking of a part of the crew out of the vessel and landing them afterwards upon neutral territory. With regard to these two matters, they say there cannot be a doubt that Her Majesty's Government have a right to complain; and accordingly, having this day received their report, which is dated yesterday, I shall immediately, by the next mail, bring those matters of complaint under the notice of the United States Government. My noble Friend says that this impunity which the United States have affected to claim is owing to our neglect of outrages which have taken place on the part of the United States in time past. Now, with regard to that particular point to which the Law Officers have referred—namely, the unneutral use of a neutral port—the placing there of a belligerent vessel to watch a neutral one and pursue her immediately after her departure—a case of that kind took place last year at Madeira with respect to the *Tuscarora.* It was immediately brought to the attention of the United States Government; they laid down rules by which such conduct should not be permitted, and said that the officer who had committed the offence, if it could be shown that he had done so, should be censured. That was the reply of the United States Government, and I must say it seems to me a very fair reply. It was, in fact, a proper reparation for the offence that had been committed. Well, then, again we complain that in certain cases there are no searches. With respect to that they say that no vessel was to be seized without a search. They lay it down, which, I believe, is a correct interpretation of the law of nations—

> "That when that visit is made, the vessel is not then to be seized without a search carefully made so far as to render it reasonable to believe that she is engaged in carrying contraband of war to the insurgents and to their ports, or otherwise violating the blockade; and that if it shall appear that she is actually bound and passing from one friendly or so-called neutral port to another, and not bound or proceeding to or from a port in the possession of the insurgents, then she cannot be lawfully seized."

Now, that is the rule which the United States Secretary of State has laid down for the guidance of the Secretary to the Navy, and of the United States navy itself. Well, then, it is not fair to assume that in a case where the rule is apparently violated the United States may be able to show that the vessel that has been seized was not proceeding from one neutral port to another, but that she was proceeding to a port of the belligerent States, while apparently on her way to a neutral port. That is a case which the Law Officers of the Crown say frequently occurs, and in such case we should not be able to make good our complaint of the vessel being carried before a prize court. Even supposing—as I think probable—that Admiral Wilkes and other officers have violated those rules, we have no reason to assume that reparation when asked will not be given, and that the United States Government will not conform to the rules they have themselves laid down. I do not think, then, it is convenient—I will say more, I think it tends to interrupt the friendly relations between the two nations, as soon as you have a report of an outrage, to say that the Government of a friendly people will act in contravention of the law of nations; that they meant to commit an offence, and that they will refuse reparation. On the contrary, we are bound to assume either that there were some facts not known to us, which will show that the act was not indefensible; or else, the act being wrong, that the Government of a friendly nation will, even from regard to its own character and honour, give reparation. This, then, is the case of the *Dolphin.* There are no apparent *primâ facie* grounds for the seizure; and if it turns out that there were no grounds, then we must not assume that the United States will refuse to conform to the rules which they have themselves laid down. My noble Friend then adverted to the letter of Mr. Adams which has appeared in the public prints. I must say that the act of Mr. Adams was a very extraordinary, and, in my opinion, a most unwarrantable act—I cannot conceive that it can be proper for a person holding a diplomatic position in this country to issue such a permit to a vessel. That is making a distinction between vessels departing from the ports of this country, and giving a security to one vessel as distinguished from another. It is not possible, as it appears to me, that he can bestow that favour on one vessel without making an invidious, and perhaps dangerous, distinction as against other vessels. There can be no doubt that the conduct of Mr. Adams is entirely unwarrantable; but I should not think of complaining to Mr. Adams. I shall bring that conduct before the consideration of the United States Government. It is for them to say in what manner such an act should be visited. My noble Friend next went on to name a case which he described fairly enough, according to the facts known to him. But the whole facts were evidently not known to my noble Friend. He spoke of an interview at the Foreign Office between myself and several owners of ships and persons connected with the trade of the port of London, with respect to vessels sailing to Matamoras. The account of that interview, although, generally speaking, fairly given, was certainly marked by many omissions. The persons who came to me complained of this grievance. They said it might happen that the letter-bags that were sent by their vessels by the Postmaster General might contain letters that were written by persons connected with or favourable to the Federal Government, and that those persons might invent a story that the ship was conveying stores to the Confederates, that they might put false names to those letters, that those letters might be opened, and used as evidence against the vessel, and that there was not sufficient security against such practices being resorted to, because they could not avoid taking the mail-bags, in consequence of shipowners being liable to a penalty of £200 if they refused to take the letter-bags. They therefore complained that their ships and cargoes might be put in danger by acts of Her Majesty's Government which were beyond their control. I considered that matter, and also a proposal which they made to me, that an agent should be put in charge of the bags, as is done on board the Queen's packet ships. Upon consideration, there appeared to me to be many objections to my taking such a course. I should have fallen into the same error as that of Mr. Adams; I should have singled out particular vessels and given them a protection which others would not enjoy. At all events, that should not be done without consideration. There was, however, one obvious redress which I could give; I could reply to them, "You say that you are compelled to take these mail-bags, and that your ships and cargoes are put in jeopardy by the act of the Postmaster General. Well, I will relieve you from that danger, and I will ask the Postmaster General not to oblige you to take the mail-bags." It appears to me that was a remedy for the grievance of which they complained; but it seems to have been understood out of doors as if it were a declaration that we would not send mail-bags to Matamoras, and, that as my noble Friend says, we were afraid of the consequences that might happen. What we really did was to say to shipowners, "If you like to take mail-bags in these vessels, you shall be at liberty to do so; but we will not compel you to do so." I have now in my hand a letter written to the Foreign Office by the Postmaster General, which states that for the present no ship-letter mail shall be put on board any vessel sailing for Matamoras "unless with the full concurrence of the commander." It is only that we do not use the compulsory power that the law gives us in these cases. I confess it would have been hard upon the owners of vessels to have refused to give them the security for which they asked. I have no doubt there will be many vessels the commanders of which will be quite ready to take these letters; but if they do, we ought not to leave them to say they have been put in jeopardy by the act of the Government, nor ought the law to be put in force to their injury. My hon. Friend states truly that the fears of the owners of the *Sea Queen* and other vessels were founded on what had been done in the case of the *Adela*—namely, that the United States authorities had got possession of her letter-bags. Now, in the letter of Mr. Seward, dated August 8, 1862, there is the following order:—

> "And, finally, that official seals, or locks, or fastenings, of foreign authorities are in no case, nor on any pretext, to be broken, or parcels covered by them read by any naval authorities of the United States; but all bags or other things conveying such parcels and duly sealed or fastened by foreign authorities will be, in the discretion of the United States officer to whom they may come, delivered to the consul, commanding naval officer, or Legation of the foreign Government, to be opened, upon the understanding that whatever is contraband or important as evidence concerning the character of a captured vessel will be remitted to the prize court or to the Secretary of State at Washington; or such sealed bags or parcels may be at once forwarded to this department, to the end that the proper authorities of the foreign Government may receive the same without delay. The President desires especially that naval officers may be informed that the fact that a suspected vessel has been indicated to them as cruising in any limit which has been prescribed to them by the Navy Department does not in any way authorize them to depart from the practice of the rules of visitation, search, and capture prescribed by the law of nations."

That is the general direction given by the Secretary of State to the Secretary of the United States navy, to be forwarded by him to the officers commanding vessels of the Federal navy. It may be that complaints have been made in this country which are not without foundation; it may be that United States officers have not observed these rules, but have gone beyond the directions that they have received; it may be that they have seized vessels that were really going to Matamoras or some neutral port without sufficient evidence that the cargo was of a contraband character; but it does seem to me, in spite of what my noble Friend says, that the Government of this country is bound to take a calm view of these matters, to represent them fairly to the United States Government, and not to presume that the Government of the United States would fail in their duty to a friendly Power, or that they would countenance outrages which are against the law of nations. These representations will be made, and I expect, that if they are just, reparation will not be refused. I have already said that what took place at the interview which I had with the shipowners has not been fully given. One mistake has certainly been made. It is said that I expressed surprise at the information that certain British subjects had been made prisoners, and detained in a place of confinement by the authorities of the United States. I certainly did not express any such surprise, for I had been reading that very morning the representations not only of our Consuls, but of those British subjects themselves who had been so detained, and detained apparently with great and unnecessary harshness, the object being merely to detain them in order that they might give evidence in the prize court. It cannot be doubted that there are precedents showing, that when a case is brought before the prize court, the master of the vessel may give evidence of the real character of the cargo and the destination of the vessel, and that he may be detained for that purpose. But it seems to me that the United States authorities have gone beyond what they fairly had a right to do. When we were belligerents, many cases involving belligerent and neutral rights were brought before a very eminent Judge, whose decisions are generally and universally respected; and though I believe he carried the principle favourable to captors to perhaps rather a severe length, beyond doubt they were in conformity with the law of nations. I allude to Lord Stowell. We were the belligerents; we are now neutrals. But, as I have already said, I think it would not become the character of this nation, because we had changed our position, to invoke another law, and another measure; to declare that those decisions of Lord Stowell, which were advantageous to us when we were belligerents, should be thrown aside and rejected by us when we became neutrals. Accordingly, those persons who think, that whatever may be the destination of a ship, and whatever papers she may have on board showing that she is about to break the blockade, or to carry arms to some one of the Confederate States now in hostility with the United States, they are to be protected by the power of the British nation in contradiction to all our own decisions, and in contradiction to the declared law of nations, will, I hope, know that the British Government never will place itself in that position. Let us look impartially at these cases which have occurred. It may be that we have suffered grievous wrong; it may be that we have a right to considerable reparation; but let the two Governments treat the cases fairly. We have on this side of the Atlantic the decisions of a great Judge; in America they have the views laid down by Judge Story and by such a writer as Mr. Wheaton. With these authorities to guide us, let us see who is in the right and who is in the wrong. But let us discuss the circumstances with a wish to do justice to each other. Do not let us be led by passion into anything which is not founded on justice, and which cannot afterwards be justified in the face of the world.

The Earl of CARNARVON said, he was anxious to obtain from his noble Friend an explanation of one part of the observations he had addressed to their Lordships. In recapitulating the circumstances connected with the *Sea Queen*, his noble Friend stated that the owners of the vessel complained of the difficulty in which they were placed by the apprehension that they might ultimately be compromised by the supposed contents of the mail-bags, which might induce American cruisers to commit acts of aggression. The terms of that answer appeared to imply a certain doubt or confusion in the mind of his noble Friend with regard to the supposed right of the American Government to arrest any ship, to open any mail-bags, or to take from them treasonable correspondence which they might contain. He spoke under the correction of noble and learned Lords present, when he ventured to say that no amount of treasonable correspondence within those bags, once they were sealed with the broad seal of England, would warrant the officers of any foreign Power in stopping the vessels which conveyed those bags, in breaking the seals, and in taking from them the letters which were therein. Why, in the letter which had been read from Mr. Seward he distinctly disclaimed any such right, and said it should not be exercised. But, according to the inference which might be drawn from the answer of his noble Friend, it was obvious that a ship passing from Dover to Calais, and happening to have treasonable correspondence on board, would be just as liable to capture by American cruisers as vessels sailing between Nassau and Matamoras, Nassau and Liverpool, or any other neutral ports. He hoped his noble Friend would be able to explain the unsatisfactory impression which had been created by his words.

EARL RUSSELL: I did not for a moment suppose that a naval officer of the United States would have a right to open these mail-bags. But as the members of the deputation said such a thing might happen, however contrary to law and justice, I thought it was my duty to relieve them from a fear of that possible contingency. Mr. Seward had, in fact, admitted, as my noble Friend has said, that such a proceeding would not be regular, and has given orders to stop it.

THE EARL OF DERBY: But the admission made by the Foreign Secretary that there is reason to suppose the United States officers might commit an illegal act—an admission which is involved in their relieving these vessels from the necessity of carrying the mail-bags—does imply a sort of contemplation on their part of the probability of that illegal act, without any accompanying declaration that such an act, if attempted, must call for the intervention and very serious notice of Her Majesty's Government. I think the noble Earl was quite right in refusing to put a mail agent on board vessels carrying mail-bags, because he could not appoint one to a particular ship without likewise sending out agents in all the others, or without exposing those which had not an agent on board to still greater risks than they at present incur. But I think he was to blame in admitting as a ground of exemption from the duty of carrying the mail-bags, and that a practical and serious injury was done to British commerce in admitting, that there was a risk of officers of the American Government so misconducting themselves as to take these vessels, and to break open the mail-bags on board. I think he ought to have held this language—that shipowners are bound to carry the mails, and that we are bound to protect our commerce in the instance of those vessels. Of this I am quite sure—that if those vessels had been captured, whatever might be the result of the investigation, this country would never have submitted quietly to acts affording so serious a ground for complaint against the American Government.

EARL RUSSELL: No doubt there would be a serious ground of complaint, and I will not suppose that the United States Government would sanction any such proceeding on the part of their officers. But we have seen, both in the case of the *Tuscarora* and in that which happened the other day, that naval officers have acted in entire contravention of Mr. Seward's instructions; and therefore I certainly did suppose it possible that some United States officer might in this respect likewise violate the general rules and directions of the American Secretary of State. No doubt, we might have insisted on the shipowners taking the mail-bags and exposing themselves to the risk; but I think it would have been very harsh to put in force against gentlemen who made these representations to us the compulsory powers as regards the carriage of mails which the law places in the hands of the Government.

THE EARL OF DERBY: The noble Earl says he does not mean to contend that the United States Government would have sanctioned such a proceeding, but he does think it possible that without the sanction of that Government some indiscreet officer might adopt this unwarrantable course. Evidently the danger which was apprehended from the breaking open the mail-bags was that letters would be discovered leading to the condemnation of the vessel. [EARL RUSSELL: I did not say the condemnation.] Well, if not exposed to condemnation, what was the injury done by having the letter-bags on board? If the vessel was subjected to no greater inconvenience from carrying the letter-bags than she would have been if she carried no mails at all, I do not see what was the ground for exempting her from liability to perform this duty. But I understand the case to be argued on the ground of the risk which it is supposed would be incurred if an officer of the United States navy by an illegal act obtained possession of traitorous correspondence on board a British ship. Does the noble Lord mean to admit, that if such a course were pursued, this country would recognise the right of the United States to condemn the vessel on evidence so procured, which could not be legally brought into court? Would he not be bound to protest against the use of information acquired in such a manner, as well as against the original act of illegality itself?

EARL RUSSELL: There can be no doubt that we should have a very good ground of complaint, and that we should have a right to redress, which, no doubt, would be afforded. Still, I think it would be a very serious injury to the owners of a vessel to insist on a course which would expose her to the danger of her being taken first to Key West, and afterwards to some other port, possibly to Boston or New York.

EARL GREY: My Lords, I think it is greatly to be regretted that my noble Friend, in stating the course he meant to pursue, did not explain himself more clearly to the parties concerned. The noble Earl should have said, "If you carry these bags, you will incur no danger, because, if they are opened, the officer who opens them will commit an offence against this country, which we shall be bound to notice, and to obtain for you ample pecuniary compensation for any damage or loss which you may sustain." It further appears to me, that the parties interested in these vessels might very fairly and reasonably desire to carry these letter-bags; because, if I am not mistaken, by shipping mails to a neutral port they come under a contract with the British Government to go to that port. They are bound to deliver the bags which they receive from the British Post Office at the neutral port to which they are consigned, and I presume, that if they failed to do so, they would incur the penalties attaching to a breach of contract with Her Majesty's Post Office. It might, therefore, be of importance to them to have the bags on board, as affording presumptive evidence that they were bound to Matamoras, and not to one of the Confederate ports, and I do not think that it is just or reasonable that British owners who are trading to a really neutral port, and who, as long as their destination is that port, are at liberty to carry contraband of war—I do not see any reason why they should be deprived of any security which may be afforded to them by the presumption which might arise from the carrying of letters. The only fault I have to find with the Government, is that they omitted to explain this more fully to the merchants concerned. With regard to the other vessels, I cannot doubt that they will pursue a right course. Whatever ground there may be for fearing that the American Government will not act fairly by us, we are at present bound to assume that they will do so. Unless there is a denial of justice, we have no right to make a quarrel with them upon the subject. I hope and trust that the prize courts, before which the vessels are brought, will do their duty honestly and fairly; and if the facts are as alleged, will award proper pecuniary compensation to the owners of the vessels.

LORD STANLEY OF ALDERLEY said, the noble Earl (Earl Grey) was under a misapprehension as to the obligation owners of vessels entered into when they carried letters. There was a great distinction between an ordinary ship taking letters and a packet which took them under contract. In the former case there was no contract either expressed or implied between the captain or owner of the ship and the Post Office, the authorities of which had no means of controlling the voyage of the ship. There was nothing in the engagement to prevent such a ship deviating from her course—as, for instance, calling at a Confederate port before she went to Matamoras. It would therefore be no advantage to the owner of a ship to have letters on board. On the contrary, it was considered an onerous obligation, as was proved by the imposition of a penalty of £200, imposed by a recent Act, for a refusal to take letters. It was of this that the shipowners complained in their interview with his noble Friend. They said—

> "It is hard that we should be liable to a penalty for not taking letters which may render us liable to condemnation or interference by American cruisers, because it is possible that ship letters may be written by friends of the Federals to compromise us and our interests."

It was no answer to say that the American captain would be doing an illegal act if he opened the letters, because, although redress might ultimately be obtained from the Government at Washington, the ship would be subjected to great delay and loss, which might make shipowners unwilling to incur the risk, and induced them to ask to be released from the obligation. He did not see what remedy for the immediate inconvenience his noble Friend could have given them except to recommend that the right of the Post Office to put these letters on board all ships should not be insisted upon, and that they should, at their own request, be relieved from the obligation which, according to law, rested upon them.

Lord WODEHOUSE rather thought that there was an expression in the speech of the noble Earl the Secretary for Foreign Affairs which intimated that there might be a question as to whether a neutral vessel might not be lawfully captured, if the ultimate destination of goods conveyed to a neutral port after they had been landed was for a belligerent consumer. [Earl **Russell**: No, nothing of the kind.] He was glad he had misunderstood his noble Friend on this point, but the particular point to which he wished to advert was the injury done to the public by being deprived of the opportunity of sending ship letters by any vessel that might be going to a friendly or neutral port. The answer of the noble Earl to the deputation of shipowners should have been :—"We are not bound to estimate the disadvantage to British ships going into the neighbourhood of blockaded ports ; but of this we can assure you—that the American Government has declared that it has issued instructions to its cruisers to respect the rule of international taw, that the seals of bags of foreign letters should not be opened ; and further, if, notwithstanding these instructions, such bags were opened, and the correspondence found in them led to the condemnation, that—as the noble Earl opposite (the Earl of Derby) said—was a proceeding which this country would never submit to, and consequently any shipowner who incurred such a risk would have the support of the Government in seeking for redress." And he would add this—that whilst he concurred with the noble Earl the Secretary of State in thinking, as he was sure every Member of that House and every Member of Parliament would think, that these questions, so grave and delicate in their nature, should be conducted in the most calm and considerate spirit ; yet, on the other hand, he must express his conviction that such was the temper of the people of the United States that it was absolutely necessary that this country, while acting in a calm, should also act in a firm spirit. Their Lordships might rely upon it that the only way to preserve peace in these dangerous complications was by not bating one jot or tittle of our rights, while we carefully respected the rights of others.

Earl GRANVILLE: Both my noble Friends the noble Baron (Lord Wodehouse) and the noble Earl (Earl Grey) have stated, though in somewhat different terms, the answer which my noble Friend ought to have given to the merchants who waited upon him with reference to this matter. The impression upon my mind is that it was prudent of him to have given neither of those answers. It would have been taking a great deal upon himself to have insured the owners and guaranteed them against any possible loss. We know that when a vessel is seized and taken before a prize court, and the court, in compliance with international law, afterwards releases the vessel and awards damages to the owners, the compensation which is made never covers the whole amount of loss and damage which is sustained by her owners ; and if my noble Friend had given the assurances which have been mentioned, he might have been understood as assuming a responsibility to secure something more than this compensation. Nor do I think that it would have been wise for him to have made a grandiloquent speech promising that these merchants and shipowners should be protected against outrages committed upon them in breach of international law. I trust that such assurances are superfluous. I think that there is no defect in the course which the Government have taken, or are prepared to take, which shows that they are not ready in every case in which the honour or the interests of the country are concerned to act with all due regard to the observances of international law with equal firmness and calmness.

Lord REDESDALE asked, whether the noble Earl the Foreign Secretary admitted that the United States Government had a right to interfere with the mail-bags ? His observations seemed to go that effect.

Earl RUSSELL was understood to say, that he had not said that.

VICE-ADMIRALTY COURTS BILL [H.L.]

A Bill to facilitate the Appointment of Vice-Admirals and of Officers in Vice-Admiralty Courts in Her Majesty's Possessions Abroad, and to confirm the past Proceedings, to extend the Jurisdiction, and to amend the Practice of those Courts—Was *presented* by The Duke of **Newcastle**, and read 1^a. (No. 79.)

House adjourned at a quarter past
Eight o'clock, till To-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, April 23, 1863.

MINUTES.]—New Writ Issued—For Halifax *v.* James Stansfeld, esquire, Commissioner of the Admiralty.

New Member Sworn — Lord Frederick John Fitzroy, for Thetford.

Supply—*considered* in Committee.

Ways and Means—*considered* in Committee.

Public Bills—*First Reading*—Poisoned Grain Prohibition [Bill 90].

Second Reading—Stock Certificates to Bearer [Bill 76]; Vaccination (Ireland) [Bill 70]; Local Government Supplemental [Bill 69]; Land Drainage (Provisional Orders) [Bill 85].

Committee — Bakehouses Regulation [Bill 54); Telegraphs [Bill 78].

Report—Bakehouses Regulation [Bill 54]; Telegraphs [Bill 78].

HIGHWAYS ACT.—QUESTION.

Mr. HUNT said, he wished to ask the Secretary of State for the Home Department, Whether it is competent for a Highway Board, constituted under the Highways Act (1862), to transact the business of the Board, after the first meeting of such Board, first, at any place out of the district; secondly, at any place situate within the limits of the district, but not being a constituent part of the district for the purposes of the Act?

Sir GEORGE GREY said, in reply, that there was no express provision in the Act with regard to the places at which the meetings of the District Board were to be held after the first meeting; but he apprehended that according to the usual practice as to meetings of Local Boards, it would not be right, even if it were within the letter of the law, that the meetings of the Highway Board should be held in places quite apart from the district in which it exercised its functions. The latter part of the Question of the hon. Member referred, he understood, to meetings held in places geographically within the highway district, and yet not actually constituting a part of it. It was quite clear it would be for the convenience of the Boards that meetings should be held in those places where the public business of the district was ordinarily transacted. There was no provision in the Act against that, but the subject was under consideration with a view to remove any doubt.

COLLECTION OF THE INCOME TAX.

QUESTION.

Sir JAMES FERGUSSON said, he would beg to ask Mr. Chancellor of the Exchequer, Whether there is any intention of altering the existing machinery by which the assessment for the Income Tax is imposed; and, if not, whether that assessment will in future be made under all the Schedules by the local authorities?

The CHANCELLOR of the EXCHEQUER said, in reply, that he understood the Question of the hon. Baronet referred principally, if not entirely, to Scotland. There were certain portions of Schedules C, D, and E in which the assessment was made by Special Commissioners and not by the Local Commissioners. There was no intention of making any alteration in the machinery by which the assessment was made. If at any time he brought forward any Motion for the alteration of the machinery as to England and Scotland, he would take care that full notice was given, and he should not wish to give such a notice except with the moral assurance of its meeting with general approval.

Sir JAMES FERGUSSON said, he wished to know whether the assessment under Schedules A and B, which used to be made in Scotland by the local assessors, was to be restored to them?

The CHANCELLOR of the EXCHEQUER: There is no intention of making any change as to the present procedure.

HOLYHEAD HARBOUR.—QUESTION.

Colonel DUNNE said, he rose to ask the Secretary to the Admiralty, When the Returns ordered as to the Holyhead Packet Station, and Correspondence with the Dublin Steam Packet Company, will be laid upon the table of the House; and whether anything will be done, and when, to carry out the promised alterations in Holyhead Pier, for the purpose of securing the safety of the Mail Packets and the passengers landing from them?

Mr. MILNER GIBSON said, that the control of Holyhead Harbour having been transferred by an Act of last Session from the Admiralty to the Board of Trade, it devolved upon him to answer the hon. and gallant Member. The correspondence in question was being prepared, and would soon be laid on the table. As to the promised alterations at the Pier, he was informed that the piles connecting the wooden jetty were completed. The structure which had been contemplated on the jetty was not being proceeded with, but some substitute for it was under consideration.

Colonel DUNNE said, he wished to know whether something more effectual than the mere driving of these piles was not to be done?

Mr. MILNER GIBSON said, the hon. and gallant Member's Question referred to "the promised alterations." The only alterations which he understood to have been promised by the Admiralty and the Treasury were the driving of piles to prevent the sea passing through the present jetty, and the erection of a roofed structure upon the jetty.

PRISON MINISTERS BILL.

QUESTION.

Mr. R. LONG said, he would beg to ask the Secretary of State for the Home Department, Whether he is willing to postpone his Motion for going into Committee To-morrow on the Prison Ministers Bill?

Sir GEORGE GREY said, that as the Notices for To-morrow on going into Committee of Supply related to subjects which were likely to cause a good deal of discussion, he would postpone his Motion till Thursday next.

AFFAIRS OF GREECE.—QUESTION.

Mr. BAILLIE COCHRANE said, he would beg to ask, Whether the noble Lord at the head of the Government can confirm the satisfactory intelligence which has appeared in different newspapers—namely, that the Government have been able to come to an intelligible settlement respecting the Throne of Greece, and also whether the report is correct that it is the intention of our Government to guarantee a loan on the occasion of the new King going to that country?

Viscount PALMERSTON: Sir, I cannot say that all the communications which have been passing with regard to the acceptance of the throne of Greece by Prince William of Denmark are quite concluded; but we have the best reason to believe that their conclusion will be satisfactory as respecting his acceptance of the throne. With reference to the latter part of the hon. Gentleman's question, those pecuniary arrangements are matters of detail, about which I cannot say anything.

THE ELECTRIC LIGHT.—QUESTION.

Sir JOHN PAKINGTON said, he wished to put a Question to the President of the Board of Trade connected with a promise he had given on a former evening to produce some Returns. There has been some correspondence between the Trinity House and the Board of Trade on this subject, and he wished to ask the right hon. Gentleman whether he will produce it also?

Mr. MILNER GIBSON said, that the letter of the Board of Trade and the Report of the Trinity House Corporation in reply to it with regard to the Electric Light would be laid on the table. As to any further correspondence, he should like to refer to it before promising its production.

SUPPLY.

Order for Committee read.

Viscount PALMERSTON: I wish, Sir, to move that you leave the Chair, and in doing that I may say that perhaps those hon. Gentlemen who have given notice of Motions preliminary to going into Supply will have the goodness to postpone them. I am very anxious that the House should proceed with the Motion of which I have given notice, and it will be a great convenience to the public service if those hon. Members will consent to postpone theirs.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

UNITED STATES—CONDUCT OF ADMIRAL WILKES.

QUESTION.

Mr. ROEBUCK: Sir, I do not want to make any Motion, but I hope I shall not be precluded from asking a Question. I wish to put a Question to the noble Lord on the subject of which I gave him notice last Tuesday. It is not on the paper, but I gave him public notice, and he told me that he would accept my Question then as a notice. The Question I wish to put refers to matters now going on in the West Indian waters and very nearly affecting English trade. I allude to the proceedings of an Admiral in the United States service with respect to English merchant shipping going from an English port to a neutral port. I wish to preface my question with one or two observations, but I will not occupy the time of the House very long.

Mr. KNIGHTLEY said, he rose to order. He wished to know whether it was according to the courtesy of the House that the hon. and learned Gentleman should interpose without notice, after the appeal of the noble Lord, before going into Committee of Supply.

Viscount PALMERSTON: May I be just allowed to answer my hon. and learned Friend's Question?

Mr. ROEBUCK: I know the noble Lord is an older man than I am, but still, old as he is, he will not take me in in that way. I wish to make a few observations before I put the Question to the noble Lord. The question relates to the conduct of Admiral Wilkes. Sir, when the American war broke out, I may say, the leading minds of the English people—the large majority at least—felt a shock of pain at the quarrel between the various States of America. I may say for myself that that shock was of a very strong character, for all my early notions were that in America a great experiment was being made in government. I thought they had entered on that experiment in a way that mankind had never done before, and that if fortune would prevail in their favour, it would be shown that men were worthy of governing themselves. When the news came, and that great experiment was at an end—for it is at an end—my heart failed me, for then I was compelled to acknowledge that men, under the most favourable circumstances, had proved themselves unworthy of governing themselves. That was my feeling at that time, and my feeling was in favour of the North. Time went on, and their whole conduct was such as proved them not only unfit for the government of themselves, but unfit for the courtesies and the community of the civilized world. ["Oh, oh!"] Oh! yes, Sir, I know there are degenerate Englishmen who take the part of the North against their own country; and whenever matters come into collision between America and England, their voice is raised on the side of America. ["Oh, oh!"] I can perfectly understand those cries—I am very glad to find that what I say touches the hon. Gentlemen opposite. It appears that the question of which I have given notice creates a great sensation among them. Well, Sir, the conduct of the North American dis-United States has been such as is humiliating to the people of England. The noble Lord has shown himself, hitherto, a friend of the honour, the dignity, and the prosperity of England. He never showed that more than in his conduct as the head of the Administration in the circumstances connected with the *Trent.* We have been subject to every species of violent language—not of insinuation, but of accusation. We were threatened with war, and King Cotton was to crush us; he has tried his power, and King Cotton has failed. We resented an act insolent and overbearing; we called them to account, and they truckled in their answer. Another outrage has taken place, and by the same man who perpetrated the insult offered to our flag in the case of the *Trent.* A vessel leaves the English shore; the hon. Member for London (Mr. Crawford) opposite, says he has seen her papers, and her cargo was perfectly harmless. She was bound to a neutral port. She was seized by an American man-of-war, taken into an American port, and the expectations of the English merchant in his honourable trade have been utterly destroyed by the conduct of the American Government. I say that conduct of the American Government you ought to resent. But not only was this done, there were persons calling themselves English merchants who applied to the American Minister for a permit to allow their ship to proceed in safety to its destination. That permit is granted, and why? Because that ship carried out arms to the Mexicans, to be used against our ally, France. Since then other men calling themselves English merchants have applied to the same authority for the same permit. They have been refused, and why? Because they are Englishmen, and because they are not carrying out arms to aid the Mexicans in the war, though they were trading to the same port. The permit, I repeat, was refused, and now I must say that Mr. Adams, the American Minister, is the Minister for Commerce in England. Sir, I would put it to the noble Lord, the man who has hitherto shown himself alive to the dignity and honour of England—I would ask him whether the Government of which he is the head has come to any determination in this matter; and if they have, whether he is able to tell Parliament what that determination is. Sir, I know the consequences of the action he may take. It may lead to war, and I, speaking here for the English people, am prepared for war. I know that language will strike the heart of the Peace party in this country, but it will also strike the hearts of the insolent people who govern America; and we shall have justice done to the honour and dignity of England, and the commerce of this country will no longer be subject to the overbearing and domineering insolence of an upstart race. The question I have to ask the noble Lord is, Whether the Government of which he is the head have formed any determination with regard to the conduct of Admiral Wilkes; whether they have addressed any remonstrance to the American Government; and whether he is prepared now to state the course the Government have determined to pursue?

Viscount PALMERSTON: Sir, the House will have seen and understood from what has fallen from my hon. and learned Friend that the matter to which his Question relates is one of the greatest possible importance. All I can say is that it is receiving due consideration on the part of Her Majesty's Government, but I am not prepared at present to state what result Her Majesty's Government may come to.

CRICKET IN BATTERSEA PARK.

QUESTION.

Mr. COX said, he wished to ask the Chief Commissioner of Works, Whether any orders have lately been issued by him prohibiting the Public from playing at Cricket in Battersea Park, and giving to the Members of a Cricket Club the exclusive right of playing therein?

Mr. COWPER stated that his study had been to make the Parks as conducive as possible to the amusement and recreation of the public; and in Victoria, Battersea, Bushey, and Richmond Parks space was set apart for cricket, subject to regulations in order to prevent those who played from interfering with each other. In Battersea Park there were thirty acres of ground devoted to cricket. The best portion of that space, about seven acres, was reserved for matches, and about four matches could be played at a time. Another portion was reserved for the public at large; and the third part was reserved for clubs, each being allowed to spend their own money in enclosing the grounds. The Civil Service Club occupied one portion, and the remainder was allocated to, he thought, the other clubs. The Civil Service Club had not taken ground which had not been allotted to them. The club was very large, and it was but fair that the clerks in the London offices should have every means of recreation and amusement; perhaps in this way they might get more work out of them.

AMERICAN CRUISERS AND BRITISH MERCHANTMEN.

OBSERVATIONS.

Mr. BENTINCK said, he rose to bring forward the Motion of which he had given notice. In doing so he felt himself placed in a somewhat difficult position by the conduct of the hon. and learned Gentleman (Mr. Roebuck). The hon. and learned Gentleman must have been aware of the notice which stood in his (Mr. Bentinck's) name on the paper, but he had not acted in a manner in accordance with the usual courtesy of the House, by forestalling a Motion of considerable importance by making it the subject of a Question. The hon. and learned Gentleman does not seem to be altogether careful in preserving his usual spotless character in that House.

Mr. ROEBUCK said, he rose to order. He objected to that language.

Mr. BENTINCK said, he was perfectly ready to state the grounds.

Mr. ROEBUCK said, he did not want the hon. Gentleman to state the grounds. He rose to order.

Mr. SPEAKER said, he had not heard any words of an objectionable character fall from the hon. Gentleman.

Mr. ROEBUCK said, he would then repeat them. The hon. Gentleman said the hon. and learned Member ought to be particularly careful to follow a course which would preserve his usual spotless character.

Mr. SPEAKER: If the hon. Member has said that the hon. and learned Member had done anything inconsistent with his character, that is not proper language.

Mr. BENTINCK said, he would be the last man to persist in a wrong course if he had entered upon one; and if the hon. and learned Member thought that he had said anything unfair towards him, he was ready in the most public manner, in that House, to state the grounds upon which he made the statement.

Mr. ROEBUCK said, he did not want any explanation.

Mr. BENTINCK said, he thought that the hon. and learned Gentleman had shown a sound discretion in foregoing an explanation. As he was saying before he was interrupted, he certainly felt himself placed in a position of some difficulty, because the hon. and learned Member had, to a certain extent, forestalled the answer which he was anxious to obtain from the noble Lord. The grounds upon which he had proposed to put the question rested upon a statement which appeared, a short time since, in *The Times* newspaper. It might be said that an article in a newspaper was not a ground upon which to found a Motion in that House; but he believed that most of those whom he addressed, whether or not they agreed with the views expressed in that newspaper, would admit that it was a journal remarkable for the accuracy of its reports. Further, he had been enabled to ascertain the perfect accuracy of that report by the evidence of the hon. Member for London, who was present upon the occasion referred to. He need hardly remind the House that anything that appeared in *The Times* newspaper was read in every town and village of this country, and probably in every city on the continent, and therefore anything that appeared in that paper obtained the utmost publicity. He was induced to go on to a certain extent with his question because there were certain details to which he thought the attention of the House ought to be called before they proceeded to discuss a question of international law which an hon. Member was to raise on the following evening. It would be impossible to enter upon that discussion, with the temper requisite for properly dealing with a subject of so difficult a nature, unless some further explanations were given by the Government. He was aware of the awkwardness of these questions, and he perfectly understood the disinclination of the noble Lord to enter upon a discussion of them; but he ventured to think that in such matters more harm was done by allowing the feelings of irritation which existed to continue day after day without any means being taken to allay them than would be caused by some explanation from the Government, which might have the effect of soothing irritation. The article he referred to appeared in *The Times* newspaper of the previous Friday. It referred to a deputation which waited upon the noble Lord at the head of the Foreign Office, introduced by the hon. Member for London (Mr. Crawford). He ventured to think that what passed at that interview was one of the most remarkable incidents ever published in the public journals. The statement, after detailing the manner in which the deputation was introduced, went on to say, that "while the United States Government have been seizing our vessels bound to Matamoras without a single article of contraband on board, Mr. Adams, their Minister at this Court, has been giving special licence for a ship to proceed from England to Matamoras free from interference by American cruisers, to carry supplies (which are stated to consist of arms and ammunition) for the service of the Mexicans in their war against France." It then went on to state that the hon. Member for London called the attention of the noble Lord to the position of the captain, officers, and supercargo of the *Peterhoff*, now in New York, who were stated to have been detained on board and not allowed to communicate either with the agents of the owners and merchants, or with the British Consul. The hon. Gentleman went on to show that the effect of that mode of proceeding would be greatly to encourage trade between the United States and Mexico, and entirely to put a stop to trade between England and the ports of the latter country. Then came a most remarkable letter, to which he would afterwards refer, from the American Minister, and the account went on to state that—

> "The immediate object the deputation had in view was to elicit from Her Majesty's Government some assurance of protection for the steamship *Sea Queen*, now detained by the owners at Falmouth awaiting a decision."

And after adverting to the fact that despatches had been broken open on board other vessels seized, it was stated that a suggestion was made that the Government should place a mail agent on board each vessel bound to the port of Matamoras. He invited the House to consider what was the substance of that report. In the first place, it involved that the Federal Government held itself at liberty to seize vessels bound to Mexican ports, although not carrying contraband of war. It was also laid down that vessels bound to the same ports, with contraband of war intended for the use of the Mexicans against the French, were not to be liable to seizure by Federal cruisers. That, it might be said, was a point in which we had no interest, but it did appear to be a singular mode of neutrality, and one which it was well should be made known to the astute sovereign of France, although no doubt he had already learnt it from *The Times*. But he wished the House more particularly to observe that another result of that mode of dealing was to inflict a heavy blow upon the commercial interests of England, because the course pursued by the American Minister and the tone of his letter amounted simply to this, that it rested with him when and where and how the commerce of the country should be conducted. The letter of the American Minister was one of the most remarkable productions he had ever seen. It began by saying—

> "Amid the multitude of fraudulent and dis-

honest enterprises from this kingdom to furnish supplies to the rebels in the United States, through the pretence of a destination to some port in Mexico, it gives me pleasure to distinguish one which has a different and a creditable purpose."

That purpose being to supply arms to the Mexicans to use against the French. With that they had nothing to do; but was the House prepared to accept such language as proper from a diplomatist of high position? The letter went on to say—

"It is not the disposition of the United States Government to interfere in any way with an honest neutral trade."

The idea of the American Minister of honesty and neutrality was remarkable. Everything was honest to suit his own purpose, and his neutrality consisted in supplying a neighbouring Power with contraband of war to be used against a country with which his own country was at peace. The letter was one which ought not to be sanctioned by the tacit assent of that House, and he thought it called for some immediate and decided expression of opinion from Her Majesty's Government. Those who had read *The Times* of that day would have observed, not only that the authenticity of that letter was fully confirmed, but an attempt was made, to a certain extent, not to apologize or to repudiate, but to do away with an impression that the American Minister was trying to adopt a tone of dictation as to the trade of the country. The only result of the second letter was to confirm the authenticity of the first; and he hoped, before the discussion of the next evening, they should have some expression of opinion from the Government as to the letter, and that either the noble Lord at the head of the Government, or the hon. Gentleman the Under Secretary for Foreign Affairs would state whether he found anything in that letter to which he took exception. Another important point was this:—That no man could read the American Minister's letter, giving a free pass to one vessel, without seeing that every vessel not so furnished would necessarily be liable to capture by the American cruisers. The commerce of the country was therefore bound hand and foot, unless their ships could obtain a free pass from the American Minister. That was a matter on which some information was desirable. One point brought forward by the deputation was, that if mail-bags were put on board English ships, and those mail-bags were afterwards opened by the Federal cruisers, the Federal emissaries in this country would probably send out letters of such a character as to compromise the ship. He only mentioned that to show the estimation in which the Federals seemed to be held in England. But the deputation suggested, that in order to obviate the probability of seizure a mail agent should be put on board, with the view of certifying to the character and destination of the ship. It did not seem to strike the noble Earl that there was anything unusual in the proposition, or that, if complied with, it would place this country in a most humiliating position. He merely stated very quietly that he would consider the subject; but surely, when a proposal involving a direct insult to this country was made to a Minister of the Crown, it was not fitting language to answer that he would consider that proposal. It would be well that the House should know whether that was the way in which the Government generally would view it. Then the noble Earl's attention was called to the treatment of the persons taken on board the *Peterhoff*—a vessel the case of which had yet to be investigated, though the crew were dealt with as prisoners of war, and were shut up and deprived of all communication with the shore. That statement was made on the best authority; but how did the noble Earl receive it? One would suppose that any man who represented the feelings—or he would say the prejudices—of Englishmen would have at once expressed some indignation or disgust at such unheard-of treatment of his countrymen; but the noble Earl merely expressed his surprise at the facts laid before him. Now, surprise was certainly not the feeling which ought to have been predominant with him, and perhaps some Member of the Government would inform the House whether the Government merely shared the surprise, or whether they did not feel rather more strongly on the subject. The fact was, that the right of search by Federals had been changed into a right of capture. There was a levying of war against this country by capturing its mercantile marine, while the Federals screened themselves from all consequences by not having made an actual declaration of war against us. England was to let them capture her merchant ships whenever they were disposed to do so, but she was not to have the advantage—if advantage it might be called—of making reprisals. The effect of all this had been to increase the rate of insurance upon British ships above what it was upon French ships. There was the whole case in a nutshell, and he wanted to know whether the Government were as indifferent to these conditions as the noble Earl, or whether they did not rather share the indignation which was felt by the House and the country generally at the course taken by the Federal authorities. He was not blind to the difficulties of the subject. He was quite aware of the importance of exercising the greatest amount of caution. The noble Viscount was believed to be at all times disposed to protect the honour and interests of the country, but that feeling was not supposed to be shared in by all his Colleagues, and it was important that the House should know which of those views was at present predominant in the Cabinet. The silence of the Government on these questions produced a feeling of irritation, which would make it impossible, at a future time, dispassionately to consider the questions of international law which might arise. He wished therefore to know whether the Government intended at once to take such steps as would convince the people that the honour and the interests of this country would be duly cared for in their hands?

MR. CRAWFORD said, that as the hon. Member had referred to the part which he had felt it his duty to take in reference to the *Peterhoff*, it would be expected that he should take part in the discussion. He should be ready to do so under proper circumstances, and at a proper time, but he entirely declined doing so at that moment, and for two reasons:—First, because of the very critical position in which these transactions placed the relations of this country and the United States; and secondly, because he had heard the noble Lord at the head of the Government state, in reply to the hon. and learned Member for Sheffield (Mr. Roebuck), that these matters were under the serious and anxious consideration of the Government. Knowing that to be the case, he could not but think that it would be in the highest degree inexpedient and indecorous on the part of that House to enter into anything like a detailed or prolonged discussion in reference to them. He earnestly advised the House not to continue such a discussion. He could only say he had heard with the greatest distaste, he might almost say with disgust, the sentiments expressed by the hon. and learned Member for Sheffield. He would add, that he could not admire the taste of the hon. Member opposite (Mr. Bentinck) in persevering with the subject after the statement that had been made by the noble Lord at the head of the Government.

MR. PEACOCKE said, it appeared to be the feeling of the House that the general discussion should not take place on that occasion; but he wished to call attention to the very undignified position in which Parliament was placed in having to discuss important questions when they had no other information respecting them than was contained in the money article of a newspaper. He wished therefore to know whether the hon. Gentleman the Under Secretary for Foreign Affairs would lay on the table of the House the papers connected with the question, and which then might be raised in a proper form; and, if it was agreeable to the House, he would move for the production of those papers. He also wished to know whether the hon. Gentleman had had any communication with Mr. Adams, and whether Mr. Adams had acknowledged the genuineness of the letter attributed to him? With regard to the carrying trade to Matamoras, that he believed was a more serious matter than the House were aware of. The facts were these:—Some months ago, as he was given to understand, the Mexican Government ordered supplies of arms in the United States. The Government of the United States, however, arrested the vessel which was to carry these arms. The Mexican Government—as well it might — remonstrated, whereupon Mr. Seward informed the Mexican Minister that he did not wish to deprive him of a supply of arms to carry on the war against France, but the United States wanted those arms for themselves. "If, however, added Mr. Seward, "you like to send over to England and get arms, we will give you every facility in our power;" and so this Mexican colonel and merchant, who was in the habit of buying arms, were sent over here provided with a letter to Mr. Adams, requesting that Minister to give them every assistance in his power, in order to obtain arms to help the Mexicans in their war with France. It was under these circumstances, and not from any individual action taken on his own responsibility, that Mr. Adams furnished the pass. When such statements as these were in circulation, it would allay irritation if the Government would frankly place the House in possession of all the information which was in their hands on the subject. Of course, his object was to have laid on the table any such papers as could be produced without any inconvenience to the public service. He would therefore conclude by moving for the production of papers that had passed between the Government and certain mercantile firms, with reference to the carriage of mails to Matamoras.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copy of any Correspondence between Earl Russell and any Mercantile Firms, relative to the conveyance of Mails to Matamoras,"

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. NEWDEGATE said, he felt it his duty to take the earliest opportunity of expressing his total dissent from the views of the hon. and learned Member for Sheffield (Mr. Roebuck). It would be calculated to prejudice the interests of both this country and the United States if it should go forth to the world that the House had, on an occasion when discussing matters relating to the conduct of the American Minister, suffered reflections to be made on the conduct of Americans generally, which must be offensive not only to those who supported the Federal Government, but to every American. He did not feel the disappointment which the hon. and learned Member for Sheffield had expressed with reference to the failure of the institutions of the United States. The hon. and learned Member spoke with the temper of a disappointed man. He (Mr. Newdegate) had never indulged the same hopes of those institutions which the hon. Gentleman had entertained, because he thought that the American people, by departing from the example which the constitution of this country afforded them, had introduced into their constitution an element of weakness, which had been manifested in a most remarkable manner, and from which consequences had ensued they must all regret; against these evils Englishmen were secured by the nature of the constitution under which they had the happiness of living. It was inexpedient, in the highest degree, to taunt those of their own blood on the other side of the Atlantic with misfortunes which we hoped, for their and for our own sake, would soon cease; nor did he agree with the hon. and learned Member for Sheffield that the principle of self-government ought to be abandoned because the constitution of the United States had failed, for he hoped that the result of the present failure would produce an approximation, on the part of the American people, to those principles of government which could alone secure peace and prosperity. The misfortune of the constitution of the United States was that neither the people nor the Government had any recognised code of morality to which, as forming part of the constitution, they could refer as the basis of their laws and judicature, the best security for the maintenance of peace. He (Mr. Newdegate) was ready to support Her Majesty's Government in vindicating the honour of the country; but if they were to engage in a contest with America, let them not be carried away by feelings of disappointment and spite, but enter on that step in a temper befitting the exertions and the misfortunes which it must entail.

Mr. LAYARD: The hon. Member for Maldon (Mr. Peacocke) stated it was highly inconvenient that a discussion on so important a subject as that now under consideration should be had on the money article of a newspaper. I quite agree with him; and therefore I am the more surprised that he should have risen in his place to continue it. It equally surprised me that the hon. Member opposite (Mr. Bentinck) should have proceeded with the subject after the answer given by the noble Lord at the head of the Government to the Question of the hon. and learned Member for Sheffield (Mr. Roebuck); and I am still more surprised that the hon. Member for Maldon should call for papers on a matter still under consideration, and of the gravity of that which is now under discussion. I can give no answer to the hon. Gentleman opposite further than that already given by the noble Lord; but there are one or two other points to which I feel it my duty to advert, with a view of answering some of the observations which have been addressed to the House. The hon. Gentleman (Mr. Bentinck) said that the deputation which had waited on the noble Earl the Secretary for Foreign Affairs had made an insulting and humiliating proposal, to which proposal the noble Earl made no reply.

Mr. BENTINCK: I beg pardon. I did not say that the proposal was an insult to the noble Lord. I said it was an insult to the country.

MR. LAYARD: I know the words of the hon. Gentleman were "insulting and humiliating." But the hon. Gentleman's correction makes the matter worse. For whatever the noble Earl might have done if the proposal were humiliating and insulting to himself personally, I feel certain that no hon. Member in this House who knows the noble Earl will believe that he is the man to bear patiently any proposal insulting or humiliating to this country. But I say that nothing either insulting or humiliating was put forward by way of proposal to Earl Russell. As hon. Gentlemen know, vessels leaving this country under a mail contract are accompanied by a Government mail agent. The proposal made by the deputation was that their vessels leaving this country with ship letters for Matamoras should have a mail agent on board. The noble Earl, as he felt bound to do when such a proposal was made to him, said, that it was one which required mature consideration. On such consideration it was found that great inconvenience would result from such an arrangement; and the reasons why this course would be open to grave inconvenience must be evident to the House. Vessels like the *Peterhoff* are different from those which sail under a mail contract. They are bound under an Act of Parliament to carry what is called a "ship-letter bag." The gentlemen who waited on Earl Russell represented, that if these vessels declined to take a ship-letter bag they would render themselves liable to a penalty; while if they carried one, their vessel might be seized and forfeited, owing to some document having been put in the bag which might compromise the ship that carried it. The gentlemen connected with the vessels have made a disingenuous and unfair statement with reference to those mail-bags. They would make it appear that the Government had deprived them against their wish of a privilege or a right, whereas the correspondence with the Government will show that it was the desire of the Government to relieve them at their own request from the difficulty in which they were placed, and that they still have the option of carrying the bags. If the House will permit me, I will read the correspondence which passed between the Post Office and the Foreign Office, and between the Foreign Office and those gentlemen. That correspondence will be laid on the table, and as the discussion has proceeded so far, it is important that no delay should take place in letting the House know what has really taken place on the subject. Immediately after the deputation left the Foreign Secretary this communication was sent from the Foreign Office to the Post Office.

MR. H. BAILLIE: I rise to order. I submit that the hon. Gentleman cannot read documents that have been moved for and not produced.

MR. SPEAKER: The hon. Gentleman can state the contents of the documents which the Government is going to produce.

MR. LAYARD: These documents will be laid on the table of the House. This is the communication from the Foreign Office to the Postmaster General:—

"Foreign Office, April 16.

"Sir,—I am directed by Earl Russell to request that you will state to the Postmaster General that it has been represented to his Lordship, by persons interested in vessels employed between this country and Matamoras, that the circumstance of those vessels being obliged to carry a ship-letter mail may in many cases have an injurious effect on the vessels if visited by United States ships of war, inasmuch as although the persons interested in such vessels and cargoes may, as far as matters are within their control, be well assured of the innocence of both, yet they can have no such assurance in regard to the contents of mails intrusted to them by the Post Office, which, for aught they know, may include correspondence to which the United States as a belligerent Power might fairly object. I am therefore to request that you will state to the Postmaster General that Lord Russell is of opinion that under the peculiar circumstances of the present time vessels bound to Matamoras, either from ports in this country or from ports in Her Majesty's Colonies and possessions, should be relieved from the obligation of carrying ship-letter mails; and if the Postmaster General should concur, Lord Russell would be glad to be informed of his doing so, in order that he may apprise the parties by whom the representation was made to him.—I am, &c.,

"E. HAMMOND.

"F. Hill, Esq."

To that letter the following reply was received from the Post Office:—

"General Post Office, April 17.

"Sir,—Having laid before the Postmaster General your letter of yesterday's date, I am directed by his Lordship to request that you will state to Earl Russell that he sees no objection to the proposal made in that letter that, under the peculiar circumstances of the present time, vessels bound to Matamoras from ports in this country should be relieved from the obligation of carrying ship-letter mails, and orders will immediately be given, that for the present no ship-letter mail be put on board any vessel sailing for Matamoras, unless with the full concurrence of the commander. With respect to vessels sailing from ports in Her Majesty's Colonies and possessions, the Postmaster General would suggest that Earl Russell should communicate with the Secretary of State for the Colonies, as, except at Malta and Gibraltar, the management of the posts in the Colonies is now entirely under local control. As bearing upon the present question, I am to add that on the 2nd inst. the brokers of a steam-vessel called the *Sea Queen*, bound for Matamoras, wrote to this office stating that they should be glad to take a mail by her; but on the 11th inst. a further letter was received from them, pointing out, that for reasons similar to those mentioned in your letter the owners wished to decline taking the mails for which they had previously applied. Before the receipt, however, of that letter, three mails, containing eight letters and two newspapers, had been put on board the ship at Gravesend, and the vessel had sailed. This circumstance was communicated to the brokers yesterday, but the Postmaster General has now directed a further letter to be written to them, informing them, that if they still desire that the mails should not be carried by the *Sea Queen*, and will instruct the commander to put them on shore at Falmouth (where it is understood the vessel is to call), his Lordship will authorize the Postmaster of Falmouth, by means of the electric telegraph, to receive the mails and to return them to London.—I am, &c., "F. HILL.

"E. Hammond, Esq."

On the same day this letter was written to Mr. Crawford—

"Foreign Office, April 17, 1863.

"Sir,—I am directed by Earl Russell to state to you, with reference to what passed at the interview which he had the pleasure of having with you yesterday, that he lost no time in suggesting to the Postmaster General that, under the peculiar circumstances of the present time, vessels bound to Matamoras from ports in this country should be released from the obligation of carrying ship-letter mails, and that he has been informed that in consequence of his communication orders will be immediately given, that for the present no ship-letter mails shall be put on board any vessel sailing for Matamoras, unless with the full concurrence of the commander."

I have now to read a letter addressed to Mr. Spence, owner of the *Sea Queen*—

"Foreign Office, April 17, 1863.

"Sir,—I have laid before Earl Russell your letter of this day's date, requesting that instructions may be given for placing a Government mail agent in charge of the mail which has been put on board your vessel, the *Sea Queen*, which is now at Falmouth; and I am directed by his Lordship to state to you in reply, that Lord Russell has been informed by the Postmaster General that the brokers of the *Sea Queen* will be apprised, that if they desire that the mails should not be carried by the *Sea Queen*, and will instruct the commander to put them on shore at Falmouth, his Lordship will authorize the postmaster at Falmouth, by telegraph, to receive the mails and to return them to London. I am further to state to you, that, at the recommendation of Earl Russell, the Postmaster General will immediately give orders that no ship-letter mail be put on board any vessel sailing for Matamoras, unless with the full concurrence of the commander."

An exactly similar letter was written to Messrs. Bennett and Wake—

"Foreign Office, April 18, 1863.

"Gentlemen,—I have laid before Earl Russell your letter of yesterday's date, requesting that instructions may be given for placing a Government mail agent on board the *Sea Queen*, which is now at Falmouth; and I am directed to state to you in reply, that, at Lord Russell's recommendation, the Postmaster General will for the present relieve vessels proceeding to Matamoras from the obligation of carrying ship-letter mails."

It is therefore clear to the House that it was left to the option of the owners of these vessels to carry ship mails or not; and what the Government has done was to relieve them from what they considered an unpleasant obligation. I am authorized by Lord Russell to correct a misrepresentation contained in the report to which the hon. Gentleman alluded. The noble Lord has been represented to have expressed his surprise at hearing the fact that the officers and crew had been treated as prisoners; but he must have been misunderstood, for all the facts had been laid before him, and had been read by him before he received the deputation. I can assure the hon. Gentleman that he need feel no alarm as to the honour and dignity of the country not being in safe keeping.

MR. WHITESIDE: The hon. Gentleman, no doubt, has made a very ingenious speech, but I am surprised that he should have expressed surprise at everything which has taken place to-night. The only thing that did not surprise him was the answer of the noble Viscount. I wish to ask him one question:—Is it at all an unusual circumstance, or is it unbecoming, when events have happened which have arrested the attention of every man in the country, that hon. Members of this House should seek for information, not for the purpose—God forbid!—of stimulating to war, but for the purpose of getting at the facts and applying to them the principles of international law, and not hesitating to apply those principles against powerful as well as against weak States? I remember some years ago hearing a very distinguished orator making a speech on the affairs of the East. He sat below the gangway then, on that side of the House, and I recollect him saying, with great emphasis and effect, that if the Government had been manly and decided in the first instance, and if they had expressed clearly and firmly the opinion of England in reference to the conduct of Russia, the Crimean war might have been averted. I thought there was great force in what that hon. Gentleman said on that occasion; but, perhaps, the House will be surprised to find that that hon. Gentleman is now the Under Secretary for Foreign Affairs. I avail myself of his high authority, and I think that a clear expression of opinion, clearly but not intemperately conveyed, would not provoke war, but would avert it. But of this the hon. Member may be sure, that whenever any question arises touching the honour and interests of the country, the Members of this House will not fear to call for explicit information.

Sir HUGH CAIRNS: Sir, I should have been well content to allow this conversation to come to an end—especially having regard to the Motion which the noble Viscount has given notice of his intention to bring forward in Committee of Supply—but for what has fallen from the hon. Under Secretary of State. The hon. Gentleman has thought it right to quote certain despatches which have passed between the Departments of the Government and the parties interested in these vessels. I do not know that much information has thereby been conveyed to us, for I think I recognised in them documents which I had previously read in the ordinary sources of information. When I read these despatches, I was under the impression that there must be some mistake, and I rise now to ask some Member of the Government to explain whether they mean to give colour to the idea that the circumstance of there being found in any mail-bag, carried by a merchant vessel from a port of this country to a neutral port, a letter regularly mailed and put into the bag, to be carried and delivered in the ordinary way, which, in the opinion of an American prize court, may be supposed to deserve the character of a treasonable or belligerent despatch, will justify the detention, trial, and perhaps forfeiture of the merchant vessel? Do the Government mean to give colour to that idea? There can be no mistake now as to the course which the Government has taken. The hon. Gentleman tells us that certain merchants have represented at the Foreign Office, that because they carry mail-bags, in their opinion those bags might be searched; and if letters were found in them partaking of a hostile character, their vessel might be condemned. The Foreign Secretary does not tell them that their idea is quite a mistaken one. He says, "Your suggestion is a very reasonable one, and I will at once communicate with the Postmaster General, and suggest to him that you shall be relieved from the responsibility of carrying a mail-bag." Let us come nearer home. There are mail-bags carried in our steamers running between Dover and Calais. Do the Government mean to say that an American ship of war which happens to be cruising in the neighbourhood may overhaul a Dover packet, search it, and carry it into an American port, and that the letters in her mail-bag may be perused in the prize court, and the packet forfeited if, in the opinion of that prize court, they partake of a belligerent character? If that is the case, how is the commercial correspondence of this country to be carried on? The timidity of one firm, obliged by law at present to carry a mail-bag, leads them to represent to the Foreign Office the consequences which may follow to them; and the Post Office, moved by the Foreign Office, says, "You need not carry a bag at all." Other shipowners, of course, will do the same thing, and in a while we shall have every shipowner in the country relieved from the legal obligation to carry the commercial correspondence from this country to foreign ports. I trust we shall hear from the Government that there has been some mistake, and that this is not the view which they take.

Mr. MALINS said, the hon. Gentleman the Under Secretary of State for Foreign Affairs had deprecated the tone of the discussion. He had also said that from the answer of the noble Lord to the hon. Member for Sheffield, the House might be assured that the honour and interests of England were in safe keeping. He (Mr. Malins) did not think the House ought to be satisfied with so vague an answer. He, for one, felt himself humiliated every morning. In common with all Englishmen he felt humiliated day by day by the increasing evidences that the commerce of England was carried on by the sufferance of a foreign nation. How was the commercial correspondence of the country to be carried on if the Post Office was to relieve merchant vessels of the obligation imposed on them by law to carry mail-bags? Had this country become so timid that it dared not enforce this obligation to carry mail-bags, which was the only means our merchants had of carrying on correspondence with many foreign ports? The feelings of the country would not allow this matter to be trifled with, and they had a right to an explicit answer to this question:—Was the Government prepared to submit to the dictation of America, or all the Powers of the world united, or were we to carry on our trade, as we always had done, in the manner in which we thought fit? He believed there was a general dissatisfaction with the answer which had been received, and which left them in a state of uncertainty as to whether or not they were succumbing in a disgraceful manner to apprehensions which had never influenced this country up to the present time. He, for one, hoped that he should never see the day in which this country would desist from carrying on its affairs, commercial or otherwise, in consequence of the dictation of foreign nations or any apprehension whatever. It was the duty of the Government to tell the merchants that the law must be obeyed, instead of authorizing them to infringe it and relieve them from their obligations to observe it.

THE SOLICITOR GENERAL:—I should not have said a word, after what has fallen from the noble Lord at the head of the Government, but for the misapprehension into which my hon. and learned Friend the hon. Member for Belfast (Sir Hugh Cairns) seems to have fallen. I certainly was not prepared to hear that he drew from the correspondence read by my hon. Friend the Under Secretary for Foreign Affairs the inference, which I think is entirely unwarranted by it, that the Government are prepared to admit that the United States are justified in capturing a vessel on the ground of the possibility that the mails which she carries by compulsion of law may contain letters which they may regard as of a hostile character; or, secondly, that if a ship were so captured, and no other reason appeared to justify her capture, she could be condemned for carrying such letters. I do not hesitate to say that that is a doctrine which the Government would not submit to for a moment. But without entering into the question of these recent captures, about which—until we know what there is to be said on both sides—it would be premature to give an opinion, let me remind the House that they have had before them, more than once, statements of the views entertained by Her Majesty's Government on the general principles which may be involved in these affairs, and from them they may be able, I conclude, to collect without difficulty the principles, upon which, in case of necessity, the Government would be prepared to act. On the 28th of November last year, Earl Russell, writing to Lord Lyons, placed upon record the minute of a conversation which had taken place some time before between my noble Friend at the head of the Government and Mr. Adams, and in which my noble Friend is represented to have expressly stated—

> "That Her Majesty's Government could not permit any interference with any vessel, British or foreign, within British waters; that, with regard to vessels met with at sea, Her Majesty's Government did not mean to dispute the belligerent rights of the United States ships of war to search them, but that the exercise of that right, and of the right of detention in certain conditions, must in each case be dealt with according to the circumstances of the case; and that it was not necessary for him to discuss such matters then, because they were not in point; but that it would not do for the United States ships of war to harass British commerce on the high seas, under pretence of preventing the Confederates from receiving things that are contraband of war."

That is what my noble Friend stated some time before November last; and the House will recollect that on the occasion of a certain seizure—that of the *Adela*—when it appeared that a kind of black list had been issued and that the cruisers of the Federal States had thought themselves justified in detaining vessels and carrying them into port for adjudication, not on the ground of any reasonable cause of suspicion discovered in course of a search, but on the ground of information received from this country, no time was lost in intimating that this was an abuse of belligerent rights to which Her Majesty's Government could not submit. Was it vindicated by Mr. Seward? Nothing of the kind. Mr. Seward issued instructions which, if they have been obeyed, will be an answer to the complaints now made. Those instructions were as follows:—

> "That when a visit is made, the vessel is not to be seized without a search carefully made, so far as to render it reasonable to believe that she is engaged in carrying contraband of war to the insurgents and to their ports, or otherwise violating the blockade; and that if it shall appear that she is actually bound and passing from one friendly or so-called neutral port to another, and not bound or proceeding to or from a port in the possession of the insurgents, then she cannot lawfully be seized."

Mr. Seward then proceeded to give directions as to what was to be done with mail-bags found on board any vessels which might be seized on any ground of suspicion appearing upon search, the effect of the instruction being that they would not be opened, but would be delivered to the agents of the Government to which they belonged, "upon the understanding that whatever is contraband, or important as evidence concerning the character of a captured vessel, will be remitted to the Prize Court, or to the Secretary of State at Washington." The House, therefore, will see that there is no controversy with respect to principle between the two Governments. The United States do not claim the right to intercept our trade with Mexico. [An hon. MEMBER: They have done so.] If they have done so, it is to be presumed, of course, that they will not attempt to vindicate or persevere in such a line of conduct. A few words now upon the correspondence which has been read to the House. Certain British merchants engaged in the Mexican trade, which is in the same line with the contraband trade, but which in itself is perfectly innocent, said, they were apprehensive that they might be exposed to the inconvenience, delay, loss, and injury of capture, which in their case would be quite unjustifiable, but for which a pretext might possibly be found in the real or supposed contents of the letter-bags. Lord Russell, not at all admitting that any such pretext could justify a capture, saw that loss and injury might accrue to individuals from the mere fact of their being put in such a situation; and as no guarantee could be given against the possibility of any such unfounded pretensions on the part of American cruisers, he thought it reasonable to relieve them, if they wished it, from the obligation to carry letters. I am not now going into the question whether that was or was not a wise course to pursue, though I am quite prepared to justify it as a course which was considerate on the part of Lord Russell towards the persons who had applied to him, which involved no departure from the dignity of this country, and which certainly gave no countenance to the principle which my hon. and learned Friend has given me an opportunity of disclaiming. I thank my hon. and learned Friend for having stated that it appeared to him open to that construction. I am quite sure it did not seem so to the noble Lord; and the fact that it has impressed others in a different manner is a reason why we should be glad to have an opportunity of publicly disclaiming the interpretation which has been put upon that part of the correspondence.

LORD ROBERT CECIL: The speech of the hon. and learned Gentleman would be satisfactory to the House if we could say it was founded on facts. What are the facts? These outrages on the British flag are not things of yesterday; they began in June last. The *Adela* was seized, in precisely the same manner as the *Peterhoff* and the *Dolphin*, nine months ago. The *Peterhoff* was seized two or three months ago. Complaints were made before Easter, and yet the hon. and learned Solicitor General tells us it is not fitting we should ask the Government whether they have made up their minds on the subject, because they have not had time to ascertain the facts. I suppose they will have ascertained the facts some time within the next five years. The hon. and learned Solicitor General has not even so much as given us the slightest intimation relative to the period when the facts of the case may be discovered. There has been ample opportunity for correspondence with the United States on the subject of the *Peterhoff*. We know there has been a correspondence with respect to the *Adela*. She is still before the prize court, but we know that our Government, though they have declared her seizure unjustifiable, have not attempted to exact reparation for the wrong. But what I wish to impress upon the hon. and learned Gentleman is, that while our Government are idling and thinking what they shall do, Mr. Adams is master of the field. The trade of England is carried on now by the permits of a foreigner. In the City an extra premium of insurance on ships trading between English ports and Nassau is taken against the risk of being unjustifiably overhauled by American cruisers. There is now a direct tax upon British merchants, charged every day, for no other reason than because Admiral Wilkes chooses to perform piratical acts upon the high seas. The hon. and learned Solicitor General has told us that Mr. Seward has repudiated the doctrine which has so justly been denounced to-night. What is the use of Mr. Seward repudiating doctrines one day, if he puts them in practice the next? It is an easy way of conducting the Government of a country, to tell foreign nations you intend to adopt one course, and then to instruct your Admirals to adopt another. Mr. Seward first informs our Envoy that ships trading between two neutral ports will not be touched, and then he sends Admiral Wilkes, already notorious for his outrage upon British vessels, to a station where he carries out the very doctrine which is said to be repudiated. It is therefore of no use for the hon. and learned Gentleman to tell us that he has obtained a verbal repudiation of the doctrine from Mr. Seward, while acts in contravention of it are done every day. A good deal has been said about the *Peterhoff*, but very little of the *Dolphin*. The latter was a ship trading between Liverpool and Nassau, and there is evidence to prove that she was honest in her intention, and that her trade was legitimate. She was stopped by an American cruiser. The captain and crew were taken prisoners and carried on board the American man-of-war. Her cargo was broken up by the American seamen, and the British sailors were absolutely turned out destitute at the harbour of St. Thomas. It is under that insult you are now meekly resting. We have just heard a gallant speech from the Solicitor General. I have no doubt from him it is sincere. I was glad to hear doctrines worthy of England propounded by his mouth, but I cannot forget that this is not the first time we have had gallant speeches from the same quarter. Three weeks ago we heard a speech from the hon. and learned Gentleman which we on this side cheered vociferously. Next morning some misgivings arose in my mind, when I saw that the American organs were not very angry with the hon. and learned Gentleman. It occurred to me that his gallant speech might be nothing but a mask for a cringing policy. The hon. and learned Gentleman publicly declared the right of British shipowners to be free from American interference in their own ports, but the moment he had obtained the cheers of the House of Commons, the Foreign Office, at the bidding of Mr. Adams, sent down detectives to do Mr. Adams service in the dockyards and on the quays of Liverpool. I have no doubt that precedent will be followed; I have no doubt that the gallant speech of the Solicitor General, and the assurance of the Under Secretary that British honour is safe in his hands, will be succeeded by an absolute surrender of all the rights which belong to our merchants and shipowners. There can be no doubt, at least, that my hon. and learned Friend the Member for Sheffield has been completely justified for bringing on this discussion, which I think will be useful, because it will show the Government that they cannot trifle with the feelings of the country. We all of us have a deep respect for the noble Lord at the head of the Government, but we know historically he has appeared in two characters. There is the Lord Palmerston of the Russian and Chinese wars, the Lord Palmerston who Lords it over Greece and Brazil; but there is also the Lord Palmerston who introduced the Conspiracy Bill. We wish to know which of these two characters the noble Lord intends to fill on the present occasion. The country waits anxiously for his decision, and I can assure him the country expects it immediately.

Mr. OSBORNE: Sir, I do not know what meaning the noble Lord puts upon the word "useful," but I think a more mischievous debate never took place than that which has been raised by the two warlike lawyers who represent Sheffield and Wallingford. In proportion, Sir, as we are treading almost on the living ashes of a war, we are bound to be the more careful in the language we use; and I wish that the noble Lord, who can make valiant speeches too, although he twits others for making them, had shown a little of that better part of valour—discretion. If at such a time as this we are to go on reviewing American institutions, inflaming the American Government, and casting out taunts as to cases in respect to which we have not yet the papers to inform us, I do not see how any Government can prevent our being plunged into a war. Sir, I am no degenerate Englishman, no Member of the Peace party; but as an independent Member of Parliament I do not think I risk the respect or the dignity due to that position by disclaiming altogether the sentiments uttered by my hon. and learned Friend the Member for Sheffield, and asking the House to drop this discussion and proceed to the business into which we ought to have gone long before. We all have confidence in the noble Lord as a War Minister. Leave the matter in his hands, and do not let us precipitate a question which may assume unusual proportions.

Mr. PEACOCKE said, he would consent, as the papers were to be produced, to withdraw his Amendment.

Amendment, by leave, *withdrawn*.

INCOME TAX ON CHARITIES.

OBSERVATIONS.

Sir HENRY WILLOUGHBY said, he was not about to say a single word on our relations with America; but there was a question of some importance to which he wished to call the attention of the Chancellor of the Exchequer. The right hon. Gentleman proposed to obtain a portion of his revenue for the year by a tax on charitable institutions. Having been applied to for information by persons connected with some of those bodies, he wished to know in what shape the right hon. Gentleman proposed to raise that question. The matter was a serious one to those institutions, many of which were not in a very flourishing state, owing, among other causes, perhaps, to the diversion of the stream of charity to the cotton districts. He was told that the new impost would take yearly no less a sum than £1,500 or £1,600 from the funds of one at least of the larger hospitals. Their case ought, therefore, to be fairly considered.

The CHANCELLOR of the EXCHEQUER said, that in answering the question of the hon. Baronet he should not enter into any of the particulars to which he had referred, further than to say than an institution which would have to pay £1,500 or £1,600 a year must be in the receipt of between £50,000 and £60,000 annually, and therefore was not entirely without the means of taking some share in the public burdens. His proposal was a proposal which would go in modification of certain clauses of the Income Tax Act, and he had no choice but to raise the question by Bill. He would seek to pass a general Resolution that night, and to have it reported on the following night. If that were done, the Bill would be in the hands of Members and open to the view of the public on Saturday morning. The hon. Baronet could then gather from the clauses, which would not be very long or very complicated, the nature and effect of the enactments contemplated by the Government, and in Committee or at any subsequent stage of the Bill he would be ready to answer specific questions.

Main Question put, and *agreed to.*

SUPPLY—MEMORIAL TO THE LATE PRINCE CONSORT.

Supply *considered* in Committee.

(In the Committee.)

Viscount PALMERSTON: Sir, I rise to move the Resolution of which I have given notice for the grant of £50,000 to Her Majesty towards the expense of erecting a suitable memorial to the late Prince Consort. We all recollect the effect, the stunning effect produced on the public mind about a year and a half ago by the announcement that the country had lost the late Prince Consort. The event struck a gloom into every household — it inspired with deep grief the heart of every subject of Her Majesty. There was no one who was not sensible that the nation had sustained a loss, a great and irreparable loss, and indeed all felt the same as if thay had themselves lost some dear friend or near relation. On what that loss was to Her Gracious Majesty I shall not presume to dilate. There are truths which are only weakened by any attempt to enforce them; there are feelings too sacred to allow of any attempt to explain them. It would be a kind of sacrilege to draw aside the veil by which the depth and intensity of those feelings are shrouded from the public gaze. But, Sir, everybody felt—the whole nation felt—that it was an occasion on which it was becoming, that both for the satisfaction of the national sentiment and as a tribute of respect to the Sovereign, some permanent and substantial memorial should be erected to perpetuate the virtues of the great man who had been taken from us. A public subscription was accordingly raised. The late Lord Mayor placed himself at the head of the Committee by which the management of its detail was conducted, and contributions poured in from every part of the country according to the means of those who desired to testify their feelings on the subject. It was from the beginning the intention of Her Majesty's Government not to leave the commemoration of a great national loss simply and entirely to the result of private subscription. It appeared to them fitting, that in addition to anything which might proceed from private impulse, there should be something which, coming from a Vote of Parliament, would be a more completely national tribute to the memory of the Prince whom we had lost. What should be the amount to be proposed to Parliament had evidently to depend upon two things:—First, upon what might be the result of the private contributions; and next, upon what might be the probable cost of such a memorial as might be deemed suitable for the occasion. But no sooner was the subscription begun than the Committee who undertook its management made it publicly known that the selection of the kind and character of the memorial should, as was fitting, be left to the feelings and judgment of the Queen. Well, Sir, various circumstances occurred which diverted into other channels those means which, perhaps, might otherwise have flown into this subscription. That great and magnificent act of public generosity by which the distressed workpeople of Lancashire have been in a great degree supported took away, probably, much which might otherwise have been devoted to this object. The amount at present contributed, I believe, I may state at something between £50,000 and £60,000. With a view of determining what should be the nature and character of the memorial, Her Majesty requested four eminent persons to undertake the task of inviting designs, and considering and reporting upon them; and the Commissioners appointed for this purpose were the Earl of Derby, the Earl of Clarendon, Sir Charles Eastlake, and the late Lord Mayor. The Commissioners invited a certain number of architects to send in plans of that which they thought fitting for the occasion. Those plans consisted of two parts. The idea which each of the architects endeavoured to work out comprised, in the first place, what may be more particularly called a personal memorial; and, in the next place, a building devoted to those pursuits of science and art in which the late lamented Prince himself took so great an interest. It was found, however, that those plans would have involved an expenditure considerably larger than could be met either by the subscriptions raised or by that addition to them which Her Majesty's Government thought might be fairly asked from and fairly granted by this House; and therefore, upon further and mature consideration, the Commissioners have reported that they would recommend to Her Majesty the abandonment of that portion of the proposed memorial which was to consist of a hall of science and art, and to confine it to that personal part which was to have formed, as it were, the balance or complement to the other. The place which has been recommended by the Commissioners to Her Majesty is that part of Hyde Park which lies between the public road to Kensington and the carriage drive through the Park, and that portion of it which lies opposite to the ground belonging to the Commissioners of the Exhibition for 1851. That site is one which, in all respects, is suited to the purpose. It will not interfere with any other arrangement, and, from its position, is calculated to display anything erected upon it. Now, Sir, in regard to the practice of raising monuments as memorials to great and distinguished men, I will only say that it is a practice which has prevailed in all countries and in all nations. In this country there are many examples of such memorials, and it has often and well been said that such memorials answer a double purpose—they not only gratify and satisfy the feelings of those who are contemporaries with the great man whose merits are to be recorded; they not only gratify the feelings of admiration, love, and affection which are felt by those who raise the memorials, but they stand as an example to future generations, to stimulate them to emulate those virtues and high qualities which were possessed by the person in whose honour the memorials are erected. Now, there never was, perhaps, a person who, in that double capacity, was more fitted to have his memory recorded than the late Prince Consort. When a memorial is erected to some great naval or military commander, who has lost his life in winning a great victory, conducive to the safety and dignity of his country, or when it is erected to a more fortunate commander, whom Providence has led uninjured through a hundred battles, and who has the happiness to finish his days in honour and repose, in the midst of a grateful and admiring country—in either case the example can be followed but by few, because the occasions which present themselves, even in those services, to men to display these great qualities, which have rendered illustrious the name of a hero, happen but seldom. They can only happen in war, and it is to be hoped such occasions, in any country, and at any time, may be few. But the high qualities and virtues displayed by the late Prince Consort were virtues that belong to every class of society, from the highest to the lowest, which come into operation every day of every man's life, and which no man can say the position in which he is placed does not afford him ample and honourable opportunity of carrying into action. His Royal Highness had qualities of the highest order. He would have been a distinguished man in whatever position of life it might have been his fortune to be placed. He contributed as much as it was possible for any man to do, in the performance of those various and extensive duties which fell to his lot, to the welfare, happiness, and prosperity of the country. Well, then, I say that upon every principle, whether it be to gratify and satisfy the feelings of the country, or whether it be to hold out an example to every man of the exercise of those eminent qualities, those forbearing qualities which accompanied the highest talents and the loftiest and most honourable ambition on the part of the late Prince Consort, and which may be practised by any man, and when practised constitute the surest means by which to reach the respect and honour of our countrymen — I say whichever be the object to be gained, I am sure hon. Members must feel that they are accomplishing an object worthy of this House. And then, when we consider the deep affection which is felt by the whole nation for our gracious Sovereign, when we recollect what a deep and irreparable loss she has sustained by the death of one who was the foundation of the happiness of the happiest possible life—when we consider how the feelings of the country sympathize with Her Majesty in that great and irreparable loss, I am persuaded I am not wrong in saying that this House can never be and never has been a more true exponent and organ of the feelings of the country than when they tender, as I trust they will do this evening, respectfully to Her Majesty a token of the deep sympathy which they feel for her misfortune, and of their heartfelt attachment to her person. It may, indeed, be said of the people of this country that they feel they have a Sovereign of whom, without any disparagement to Her Majesty, it may be said they consider her as one of themselves—her joys are considered by them as their joys, her sorrows are partaken by them as sorrows of their own ; and I am persuaded, therefore, I am not appealing in vain to the good feelings and loyalty of this House in proposing that we should this evening vote that sum which would be necessary to complete the amount of the subscription raised to the sum which has been estimated as the probable cost of such a memorial as Her Majesty will select for erection to the memory of the late Prince Consort. The Commissioners have made their Report, and they recommend, as I have stated, a single and personal memorial. I believe the calculated expense of it will be something like £110,000. The subscription reaches nearly to £60,000 ; and if to that we add £50,000, which we think it our duty to propose to Parliament, I believe the amount will be amply sufficient to erect a memorial which shall be worthy of the country by whom it is raised, and, at the same time, do adequate honour to the late Prince Consort, and be soothing to the feelings of the Sovereign to whom this House and country are so dutifully and loyally attached.

Mr. TITE said, he wished to say a few words on the question, in reply to the many inquiries made by hon. Members. The extent of the public subscription had been greatly modified by the fact that many towns and localities had determined to have memorials of their own. The city, for instance, that he had the honour to represent (Bath) instead of sending the large amount which had been subscribed to London, had erected a wing to an hospital and called it the Albert wing. With reference to the drawings now exhibited for the testimonial itself, they were works of much commendation, and were the best he (Mr. Tite) had ever seen. The suggestion of the site was due to Mr. Pennethorne ; and as to the designs, the Commission appointed by Her Majesty had applied to certain architects to advise them : he was one of that body, who recommended a limited competition, and the designs now exhibited were the result of that recommendation. The designs displayed a great variety of architectural talent. That which had received the greatest amount of approbation was the cross, designed by Mr. Gilbert Scott, and it had accordingly been recommended for adoption. The House probably knew that he (Mr. Tite) differed from many other persons with regard to the use of Gothic architecture for secular buildings ; but for a building of the kind in question nothing could be more appropriate, and nothing more elegant. It was of a sacred character, and would be associated with some of our best recollections, as it was designed in imitation of the monuments erected by King Edward I. to his Queen Eleanor. With regard to the character of public monuments generally, the best examples were to be found at Berlin—as that of Frederick I., by Rauch; the iron cross on the Kreuzberg, and the monument to the Queen of Prussia at Charlottenburg. The designs that were sent in were various in character, but, as he had said, upon the whole were highly creditable to their authors. He wished, however, to correct one mistake. It had been supposed that the monumental cross was to be 300 ft. in height, whereas in fact it would only be 150 ft. ; and the work would, he believed, be one that would be satisfactory to the nation, creditable to the architect, and a worthy memorial of the illustrious Prince.

Mr. CONINGHAM said, he believed that the reason why the public fund had been found insufficient was because the public did not approve the plans that had been submitted for carrying out the memorial. If anything of a useful character had been proposed, calculated to benefit posterity, the public subscriptions would have been doubled and even trebled. The monuments in the metropolis in the form of statues had been so unsatisfactory that any sensible man would desire that any memorial raised to him should be of a nature calculated to benefit posterity. He hoped it was not too late to reconsider the matter. At first a monstrous monolith was proposed, and now it was a still more monstrous Eleanor cross. It was difficult to say which was least calculated for the purpose. *The Times* newspaper had taken up the question in a most dogmatic spirit. At first it had endeavoured to force the monolith upon the public by publishing minatory letters threatening a grant from Parliament if subscriptions were not given to a sufficient amount; and now it defended the Eleanor cross, and professed to know better than the architect himself, for nothing less would suit the venerable ladies of Printing-house Square, as the hon. Member for Bridgewater called them, than 300 feet in height. Mere size and costliness were no recommendations, and he hoped it was not too late for the Committee to reconsider the question, and to recommend to Her Majesty, who, as far as he knew, had no fixed or definite opinion upon the subject, a memorial which should not only perpetuate the memory of the deceased Prince, but should prove a lasting benefit to future generations.

Mr. DISRAELI: Sir, I cannot agree with the hon. Gentleman (Mr. Coningham) as to the causes he has assigned for the inadequacy of the public contributions for this object; nor as to the principle upon which this monument should be elevated. I think Her Majesty's Government have, upon the whole, taken a well-considered and judicious course in this matter, which was not one altogether free from embarrassment. The object, indeed, of the memorial is simple, and one of which all approve; but no doubt, from the manner in which it was originally proposed, it had become involved with some circumstances which rendered the course of the Government rather difficult. Sir, I have always felt confident that the common sense of the House would extricate us from that difficulty, and I am gratified to see that Her Majesty's Government are of the same temper, and that by appealing to the House with a proposition which is clear and comprehensible, they have terminated a state of affairs not altogether satisfactory. No one can doubt the real sympathy that pervaded the country when the great calamity occurred. Indeed, that is scarcely an adequate expression to describe the emotion—it was a feeling rather of anguish—anguish for the loss of the Prince who was departed, and equally so for those who were left lone and desolate. Sir, I think there was upon that occasion every desire in the country to express, as far as its contributions could do so, the feelings of the nation. But it is to be observed that at the moment the sympathy of the country was of a personal character. The loss was so sudden, so unexpected, that the natural emotions of the community were all directed to the personal character of him who had passed away. The peerless husband, the perfect father, the master whose yoke was gentleness—the wise and faithful counsellor of the Sovereign, who was his consort—these were the traits in the character of the Prince that attached and appealed to all hearts; and while there was a general desire, by public contributions, to show a sense of those qualities, every community felt that it was equally a judge of those virtues with the metropolis; and there was an immense amount of local subscriptions, which, although inconveniently, were naturally, dedicated to the ornament or utility of the district in which the subscriptions were raised. For example, every person who had a benevolent scheme for raising an hospital or founding a school seized that opportunity of general sympathy and sorrow, and upon the merits of the Prince whom we had lost made a successful appeal for funds which they would not otherwise have obtained. That is the reason why the public contributions were not directed to one centre, and why, with no definite object sufficiently held before the observation of the country, the public contributions were not of an amount adequate to carry out the object now desired. But as time drew on, something of the influence of posterity was exercised upon the opinion of the country, and it became conscious that it had lost, not merely a man of virtuous and benignant character, who had exercised the fine qualities he possessed for the advantage of the community of which he was a prominent member, but it felt that it had lost a man of a very original and peculiar character, who had exercised a great influence upon the age, and which it felt as time advanced would have been still more sensibly experienced. The character of Prince Albert was peculiar in this respect, that he combined two great qualities which are generally considered to be incompatible, and combined those qualities in a high degree. He united the faculty of contemplation with the talent of action, and was equally remarkable for profundity of thought and promptitude of organization. Add to these qualities all the virtues of the heart, and the House will see that the character thus composed was a very remarkable one. He brought this peculiar temperament to act upon the public mind for purposes of great moment, but of great difficulty. The task which the Prince proposed to himself was to extend the knowledge, refine the taste, and enlarge the sympathies of a proud and ancient people. Had he not been gifted with deep thought and a singular facility and happiness of applying and mastering details, he could not have succeeded so fully as he did in those efforts, the results of which we shall find so much the greater as time goes on. Such being now the impression of the country—that we have lost not simply an accomplished and benignant Prince, but one of those minds which influence their age and mould the character of a people—a strong feeling prevails that a memorial should be raised in the metropolis of the Empire. I believe that that desire is very general, and therefore the Government has taken a course which the country is not only perfectly prepared for, but expected and required. For my own part, I cannot agree with the hon. Member for Brighton (Mr. Coningham), that the public contributions should be devoted to what is called some purpose of utility. That appears to me to be a fallacious and narrow-minded principle. A purpose of utility means that you should endow some charity or erect some building which may illustrate some isolated feeling and feature in the Prince's life. But a public memorial, such as the country requires, should be of a universal and complete description. It should apply to the general sentiments of the country, and should represent, as far as art can represent, the full career of the man, so that future generations may, as the noble Lord observed, behold a monument which may serve for their instruction and encouragement. It should, as it were, represent the character of the Prince himself; in the harmony of its proportions, in the beauty of its ornament, and in its enduring nature. It should be something direct, significant, and choice; so that those who come after us may say, this is the type and testimony of a sublime life and a transcendent career, and thus they were recognised by a grateful and admiring people!

Mr. GREGORY said, he was disposed to agree with the hon. Member for Brighton (Mr. Coningham) as to the reason why the subscription did not amount to a sufficient sum to effect its object. It arose from an apprehension that the plans adopted were not likely to do credit to the illustrious person whose loss the nation deplored. He regretted that the plans had not been, in the first instance, submitted to the House, and the necessary Vote asked for, because he was afraid lest an impression should have been created, that because there had been a deficiency in the subscriptions, there had been a lack of public zeal to do honour to the Prince. As an Irish Member, he was perfectly certain that the Vote would be well received in his country. So accurately balanced was the mind of the illustrious Prince, so just was he in his thoughts as in all his actions, that he never, throughout his whole career, made use of an expression calculated to give offence to any man in Ireland, of whatever politics or whatever religion. He therefore rejoiced that the Government had determined to aid in erecting a monument, and he hoped it would be of such a character as to do honour to the memory of the great Prince whose loss they deplored.

Mr. LIDDELL said, he felt assured that the House would readily grant the money for a monument, provided they were satisfied that it would be worthy of the object it was intended to commemorate. Although the architects recognised elegance of form and beauty of proportion as characteristic of the Eleanor Cross, it might be doubted whether those characteristics would be preserved if the proportions were multiplied in one of gigantic dimensions. He should like, therefore, to know whether it was definitively settled that an Eleanor Cross of three hundred feet high should be erected.

Mr. TITE said, the cross was to be one hundred and fifty feet high. Mr. Scott himself did not desire greater dimensions.

Mr. LIDDELL said, he hoped, at least, that the Government would submit definite plans to the House.

Mr. GARNETT said, he also trusted that the Government would acquaint the House with the exact design of the monument which was proposed. It appeared to him to be a matter of serious question whether an Eleanor Cross was the fittest memorial for the Prince who had been taken from them.

Viscount PALMERSTON: The subscriptions were raised on the distinct understanding that the style and character of the monument should be left entirely to Her Majesty. It is obvious, that unless the subscribers were to meet for the purpose of determining what should be the form of the memorial, their opinion on the subject could not be taken. It is now proposed to add to the fund on precisely the same conditions as those on which it was originally raised. We are tendering this grant to Her Majesty as a token of our sympathy with her in the hour of bereavement, and in order to enable her to gratify her natural feelings. We ought not therefore to impose our notions upon Her Majesty, but ought to leave it to herself to choose the monument which she may deem most suitable.

Sir MORTON PETO said, he had seen the design of the proposed monument, and in his opinion it was impossible to conceive anything more beautiful and more appropriate. But he doubted whether £110,000 would be sufficient to have it executed in the style which they should desire to see it. If Mr. Scott was to be allowed that latitude which he ought to have in a matter of the kind, with respect to the choice of stone, and other points, he doubted whether the addition of £50,000 would be sufficient; but the House would not hesitate, if necessary, to double that sum, to enable Her Majesty to carry out the design in a manner worthy of the House and the country.

Admiral DUNCOMBE said, he hoped that the grant would be quite unconditional. Should it happen that £50,000 was insufficient to complete the design, there would be no difficulty in obtaining the assent of the House to a supplementary grant.

Sir GEORGE BOWYER said, he fully agreed that the House ought not to interfere with the mode in which the grant was to be expended. Besides, he never knew any public work carried on under the direction of the House which turned out satisfactorily. The best way to insure the failure of the monument was by leaving its erection to the House of Commons.

Mr. CONINGHAM said, that he had not wished to interfere in any way with the wishes of Her Majesty; he had quite understood that he was discussing and criticising the recommendations of the Commissioners.

Mr. POTTS said, he would suggest that the words "not exceeding" should be expunged from the Resolution.

(1.) *Resolved, Nemine Contradicente,*

That a sum, not exceeding £50,000, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1864, towards the Expense of a National Memorial for His late Royal Highness the Prince Consort.

SUPPLY—EXCHEQUER BONDS.

(2.) £85,925, Expedition to Kertch and Yenikale.

Viscount PALMERSTON: I now rise, Sir, to make the other Motion of which I have given notice. The House will recollect that there was considerable discussion last year upon the subject of the Kertch and Yenikale prize money, and that great complaints were made of the long delay which had taken place in deciding whether this prize money should be granted, upon what principles, and in what proportion. The question arose out of the transactions of 1855. A joint expedition of French and English troops and ships took possession of Kertch, and opened the passage to the Sea of Azoff; and this led to the operations which were afterwards so successfully carried on in the interior of that sea. A great deal of valuable property was taken, consisting of about £70,000 worth of coals, machinery of great value, guns, and stores of other descriptions. The coals were used by the British and French ships of war nearly in equal proportions. The machinery was applied to the service of the British navy, and was of the greatest use in the course of the operations which followed, up to the termination of the war; and a very large sum was saved to the public by the means which that machinery gave of keeping in repair, upon the spot, the fleet employed in the Black Sea. Part of that machinery is now at Gibraltar, and is used and available for the public service. The value of stores which were captured was estimated at about £119,000, including in that the £60,000 or £70,000 which was the estimated value of the coals. But one-half of these coals was consumed by the French navy, and their value must be deducted in calculating the sum which was taken possession of, and liable to be distributed to the seamen and soldiers of the two services. That reduced the amount to about £85,000. Now, there was a considerable discussion between the Treasury and the Admiralty with regard to the claims which the two services had for a Vote of this House, in compensation for the stores which were thus taken from them and applied to the public service. It was thought at one time, that the question being rather an intricate one, it ought to be referred to a court of law; but, upon further communication with the Law Officers of the Crown, and upon further consideration, Her Majesty's Government came to the conclusion that the claim was irresistible, that it would be confirmed by a court of law, and that there was no reason why the delay and expenses incident to an appeal to a court of law should be thrown upon the parties. It was determined therefore to propose, in the course of this Session, a Vote of this House; and the Vote which I am now proposing is calculated according to the value of the stores which were seized by our sailors and troops at Kertch and Yenikale, and applied to the public service, and in respect of which the seamen and troops engaged had a claim to compensation. The proportion in which the two services were engaged was about two to one—that is to say the navy represented two-thirds of the expedition, and the military one-third; and therefore what we propose is, that the £85,000, which I am now asking the House to vote, shall be divided in that proportion between the two services.

Colonel DUNNE said, he was happy to find that the grant would at last be made to the troops and seamen engaged in the Kertch and Yenikale expedition. It was seven years since the capture took place, and it was lamentable that in all cases of prize money such delays should occur, so that the persons entitled often died in want and misery before the money was distributed. In the present instance he hoped that the ordinary rules which guided the distribution of prize money would not be departed from.

Vote *agreed to.*

(3.) £1,000,000, to pay off and discharge Exchequer Bonds.

Vote *agreed to.*

House *resumed.*

Resolutions to be reported *To-morrow;* Committee to sit again *To-morrow.*

WAYS AND MEANS.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. LINDSAY said, he had placed on the paper a notice with respect to the sugar duties; but as he had no objection to the Budget on the whole, he thought it would be more convenient if he took an opportunity of stating his views on the particular subject to which he referred in Committee.

THE INCOME TAX.—RESOLUTION.

Mr. ROEBUCK: Like my hon. Friend, I have no objection to the Budget as a whole. I believe it is a very good one for the country; but as I want to have the opinion of the House upon a general proposition, I must submit it before you, Sir, leave the Chair. The principle which I wish this House to affirm is this—that on a renewal of the income tax a lower charge should be imposed on precarious than that placed on permanent incomes. The whole thing lies in so narrow a space that I shall not occupy the time of the House for many minutes. I assume the general proposition that taxation ought to be levied on every man according to his ability to pay it. That, I know, is a general proposition which is subject to several exceptions. The Chancellor of the Exchequer may, however, say, "Your proposition is a fair one; but there are so many anomalies in the imposition of the income tax, that if you remove only one of them, you do very little good, and therefore I think you had better leave the matter as it is." Now, I am not prepared to acquiesce in that conclusion. Let me illustrate the argument. I will suppose a roundabout road to a particular spot, and that a person proposes an alteration which will not make it perfectly straight or the shortest road possible. If it is said to him, "Why do you seek to alter the road? You cannot make it straight." His answer ought to be, "I cannot make it straight, but I can approximate to some straightness, and pray permit me to effect the alteration." I want to direct the attention of the House to the class of persons on whom the Chancellor of the Exchequer places the great burden of his taxes. That class is composed of persons of small income. The great mass of the taxation of the country is not derived from your millionaires or men of thousands, but from your men of hundreds. For the present, I will direct my consideration to your men of £200 a year. A man of this class has to maintain appearances, he has to bring up and educate his family, and to provide for them in case of his death. If he derives his £200 a year from a permanent source, it remains; but I come to a case on which I speak with feelings arising from personal experience. I ask you to consider the case of a man earning an income by the labour either of his intellect or his hands. All at once the intelligent mind or the cunning hand of that man may be rendered powerless. He can then do nothing; and from being a bread-winner he becomes merely a bread-eater. The man with a permanent income has no thought on his mind that there is a probability or a possibility of his family being reduced to want; but that is a thought which, from morning to night and night to morning, works on the mind of a man with an income of £200 a year from precarious sources. There are thousands of our countrymen in that position. To meet such cases, I ask the Chancellor of the Exchequer to do what a Colleague of his now dead, Mr. James Wilson, proposed—namely, to divide incomes into three classes:—First, income derived from capital; secondly, income derived from trade in which both capital and ability are used; and thirdly, income derived from mere labour either of the intellect or the hand. It is not just to tax those three classes alike. Suppose the case of a lawyer. He goes through a laborious education for a great period of his life—say up to the age of fifty. That man fights against the world for his very existence; and has he arrives at the age when fortune may smile upon him, he comes on a high tide of business. But, after a few years of prosperity, he is suddenly stricken down; and then he is a burden to himself, and his children are unprovided for. It may be said that the alteration I propose would do away with the surplus. I dare say it would; but I have such confidence in the financial ability of the right hon. Gentleman, that I feel certain he could raise an equal amount of money in a much less unjust manner. I ask him to do but justice, which is in his power, and take away one of the many miseries of the man who by his labour, intelligence, honour, and integrity earns from a precarious source an income for the support of his family. With those few words I beg to move "That in the opinion of this House the Tax imposed on precarious Incomes should be lower than that imposed on permanent Incomes."

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the Tax imposed on precarious Incomes should be lower than that imposed on permanent incomes,"

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

THE CHANCELLOR OF THE EXCHEQUER: Sir, I was desirous to know whether any hon. Member wished to speak on the Motion of my hon. and learned Friend, as I was anxious to answer any observations that might be addressed to the House in support of the proposition with which the hon. and learned Gentleman concluded. I have listened with attention and respect to the speech of my hon. and learned Friend, who has become the organ of expression of a feeling that has long prevailed in this country, that prevails at the present moment, and that I believe will continue to prevail as long as the income tax remains in existence. The question whether that tax will always remain is not now the question; but I think, from its nature, a certain amount of discontent is not only to be recognised as a matter of fact, but is so natural, so excusable, and is supported by so many indications which, on the surface at least, appear to give foundation to it, that we may look upon it as practically inseparable from the nature of the tax itself. With respect to myself, I feel that I am personally disabled from acceding to the Motion of the hon. and learned Gentleman. I could not honestly be a party to such a Motion; I could not undertake to give it effect. Partly from the nature of the office which I now fill, and partly from other circumstances, it has been my lot to give more time and attention to the objections against the present mode of levying the income tax than, perhaps, any other Member of this House. Immediately before the time I assumed the office which I now fill, a proposition, such as the one made by the hon. and learned Gentleman, had been made under such high authority, and under circumstances of such peculiar advantage, that the Government of which I was a Member felt it their duty not to decline such a proposition till they had convinced themselves by a process of exhaustion that no such method was practicable. Therefore, I am not prepared to be the instrument to give effect to such a proposition as that now before the House, or as that which has been made by my hon. Friend the Member for Buckingham (Mr. Hubbard); but that is not a reason why such Motions should not be brought under the consideration of the House. My hon. and learned Friend has anticipated what he supposes to be my answer —namely, that there are so many anomalies in the imposition of the income tax, it would not be worth while to remove one or two of them. That is a most ingenious way of stating my case, but it is not my objection. My objection is, that by removing one or two anomalies we should be introducing three or four, and that these three or four anomalies would leave us in a worse position after our trouble than we were in before. To use a somewhat pedantic expression, I never held the views of an optimist in reference to the income tax. I have never shut my eyes to the difficulties which attend its collection, or to the objections to which it is open. The income tax is objectionable because it is direct; it is objectionable because it is inquisitorial, and it always must be inquisitorial, though we sacrifice a great deal of income in order to render it as little inquisitorial as possible; and it is objectionable because it is unequal, but this disadvantage it has in common with indirect taxes and all other taxes which men with precarious incomes have to pay. If a man is not able to pay his income tax, neither can he afford the duty on tea and sugar. The two stand exactly on the same footing, and the same argument applies to each. The tax is objectionable because it leads to fraud—a charge which, I am sorry to say, experience convinces me cannot be exaggerated in its gravity and extent. But, with all these disadvantages, it is after all a tax as the country feels which is founded on principle. The equality of the rate of taxation is a principle, and the fact that it has existed so long with equal rates is of itself a great advantage. When I said lately that the back suited itself to the burden, I did not mean to say that the burden ceased to be a burden, but that in matters of taxation usage and tradition are of great practical importance, and that novelty in a subject of difficulty is of itself, though not a conclusive, a serious objection. This equality of the tax on equal incomes is a principle for the purpose of taxation; and if we depart from it, we must try to find some other. On what other principle can we take a stand? I cannot subscribe to the doctrine of the hon. and learned Gentleman that this matter lies within a nutshell. On the contrary, I do not think there is a more complex organism in any kingdom of nature or civilization than that organism which represents the diversity of proprietary or possessorial interests in this country; and the machinery by which we get at the income of each man must be of the most delicate and difficult character. If we get rid of the principle of equality, I know of but one other principle which has *primâ facie* sufficient plausibility to recommend itself to the judgment of reasonable men. My hon. and learned Friend's principle I understand to be this —that people should pay in proportion as they could afford, and that after having paid the tax their circumstances should remain relative to each other just the same as before. A consistent attempt was made some ten or twelve years ago by bold and resolute men, who did not flinch from any difficulties, to reduce this principle into practice by a careful calculation of the real value of each man's income. Different kinds of property were to be compared; different kinds of income, and, as I suppose, different degrees of health, different ages were to be compared. A comparison was to be drawn between different landlords, between merchants, between farmers and shopkeepers, and between professions — nay, perhaps, between one lawyer and another, between one clergyman and another, and one military man and another. All were to be reduced by an ingenious calculation to something in the nature of an absolute standard. The fate of that plan, however, was an unhappy one. It did not succeed before the Committee before which it was fully considered and discussed, though it was started under very favourable auspices. When the Committee of 1851 was appointed, the public mind was disposed to fasten on something of the kind, and it was only on the condition of granting the Committee that my right hon. Friend who was Chancellor of the Exchequer at the time then obtained a renewal of the income tax. The plan failed, and it has never been taken up by any of the later income tax reformers. The plan of the hon. and learned Gentleman assimilates in some degree to the plan of the hon. Member for Buckingham, though the first has the advantage for the relief of precarious incomes, and certainly goes more home to the feelings than the relief of industrial incomes, when we consider what many industrial incomes are. We were all touched, I am sure, by the illustration which my hon. and learned Friend used. Though we must feel comparatively satisfied that my hon. and learned Friend still retains his place with a remarkable return of his former vigour, we must still deeply regret that talents such as his should have met with any obstacle in the course of their full and bright development. If we are to proceed to the relief of precarious incomes, we must take first the case of professional men. It is the strongest, because, generally speaking, persons in professions, not so much when they are on the top of the wave of success as in their first struggles, are obliged to live close up to their incomes, and even beyond them. I have heard gentlemen, in the medical profession for instance, now of great eminence, mention the number of years through which they have had to struggle on some independent resources of their own before they obtained a subsistence from their profession, and the same thing is true of the law. Though there are exceptions, on the whole the class of professional men are obliged to live near the limits of their incomes, and of the vast process of accumulation going on in the country but a small portion of the result is in the hands of, or invested for, professional men. It often happens, however, that phrases which are good for a popular purpose are of no value for the purposes of legislation. Let us suppose that my hon. and learned Friend, in striving to relieve precarious incomes, commences by professional men and confines himself first entirely to that class. But, as soon as ever he began to apply his principle, it would break down; for how would he define "professional" men? Is a clerk a professional man? Is a bookkeeper or a curate a professional man? If they are not professional men, then you have done nothing by this change but introduce a new anomaly. Suppose you settle that they are, then you get into another difficulty on the other side, because the incomes of these classes are not precarious. For instance, the income of a Government; clerk is not precarious; and if the plan be adopted, you must furnish us with new definitions of the term "precarious" and "professional," and I say that that task is not only difficult, but impossible. Let us take another case. I deny that precarious income of itself gives a title to be taxed at a lower rate. For the purposes of this argument the landed proprietors may be divided into two classes. There is one class of them whose estates lie in districts where there are no mineral treasures, and where, consequently, they inherit an agricultural income. The property of the other class is situated in the mining districts, and valuable seams of coal and ironstone run under their estates. Although their income is large, it is precarious, because it fluctuates exceedingly, according to the state of trade and a variety of circumstances which it is unnecessary to enumerate. Is a landed proprietor with rich mines on his estate better entitled to be taxed at a less rate on his aggregate income than the man who has simply an agricultural property and has found no minerals beneath his estate? To legislate in that sense would be to introduce a new inequality, and one rather worse than those which at present exist. But let us compare two much larger classes of cases—the class of landed proprietors and the class of merchants and traders. Let us say that A has £1,000 a year from land, and B £1,000 a year from trade. I am told that B has got a precarious income—an income which may diminish or disappear altogether; but that A rejoices in a permanent income. The argument is that I should therefore give a remission of taxation to B; which means, to use plain language. that in order to relieve B, I should put an additional weight upon A. What, however, is the average condition of a man with £1,000 a year in land as compared with that of a man with £1,000 a year from trade? Every man in this highly-wrought state of society must live according to what I may call his social expectations. It is useless to speak of the naked figure of his income; you must look at it with reference to his place in society, to the claims of his friends, neighbours, and family, to the social expectations which constitute the law he is obliged to conform to in the expenditure of his money. I have no hesitation in saying, then, that the station in life of a man with £1,000 a year from trade, is in three cases out of every four, totally different from that of a man with £1,000 a year in land. The trader is not compelled to spend as much money; he is not expected to do so; he belongs to a different class of society altogether. If you want to find a parallel in the trading or commercial community to a man who has £1,000 a year in land, you will find it only among the men who have £2,000, £3,000, or £4,000 a year from trade. I contend, therefore, that it is not allowable to compare the positions with equal incomes, when, as a general rule, the social position is entirely different. Remember, also, that a land income as a general rule, is unprogressive, while an income derived from trade is exactly the reverse. Whence come those £60,000,000 a year we have recently added to the income of the country? They do not come from the professions, from the officers of the army and navy, from clergymen, or from the increased wealth of our landed proprietors. The greater part of them—and I rejoice to think it—consists of the accumulations of English industry and intelligence applied to trade. Let us examine another case. What do you say to the owners of house property? They are a large class, many of them wholly dependent upon house property—small houses, cottages, back streets in towns—and at present they pay the whole income tax. Is their income precarious or not? I have a high opinion of the ability and ingenuity of the hon. and learned Member for Sheffield, but I think he would find it extremely difficult to deal with the question in what category he should place house property. Any change must involve that inquisitorial investigation which has hitherto formed one of the principal objections to the tax. The proposition of my hon. and learned Friend would oblige us to give a large remission to the owners of house property, who are at present taxed in a proportion extremely burdensome, and that remission would be arrived at through an almost intolerable inquiry. The investigation in the case of trade is bad enough, though it usually works in favour of the taxpayer; but in the case of house property there could absolutely be no escape whatever. After all, when we go to the root of the matter, we find that propositions like the one before us really mean graduated taxes, That is their true development. The whole strength of the argument, when you pursue it to its first elements, depends upon this: there is a relative poverty among men which you are bound to consider, and to which you must adjust the incidence of your taxes. There is nothing at all that is wicked in the principle as an abstract principle. If it can be shown that a scale of taxation can be established, which within moderate bounds shall make the rich pay a larger rate than the poor, I should see nothing unjust in such a proposition. But I should ask two questions regarding it: First, whether it was practicable; and secondly, whether it was safe. I believe it would not only be impracticable, but generally destructive in its operation to the whole principle of property, to the principle of accumulation, and through that principle, to industry itself, and therefore to the interests of both poor and rich. The objections to graduated taxation are sometimes called theoretical, but they are altogether practical. In Mr. Pitt's time, and down till quite recently, the house tax was graduated. There was no danger in that; confiscation could not be practised under the form of a house tax. But when you apply the principle of graduation to a tax on incomes, except in the limited case in which we are able to do it fortified by tradition—as in regard to incomes below £200 or £150, where, by the force of tradition, it can be kept within safe bounds—when, I say, you adopt it as the general rule of your legislation, it means merely universal war, a universal scramble among all classes, every one endeavouring to relieve himself at the expense of his neighbour, and an end being put to all social peace, and to any common principle on which the burdens of the State can be adjusted. It is in these mischiefs that the apparently innocent proposition of my hon. and learned Friend would land us. His plan would lead us along a road which has that, and nothing else than that, for its termination. He may fairly disclaim that as his intention; but never has his plan, or any of these plans, assumed the form of a scheme of taxation propounded by the executive Government, or a responsible Minister. It is all very well for Gentlemen to exercise their ingenuity by drawing out schemes on a sheet of paper, showing how easily difficulties may be overcome. They are but fighting the air. It is only when a Minister undertakes to propose such a plan standing at this box, and when every mind is directed to sifting the matter thoroughly, "bolting it to the bran," and working it out to all its conclusions, that the difficulties and dangers of such a project are fully developed. At the same time, I do not say that other Gentlemen may not see their way through these difficulties with which I am wholly unable to grapple. I entirely allow that this is a question which the hon. and learned Gentleman is entitled to raise and the House to deal with. I can only express strongly the deliberate conviction at which I have arrived, and from which I do not feel justified in departing; and as a person officially responsible for the finances of the country, I cannot admit what I conceive to be a dangerous popular delusion.

Mr. MALINS said, that as he belonged to the class of men who possessed precarious incomes, it was natural to suppose that on the first view of the subject he would support the proposition of his hon. and learned Friend the Member for Sheffield, but he felt that that Resolution involved the general question of graduated taxation, and he did not consider it possible to devise a mode of graduating the income tax. He belonged to a profession whose income was of all others the most precarious, and he had pointed out to an hon. Friend, a Member of the House, and of the same profession, though of a different branch of it, how dissimilar were their respective positions. In the case of a solicitor, if he was sick, his business went on without interruption by means of his clerks, and his income suffered little or nothing; whereas in the case of a gentleman practising at the bar, if he were unable to attend to his business through ill-health, every farthing of his income stopped for the time being. That was also the case with a numerous class of professional men—such as physicians, and so on. But if the principle of graduation were once admitted, there was no reason why it should not be applied to all the other direct and indirect taxes. Why, for example, should a man with a precarious income pay the same rate of duty on his tea as the man with a permanent income? The income tax produced, say, £10,000,000 sterling, and the other sources of revenue £60,000,000. If the principle of graduation was just and good, why were they not to extend it to the £60,000,000 as well as the £10,000,000? The fact was, the whole thing was impracticable, and the more they investigated the subject the more they would see the impossibility of carrying out that notion of perfect justice in matters of taxation as between different classes which some people had in their minds. If A obtained £5,000 a year from his trade or profession, and B only £500 a year from land, where would be the justice of relieving A, and not also relieving B from a higher scale of income tax? No human ingenuity could devise a scheme which should meet all cases, and there were many precarious incomes, such for instance as the incomes of bankers, solicitors, and others, which, although precarious in their nature, were almost as certain as the fixed income derivable from land, and the owners of which, if they died the next day, would transmit to their posterity their incomes with almost as much certainty as the landowner. He rejoiced to find the Chancellor of the Exchequer entering upon the path of reduction of the income tax, and he hoped that next year he would be able to continue in that course, for he believed, that if it were reduced to the rate of 6*d.* in the pound, the people would submit to it with cheerfulness, and continue to bear it as long as the exigencies of the State required. If they could not adapt the income tax to the means of every man, attempts to adapt it to a small section of the community would not bear the test of examination.

Mr. BASS said, that no one contended that it was possible to make the income tax absolutely just in geometrical proportions; but it was contended that they could get rid of palpable injustice, such as taxing property worth £1,000 at the same amount as property worth £30,000, or thirty years' purchase. He had heard, for the first time, the argument that they were bound to favour the landed interest on account of the social position which they had to maintain; and if it were a good argument, it should be carried further, and a less amount of tea and wine duty exacted from that class of the community. He thought, that by some such proposition as that of the hon. and learned Gentleman they could arrive at an approximation to justice in levying the income tax, which at present was absolutely unjust. As to the objection to discrimination, the right hon. Gentleman the Chancellor of the Exchequer already discriminated in favour of the lower class of incomes; and when it was said that the discrimination was founded upon tradition, he hardly thought the income tax had existed long enough to be entitled to claim a traditional solidity which forbad all change. He saw no difficulty as to mines on account of the uncertain value of mineral property, because in the rating of houses and lands a difference was every day made in favour of the former for that very reason. If they were willing to do justice in the matter of the income tax, nothing could be more easy. He would engage to give a scale of assessment of not more than two or three steps, which would be more satisfactory to the ratepayers, and produce more revenue to the Exchequer.

Amendment, by leave, *withdrawn.*

Mr. HUBBARD said, the House had on so many occasions granted him its indulgence, that however strong the provocation to join in the discussion raised by the hon. and learned Member for Sheffield, he had abstained from trespassing on their kindness. Having heard every possible plea against the adjustment of the income tax, and having offered, as he believed, a sufficient rejoinder to those pleas, he had nothing more to say upon the subject, save to express his belief that the time would come when his views would find acceptance in the House. The Motion of the hon. and learned Member for Sheffield being withdrawn, he might, without impropriety, now offer some remarks upon the financial statement of the Chancellor of the Exchequer. In presenting that statement to the House, the right hon. Gentleman confessed, with great frankness, that the main features of his plan, did not claim the merit of originality, and were only the reflex of public expectation. Those words, far from detracting, enhanced the merit of the right hon. Gentleman; for if anything could be satisfactory to the House, it must be to feel that they could place confidence in the discernment of the Minister of the Crown to fulfil anticipations which the public strongly desired. He heard without astonishment, and with great satisfaction, the announcement of those concessions which the right hon. Gentleman proposed to make. The concession of 2*d.* in the pound on the income tax was a gift which had been generally expected, and for which the right hon. Gentleman would be generally thanked. The reduction of 5*d.* in the duty on tea would afford a tangible relief on the cost of an essential commodity. Those imposts on trade, under which merchants had been suffering not without complaint, had been gracefully conceded, and thus ended those features of the Budget which were the subject of general expectation. Passing to those which were not expected, he must express his regret, that having relinquished a commercial grievance, the right hon. Gentleman had thought it worth while to invent a social annoyance in so small a matter as a tax for licences to sell wines and spirits in clubs. He understood the right hon. Gentleman to propose that tax in order to put clubs on an equality with taverns, ale-houses, and hotels, with which, as he said, they came into competition. He took a different view of the purpose and nature of clubs. They were not places where spirits and wines were sold as a matter of business for profit, and it was only by sales for profit that they could be deemed to come in competition with taverns and hotels. A club was the aggregate social establishment of those who were its members. The wine drunk at a club was drunk there instead of at home. It was wine which had been paid for by the members, and the bill was merely an accurate mode of distributing the charge for the future replenishment of the stock. He ventured to think that there was no affinity between a club and a public-house, and he trusted the Chancellor of the Exchequer would re-consider that portion of his plan, remembering that the interest on the money paid into the Exchequer by clubs as duty upon their wines far exceeded the amount of the imposts proposed to be placed upon them. The most important feature of the Budget was the re-adjustment of the tax on incomes between £60 and £200. If he had ever had any clients in the efforts which he had made to remove some of the inequalities of the income tax, they were certainly among those who would be relieved by the arrangement which the Chancellor of the Exchequer now proposed, and it was on record that he had proposed a plan of relief literally in matter and in mode the same as the right hon. Gentleman now asked the House to adopt. But, however gratified he might be to find his own wishes carried out in that respect, he was far from venturing to assume that the right hon. Gentleman, in taking that step, accepted the principle upon which he advocated it. The right hon. Gentleman, while abating £60 from the assessable incomes of small traders and small stipends, proposed the same abatement for incomes derived from permanent sources; and while thus escaping any complicity with the principle of concession to industrial earnings as such, the right hon. Gentleman had committed himself to some extent to the principle of a graduated income tax, against which he had hitherto always contended. Taking the proposed concession, however, in its effect upon industrial incomes, he felt most grateful for it, because it conferred on 280,000 out of 400,000 taxed under Schedule D and E the precise measure of relief he sought to obtain for them. The Chancellor of the Exchequer had now removed from those who were taxed up to £200 a year in Schedule D and E all pretence of complaint and all pretext for fraud; but what would be said for those with incomes above £200? A new point of temptation had been created, and at that point the inducement to falsify would be felt with redoubled force. Small incomes were not those in which fraud had been most flagrant. The cases in which fraud and misrepresentation existed in the most aggravated degree had reference to incomes considerably higher. In the last Report of the Commissioners of Inland Revenue a statewas made which would raise the most melancholy feelings, showing the discrepancy between the sums at which certain persons had returned their own profits, and the sums at which they were ultimately charged with income tax by the Inland Revenue officers. He would read to the House some of the most marked of these. Under Schedule D, one person who returned £400 was charged and paid on £1,500 without appeal; another who returned £750 paid on £1,600; another returned £800, and paid on £2,000; another returned £1,000, and paid on £3,000; another returned £2,200, and paid on £5,000; another returned £6,000, and paid on £10,000 without appeal. That was a melancholy exhibition of the fraud and misrepresentation which prevailed with reference to the higher incomes; yet with reference to incomes such as these no inducement was proposed, no measure taken which might lead to more truthful returns. He objected to that part of the financial scheme which related to the conversion of the savings bank monies into terminable annuities. When the question of the Post Office savings banks was under discussion, he had several times endeavoured to seize an opportunity of expressing his opinions on that point; but the Bill came on for discussion at half past twelve o'clock, when no one would be either heard or reported. But the right hon. Gentleman now proposed to take larger powers with regard to the funds of the savings banks in general.

Mr. AYRTON said, he rose to order. The Savings Banks Bill was among the Orders of the Day, and could not then be regularly discussed.

Mr. HUBBARD said, he was in the hands of the House; but in one of the most interesting portions of his Budget the right hon. Gentleman had pointed to that measure as a means of disposing of a certain portion of the revenue of the country, and he could not well discuss the Budget without touching on this question. It might safely be assumed that the savings banks deposits would increase with the increasing population and wealth of the country, and that the banks would require a constant accession of fresh investments. Terminable annuities were therefore most unsuitable investments for the savings banks, seeing that they every year restored a portion of the capital to be re-invested. Every one who was acquainted with business knew that nothing could be more costly than the constant buying and selling of funded securities, and especially for the Government, which never went into the money market except at a disadvantage. The right hon. Gentleman declared that terminable annuities were a most desirable security for the savings bank to hold with a view to the benefit of the public. He disputed that proposition, and he would give the House some idea of the history of terminable annuities, for they were not an institution of yesterday. Up to the introduction of the income tax terminable annuities were securities in considerable demand, but from 1842 the disposal of these annuities for terms of years became almost nominal. It was true that annuities for life were still disposed of to a small extent, old women always requiring annuities for life without much regard for the tax upon their capital, and about fifty or sixty thousand pounds' worth were still disposed of yearly; but annuities for terms of years, which formerly were sold to the extent of millions, were now almost entirely neglected. In 1857 they were sold to the extent of £400; in 1858, £1,800; in 1859, £1,200; in 1860, £2,506; in 1861, £500; and in 1862, £537. The creation of annuities terminable with years was practically annihilated by the operation of the income tax on the capital repaid. So much for the beneficial dealings in terminable annuities through the public market. Then, as to the loans for fortifications. The noble Lord at the head of the Government proposed to raise £10,000,000 by way of terminable annuities. [The Chancellor of the Exchequer: £2,000,000.] Ten million was the sum to be ultimately raised; and when a Bill was introduced to sanction the borrowing of two millions on terminable annuities, he (Mr. Hubbard) had assured the Government they would never effect such a loan. He now held in his hand a Return of monies (£2,070,000) raised under the Fortifications Loan Act at an interest of 3¾ per cent upon an issue of terminable annuities; but to whom were these annuities issued? They were disposed of, truly, but not in the open market, not on the Stock Exchange. The Chancellor of the Exchequer, for the Treasury, had sold them to the Chancellor of the Exchequer, for the savings banks, upon terms agreed between them. He had been much struck with the appeal of the Chancellor of the Exchequer to tradition in support of his attempt at graduation, and he had observed that in that as in other cases the right hon. Gentleman was willing to refer to tradition when it happened to be favourable to the proposal he was making, and he had on former occasions invoked the shade of Mr. Pitt to stand between him and some threatening assailant of his scheme of taxation. But is tradition always to be trusted? What was Mr. Pitt's authority upon the subject of a sinking fund? In 1786 Mr. Pitt introduced his Bill for establishing a sinking fund, and entreated that the "House would solemnly pledge itself not to listen to a proposal for the repeal of the law on any pretence whatever." No appeal could be more impressive than that which Mr. Pitt made for the maintenance of the sinking fund, which two years afterwards was found to be a delusion. That delusion, however, kept its hold upon the public mind for years, and as late as 1823 the House of Commons voted £5,000,000 for the sinking fund of that year. In 1828 the amount voted was reduced to £3,000,000; but in the following year the Vote was swept away altogether, and it was determined to apply only the actual surplus of revenue to the reduction of the National Debt. In 1855, when the Government proposed a loan of £16,000,000, one feature of the plan was a sinking fund of £1,000,000. That part of the project was met by a direct negative by the hon. and learned Member for Suffolk (Sir FitzRoy Kelly), and in the course of the debate Mr. Ricardo denounced the principle of finance which established a forced sinking fund in "the shape of terminable annuities." The present Chancellor of the Exchequer himself opposed the sinking fund clause upon the ground of the inexpediency of provisions of this nature: for if peace occurred, and there were a surplus, the clause would be unnecessary; if there were no surplus, the clause would be injurious. Under these circumstances, he hoped the Chancellor of the Exchequer would not persist in seeking the power of converting £5,000,000 of savings bank money into terminable annuities.

There was subject for congratulation in the right hon. Gentleman's expectation of a surplus, and he could not help remarking the earnestness of the appeal the right hon. Gentleman made that the House would not diminish that surplus. Seeing, however, the notice of the hon. Member for Dudley (Mr. Sheridan) on the paper for a reduction of the insurance duty, he thought that the appeal was made with a view to bind the House to a determination not to part with any portion of the surplus and so defeat the Motion he had referred to, but he had himself so strong a conviction of the justice, propriety, and expediency of a diminution of that tax that he confessed he was disappointed that its reduction had not been proposed in the Budget. He next came to the proposed tax on charities, which had been exempt from taxation hitherto. When he heard the description given by the right hon. Gentlemen of the charities which were no longer to be exempt from taxation, he could not but feel sensible, that although he elicited a cheer, he was not fairly depicting the origin and nature of these charitable endowments. The description which the right hon. Gentleman had given of the vanity of those who made charitable bequests, desiring to have their names painted up in big letters, and the selfishness of the administrators who feasted in the name of charity, was not at all true of either class. No doubt, there were some who were actuated by such motives, but he thought they were the smaller and less important portion, and that in a great and overwhelming proportion the charities of the country were the result of the gifts of liberal and Christian men determined to do good in their lifetime for their poorer fellow-creatures. He hoped the House would join in his request that the right hon. Gentleman would reconsider the subject, for such a tax must lead to serious distress and suffering. Which was to be the result of the imposition of this tax?

Were the participators in the charity to be deprived of a portion of its benefits, or were the generous men who felt how important was the continuance of the charities to provide from their own resources the necessary additional funds? As an illustration of the effect of the tax he might refer to the Patriotic Fund, of which, at the desire of its President, the illustrious and lamented Prince Consort, he had been from the beginning one of the auditors. That fund amounted to £1,500,000, and was devoted to the maintenance of the widows and the education of the orphans of the brave soldiers and sailors who fell in the Crimea. The revenue of the Patriotic Fund was £75,000 per annum, derived from various securities, and the expenditure came to the same amount. The whole of the prospective obligations of the Commissioners had been arranged so that they should be exactly met by the funds. If, however, the proposal of the Chancellor of the Exchequer were agreed to, it would entail a loss of £1,500 a year upon the annual interest of its property. But an important portion of its securities consisted of terminable annuities bought in the market or created for its convenience by the Chancellor of the Exchequer, and upon the capital annually realized in these annuities a further tax of £800 would be levied. From the entire property of the Patriotic Fund no less a sum than £50,000 would be taken, prospectively, by the repeal of this exemption, supposing the income tax to endure for a certain number of years. How was such a disastrous result to be remedied? How were the gentlemen, some of the highest in the country, who were appointed by that most excellent man the late Prince Consort to the management of the charity—how were they to frame their report? They must state to the Queen that the institution, in the formation of which she took so great an interest, and over which her Royal Consort presided with unwearied care and assiduity and unflinching solicitude for many years, had been mulcted by her Chancellor of the Exchequer to the extent of £50,000, and that they must consequently dismiss children from the schools, deprive widows of their pensions, or ask the Queen to allow subscriptions to be recommenced under her patronage for the purpose of restoring the amount so abstracted from the fund. He really must submit that charities were not fitting subjects for taxation, and that the operation of the proposed change, as illustrated in the case of the Patriotic Fund, could not be satisfactory to this House or to the country. He had now noticed most of the points in the financial statement of the Chancellor of the Exchequer; and if he were to draw a moral from this review, he should say, that with respect to the finances of the country, they had been too ready to yield their admiration and assent to measures remarkable chiefly for the startling novelty of their construction and for the intricacy of their operation, as to the practical working of which it would be difficult for the most experienced to draw anything like a certain conclusion. Now, his impression was, that the science of financial and fiscal legislation was the science which, of all others, needed a simple treatment. Truthfulness of expression and simplicity of action should be the essential requisites of the system of a Finance Minister. However able, ingenious, and eloquent a Chancellor of the Exchequer might be in the formation of a budget full of intricacy, and contrived upon a complicated system, he was sure he would find that in carrying out his schemes he had to deal with persons who, on this subject, were more knowing than himself, and that in the end, no matter what his ability might be, he would be the loser. In the concession of £60 from the taxation of the minor incomes the right hon. Gentleman had admitted an adjustment satisfactory to those who earned such incomes, and forming an admirable substratum for the further adjustment of the higher industrial incomes. He trusted, that until the period of that further adjustment arrived, the House would refrain from depriving the present unequal law of any of its few palliatives, and would not countenance the imposition of a tax upon the charities of the country.

Mr. MARSH said, he thought that the Chancellor of the Exchequer was extremely fortunate in being able to announce a considerable surplus, notwithstanding the distress existing in the country, the consecutive occurrence of three bad harvests, and the stop put to the profitable trade with the Southern States of America. As to the complaints which had been made of the proposals in the Budget, nothing was so easy as to find fault with taxation. They could not please everybody with taxes; and the right hon. Gentleman the Chancellor of the Exchequer laboured under very great difficulty. On the one side were those who wished to spend money, and on the other those who never wished to pay it. For his own part, he thought hon. Members would do far better if on nights of Committee of Supply they would allow the House to go at once into Supply, instead of bringing forward a number of small Motions, all tending to extravagance. With respect to taxation, however, what the Chancellor of the Exchequer had to consider was, how to get the most money into the Treasury with the least burden to the people. That would seem the simplest operation in the world ; but the fact was that people liked to be taxed insidiously, and would rather pay eighteenpence without knowing it than one shilling knowing it. The change made in regard to the tobacco duties he conceived to be a most decided benefit ; for the old duty of 9*s.* on manufactured tobacco operated altogether as a prohibitory duty in respect to the working classes. With regard to the remission in the tea duties, he somewhat lamented that his right hon. Friend should have sacrificed so large a sum as £1,600,000 a year without what he considered to be a corresponding benefit. The Journal of the Statistical Society showed that a Yorkshire labourer with five children would spend in tea about 17*s.* 4½*d.* in the year, buying about 3½ lbs. In that case he would save from the reduced duty of 5*d.* a pound, just 1*s.* 5½*d.* a year, and yet for that small saving to the labouring man the Chancellor of the Exchequer proposed to sacrifice a revenue of £1,600,000. The same labourer consumed during the year 1,085 lbs. of flour ; and if the 1*s.* duty per quarter on corn were abolished, he would save 2*s.* 9*d.* in the year, though by the latter remission the Chancellor of the Exchequer would only sacrifice £600,000. Thus, for the interests of the poor man, the abolition of the duty still remaining on corn, small as it was, would be more important than the reduction proposed in the tea duty. As to the income tax, they were, of course, all grateful for the 2*d.* in the pound which was to be taken off ; but he wished that his right hon. Friend had tried to make an adjustment, establishing a distinction between cases in which income was produced with or without risk to the capital producing it. He was glad to see the abolition of the trumpery tax on bills of lading; for that impost, though small, was troublesome, and trouble meant time and money. With regard to charities, he was sorry to differ from his hon. Friend opposite (Mr. Hubbard). It was right that they should be taxed. Some of them were founded many years ago by men, who, at that time, were in advance of their age ; but in process of time these charities became behind the age, and in many instances they were not only useless but positively hurtful. He wished his right hon. Friend had let the carriers go free. Much would not be got from them ; and sometimes in the country they kept up a wholesome competition with those great monopolies—the railways—in the conveyance of poor persons. On the whole, they might well congratulate themselves upon their financial prosperity when comparing it with that of foreign countries. Thus, the hard-headed men who operated on the Stock Exchange, and upon the foreign Bourses, placed this country at 93, while France was at 69, many other nations were nowhere, and America was not even upon their books. Whence, then, that great prosperity ? Australia and gold had been alluded to the other evening, but they would not account for it. Their exports to the Australian colonies were rather more than £10,000,000 a year, showing an increase of £7,000,000 within the last ten years ; but that was but a small part of the increase of the export trade as a whole. In 1847 the exports were only £58,000,000 ; they were at the present time £140,000,000 : so that the increase of the export trade to Australia was only about one-twelfth of the increased export trade taken together. But then gold was said to have something to do with their prosperity. He maintained that gold hitherto had had no appreciable effect on prices, and he believed that M. Chevallier, with whom he was well acquainted, had become a convert to that opinion. The real cause of all their prosperity was to be found in order and industry, both of which had been created and fostered by free trade.

The CHANCELLOR OF THE EXCHEQUER said, with regard to the remarks which had been made in the course of the debate upon some minor proposals, he believed it would be better to put off making any reply to them until the questions themselves came on for discussion in Committee. But with respect to what had been said on the subject of terminable annuities, he thought it would be in his power to show at the proper time that they involved the objectionable operation of the original sinking fund, which was open to this objection, that at one and the same time you bought stock and sold it. With regard to the subject of charities, the proposal of the Government was not as yet before the House; and when it was, he would venture to say that it could be shown that the case of the Patriotic Fund was totally beside the general question; nor was there any parallel to it in the whole range of the charities of the country.

Colonel SYKES said, he wished to call the attention of the right hon. Gentleman to the case of captains and of the army and navy lieutenants, whose incomes rarely exceeded £200 or £300 a year, and who were brought within the full operation of the income tax. The case of those gentlemen was entitled to the most favourable consideration of the Chancellor of the Exchequer. He regretted that the right hon. Gentleman proposed to tax the charities of the country.

Lord ROBERT CECIL inquired whether the charitable clauses would be included in the one tax Bill?

The CHANCELLOR of the EXCHEQUER said, they all belong to the Income Tax Act.

Main Question put, and *agreed to.*

Ways and Means *considered* in Committee.

(In the Committee.)

(3.) That, towards raising the Supply granted to Her Majesty, in lieu of the Duties of Customs now charged on Tea, the following Duties of Customs shall, on and after the 25th day of April 1863, until the 1st day of August 1864, be charged thereon on importation into Great Britain and Ireland, viz.—

Tea	the lb.	1*s*. 0*d*.

The CHANCELLOR of the EXCHEQUER said, he thought that probably it would not be thought necessary to discuss the Resolution further on that occasion, and therefore he should reserve any remarks to see whether he was right in his expectation.

Sir STAFFORD NORTHCOTE said, he wished to know whether the attention of the Chancellor of the Exchequer had been called to the complaint of certain tea dealers, who alleged that the right hon. Gentleman had in some former speech distinctly laid down the principle that it would be convenient for the tea duties to run from July to July? They alleged that sufficient notice had not been given to them of the proposed change; that they had supposed from that statement of the right hon. Gentleman that there was no occasion to diminish their stocks, and that they were taken by surprise by his present rapid proceeding. He did not express any opinion on the subject himself, but he wished to know whether the right hon. Gentleman admitted there had been any breach of faith on his part in the matter?

The CHANCELLOR of the EXCHEQUER said, that his attention had been called to the subject by a variety of letters which he had received from tea-dealers, who claimed the right to receive a drawback or to have some time allowed before the change came into operation. He could only say that the course he proposed to take was the usual one. Indeed, for many years there had been one uniform course, and he was not aware that they had ever postponed the reduction beyond the time when the Resolution was reported to the House. Certainly, for the last ten years there was nothing which formed a precedent for the claim now made. For himself, he entirely repudiated all intention of having given anything like the pledge supposed. In point of fact, when he made the speech referred to he was engaged in proposing a great number of reductions in Customs duties which he wished should take immediate effect. Formerly the duties used to be reserved from April to April, but the inconvenience of legislation to which that gave rise had led to the change. However cheerful a hope he might entertain that the benefit of the reduction in the tea duty would go to the consumer, it was absurd to suppose that in every country village and town the consumer would find the full reduction the day after the change took place. The dealer would get the best price he could, and the Government would be acting unjustly to the consumer if they yielded to any complaint such as this.

Mr. GREGSON said, that the stocks of the dealers in tea were never so low as at that moment. In fact, the dealers had prepared themselves for the proposed change.

Mr. DARBY GRIFFITH said, he was sorry to see, by the Resolution, that the 1*s*. duty would cease in August, 1864. He did not suppose that any Chancellor of the Exchequer would propose to go back to the high duty, but why limit the term? It would leave the door open so as to allow the Chancellor of the Exchequer to be tempted, if some emergency occurred, to re-impose the high duty.

The CHANCELLOR of the EXCHEQUER said, the 1*s*. duty was proposed as a defined settlement, so to speak, of the question. The term of August, 1864, had been fixed as the period for considering whether that amount should be kept as an annual duty. The House might then consider the duty on tea in connection with that on sugar.

Resolution *agreed to.*

(4.) That, towards raising the Supply granted to Her Majesty, the Duties and Drawbacks of Customs now charged and allowed on the articles undermentioned shall continue to be levied, charged, and allowed, on and after the 1st day of July 1863, until the 1st day of August 1864, on Importation into Great Britain and Ireland, or on Exportation thereof to Foreign parts, or on removal thereof to the Isle of Man for consumption therein, or on deposit thereof in any approved warehouse, upon such terms and subject to such regulations as the Commissioners of Customs may direct, for delivery therefrom as Ships' Stores only, or for the purpose of sweetening British Spirits in Bond, viz :—

Sugar, as denominated in the Tariff.
Molasses.
Almonds, paste of.
Cherries, dried.
Comfits, dry.
Confectionery.
Ginger, preserved.
Marmalade.
Plums, preserved in Sugar.
Succades, including all Fruits and Vegetables preserved in Sugar, not otherwise enumerated.

Mr. LINDSAY said, he wished to offer some observations on the mode of charging the sugar duties. It was exceedingly complicated and troublesome, and led to incessant alteration. Moreover, so long as a high differential duty was placed on the best description of sugar it was the interest of the sugar-grower to produce, not that description of sugar, but one of an inferior kind, on which a lower duty was paid. If these differential duties were levied at all, they ought to be levied in such a manner as to encourage the grower to produce the best quality of sugar. At that moment there was a conference sitting at Paris on this subject, endeavouring to arrange some more equitable mode of levying such duties. The duty received last year from the two higher classes of sugars was £291,000. But from that was to be deducted £184,000, the drawback for exportation; so that out of the £6,000,000 Customs duties received last year, only £107,000 was from the two higher classes of sugars. It was his conviction, that if there was a uniform duty on all sugars, the effect would be to enormously increase the supply, while the sugar-producers in all parts of the world would endeavour to produce the best article. There would be a waste in refining of about 10 per cent, so that, supposing the duty was 15*s.* per cwt., the loss under that head would amount to 1*s.* 6*d.* per cwt. The foreigner, who was allowed to refine in bond, would therefore have an advantage of 1*s.* 6*d.* per cwt. over the refiner of this country; but the refiner, say in Hamburg, would be subjected to freight and other charges, which would amount to a sum that would something like balance the loss of 1*s.* 6*d.* sustained by the Englishman. Again, the sugar came over in hogsheads, casks, and bags; every one of which (sometimes as many as 20,000 in a single ship) were examined with the standards kept in the Secretary's office. That practice occasioned great delay and expense to the revenue. He asked, then, why were these differential duties retained? Serious objections to equalization of the duty were no doubt made by Sir Thomas Fremantle and others before the Committee of last year—such as the frauds upon the revenue, the interruption to trade, and so forth. But it was not worth the while of the established firms to defraud the revenue; and as to the injury that would be occasioned to trade, he (Mr. Lindsay) did not see why the home refiner should not be able to refine at the same cost as the refiner abroad. And why should not sugar be refined in bond? There was no doubt that the consumption of sugar was enormously on the increase; and the loss on the equalization of the duties would be more than compensated for by the increased demand. If it was once for all known that protection was withdrawn, he had no doubt that the sugar-refiners in the country would find out the means of refining sugar in bond without risk to the revenue.

Mr. CAVE said, he had hoped, that for that Session at least, they would have been spared a debate upon the sugar duties. As Chairman of the West India Committee, and therefore representing a very large number of those who were interested in the question, he should, of course, have been better pleased if the right hon. Gentleman the Chancellor of the Exchequer could have reduced the duties on sugar. It seemed hard, that after illuminating for the peace seven years ago, they should still be paying the war duty. It seemed to them that the very large stocks now in bond, the unreasonable amount of the tax in proportion to the present value of the article, and the great variety of uses to which sugar might be applied, constituted a fair claim to consideration; but he felt that the Conference now being held on the Continent was too good an excuse for a Chancellor of the Exchequer naturally anxious to retain so productive a duty. And he was by no means jealous of his hon. Friends the Members for Lancaster and Brighton, though he thought they hardly deserved their success, after having on a previous occasion thrown over tea in favour of paper. But as his hon. Friend the Member for Sunderland (Mr. Lindsay) had thought proper to bring up the subject, and attack the Report of the Select Committee of last year, it might be deemed excusable in him, who took an active part in that inquiry and cordially concurred in that Report, to say a few words in reply, though he could not hope to do justice to so wide a subject, and one so little fit for debate. The House would remember that last Session his hon. Friend the Member for the City (Mr. Crawford), who represented the interests which were dissatisfied with the present classification of the sugar duties, moved for a Committee to inquire into the whole subject. On the part of the West Indians he offered no opposition. The Committee was granted; and as his hon. Friend had naturally the chief voice in its selection, he presumed it might be taken to have been not unfavourably constituted in regard to his case. He had also a Chairman who might be said to have been committed to his view of the question. The Committee sat more than two months, asked more than 6,000 questions, and, after an inquiry which, he was sure his hon. Friend would be the first to acknowledge, was carried on with the greatest fairness and patience by Chairman and Committee, they reported, by a large majority at least, in favour of an extension of the classification. The question, however, had not been suffered to rest there. One of the witnesses, who happened, he understood, to have peculiar facilities for circulating his opinions through the press and in other ways, occupied the whole winter with great perseverance in attacking the Report; and, by putting forward the evidence on his own side and withholding that on the other, he probably made some impression. Hence the crop of Petitions which had been plentifully garnered into the bags at the table, the value of which had been somewhat impaired by the significant asterisk attached to them by the Committee of Petitions' showing, that though from remote corners of the kingdom, they were all suspiciously alike. That agitation naturally provoked retort, and the usual amount of pamphlets on both sides followed, some showing great ability, arguments drawn from which he had recognised in his hon. Friend's speech, for he had not the same practical acquaintance with sugar which he undoubtedly had with sugar questions. What was it his hon. Friend complained of? He said that the present mode of levying duties was contrary to the principles of free trade, that it gave a premium to bad sugar, and therefore obliged the consumer to put up with a worse article than he would otherwise have; that it protected one producer agaist another, and so on. A great deal of that error, for such he believed it to be, arose from confusion of terms. To those who objected to *ad valorem* duties, it seemed at first sight wrong to tax good sugar higher than bad sugar. But good and bad sugar were really misnomers. The writer of one pamphlet called it sugar "more or less highly manufactured;" that was a better description, but still it did not convey the actual fact, which was that a great deal which was commonly called sugar was not sugar at all, that real sugar was nearly of one quality and value, and was, or was intended to be, taxed alike. The only sugar properly so called was pure white sugar. Everything else was sugar and something besides; and though it might be —which he did not admit—contrary to free trade to tax two sorts of sugar differently, it could not be so to tax sugar differently from sugar in combination with something which was not sugar. That principle was adopted without any such objections in the case of the wine and spirit duties, in which a certain strength of alcohol was the standard, and the article was less and less taxed as it was more and more mixed. So again cocoa in husk was more lightly taxed than cocoa without the husk; and the stalks, water, and sand in tobacco were the other day, in a Bill to which he understood the hon. Gentleman the Member for the City to assent, deemed entitled to a remission of the duty charged on the dry leaf. Tea and coffee differed in quality; they were not combined with foreign substances. Difference of duty in such case would be *ad valorem*, which that on sugar was not; convertibility or inconvertibility would be the test. His hon. Friend complained of protection. There was protection, but it was to the higher qualities of sugar. The Committee found that the lower qualities paid a heavier duty in proportion to the real sugar contained in them than the higher, and that, in consequence, a great deal of what is called "concrete" and "melado," the simplest preparations of the cane, was excluded from the markets of this country by the duty. They therefore recommended that the duty should be more fairly assessed, in order to bring in every kind of produce. The true principle of a duty, as he imagined, was to place all producers in the same relation to each other as if there was no duty at all. Surely that would not be done by taxing the jaggery of India, which contained about 45 per cent of sugar, with the best produce of the slave labour of Cuba, which contained, perhaps, 90 per cent. The native agriculturist (the ryot) of India and the free negro of Jamaica, who cleared a few acres of jungle or forest and planted his sugar-canes, was it not mockery to talk to him about animal charcoal and vacuum pans? If there was no duty on sugar, he would increase our supply to a great extent with the rude produce which his hon. Friend would prohibit altogether. The average price of sugar paying higher duties amply compensated for the difference of duty. Those who tried to gain every advantage by going as near the line as possible sometimes made a mistake and suffered heavily. The weather, the voyage, and other causes might throw them out in their calculations. Again, the complaints of those who said that refining abroad—in India, for instance—did not pay, might be correct; but the reason was not in the duty, but in their inability to compete with the skilled labour, machinery, fuel, &c., of the English refiner. Besides, the voyage spoiled their sugar, and made it suffer in appearance in comparison with refiners' produce—which went immediately into consumption. The beautiful appearance of different qualities of sugar sent out by the refiner, who could imitate any colour or quality preferred, had changed people's taste, and thrown a large quantity of what was formerly grocery sugar out of direct consumption, and given rise to the erroneous impression that there was less good grocery sugar than formerly, the fact being that what used to be sold to grocers was now sold to refiners. There was no argument in favour of two duties—that is, on refined and unrefined sugar—that was not equally strong in favour of one only, the effect of which would be that none but refined sugar would be imported, the trade of the English refiner would be destroyed, the price of sugar increased, the enormous consumption of 37 lb. a head fall off, and the revenue suffer. If the classification were not retained, the only fair alternatives would be no duty at all, or refining in bond. He had that evening presented a petition from importers and workers of 54,000 tons of sugar in favour of classification. He believed it to be the fairest method; it worked well, and the complaints of difficulty and inconvenience were very inconsiderable. The fact that the authors of the system were Sir Robert Peel, Mr. Wilson, and the present Chancellor of the Exchequer, and the date of its origin in 1845, precluded the possibility of any protection being intended, and he could not do better than close with the words of the present Chancellor of the Exchequer, spoken by him in 1854, when repelling a similar attack to the present—

> "There were difficulties to be encountered, but they were as nothing compared with the enormous inequality and injustice which would be done by refusing to admit classification."

Mr. CRAWFORD said, although he had been a Member of the Committee of last Session, he must confess he was one of those who felt dissatisfied with the present system of classifying sugars. He did not, however, think that that was a favourable opportunity for discussing the question. He should very much prefer to see that treated, not as a Budget question, but as a matter by itself. Moreover, it was only fair, that pending the inquiries of the Commission in Paris, the present sugar duties should remain unaltered. With respect to the constitution of the Committee, to which reference had been made, he was bound to state that he had taken the utmost pains to secure a representation of all the different interests; and as that in which he felt interested was only one of these, it was evident that it must have been in a minority on the Committee.

Mr. CAVE observed, that he had not intended to impute any unfair practice to the hon. Member.

Mr. CRAWFORD said, that he was not less impressed than ever he had been with the truth of the principle for which he contended, or less hopeful with regard to its ultimate success. At one time he had proposed, as a sort of compromise, a scheme of two duties; but, like all compromises, it had failed. The only true principle on which the sugar duties could be adjusted was a single duty, and to that they would ultimately come.

Mr. CRUM-EWING said, he believed that a uniform rate of duty, accompanied by a power of refining in bond, would be a great benefit to the consumer.

Mr. GREGSON said, he also advocated the adoption of a uniform rate of duty, which would have the effect of securing supplies of the best instead of the worst kinds of sugar.

The CHANCELLOR of the EXCHEQUER said, he was glad to find that the general opinion of the Committee was that the Government had acted wisely in not entering into the discussion on the various rates of sugar duties at a time when they could not submit any actual proposal to Parliament. With regard to refining in bond, the opinion of the Committee last year, and of all sections of the witnesses, including revenue officers and persons engaged in the trade from all parts, was against refining in bond; consequently of that solution they were deprived. Of course, it was the duty of a Government to keep itself open to conviction until the time came when they could make a proposal to Parliament; but after due reflection and investigation he was not prepared to retract the opinion expressed in the quotation from a speech of his which had been read by the hon. Member opposite. As to a sole and single duty, it must include refined sugar upwards, or the principle would be interfered with. But it must also include molasses downwards, and that article would be practically prohibited at a duty equal to that on refined sugar. It had been said that the present scale of duties gave a premium on the admission of the inferior article. If that assertion were true, it was conclusive against the present system, but the hon. Member opposite (Mr. Cave) had declared that the quantity of saccharine matter contained in sugar of a given weight was more highly taxed when the quality of the sugar was low than when it was high. If that statement was correct, then it was not true that a premium was given upon the admission of inferior sugar, but rather the contrary. However that might be, the question was one that would, no doubt, be more fully and satisfactorily discussed upon another occasion.

Sir MINTO FARQUHAR remarked, that what both sugar-growers and sugar-consumers desired, was that the war duties imposed upon the article should be removed.

Mr. Crawford

Mr. CARDWELL said, that having gone into the Committee with most dispassionate views, he was of opinion that the conclusion arrived at was the correct one. It was impossible to fix a single duty, because that would act as a prohibition upon low sugars, and as protection for others; and, it not being possible to adopt a graduated scale, it only remained to continue the present system of duties.

Resolution *agreed to.*

(5.) That, towards raising the Supply granted to Her Majesty, there shall be charged, collected, and paid for one year, commencing on the 6th day of April 1863, for and in respect of all Property, Profits, and Gains mentioned or described as chargeable in the Act passed in the 16th and 17th years of Her Majesty's reign, chapter 34, for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, the following Rates and Duties (that is to say):

For every twenty shillings of the annual value or amount of all such Property, Profits, and Gains (except those chargeable under Schedule (B) of the said Act), the Rate or Duty of 7*d.*

And

For and in respect of the occupation of Lands, Tenements, Hereditaments, and Heritages chargeable under Schedule (B) of the said Act, for every twenty shillings of the annual value thereof,

In England, the Rate or Duty of 3½*d.*, and

In Scotland and Ireland respectively, the Rate or Duty of 2½*d.*

Subject to the provisions contained in the 28th section of the said Act for the exemption of Persons whose whole Income from every source shall be less than £100 a year.

Mr. HUNT said, he hoped the Chancellor of the Exchequer would give them some information in respect to the deduction of £60 he proposed to allow to all incomes under £200. The right hon. Gentleman had never stated why he fixed upon the precise sum. He (Mr. Hunt) took it that the right hon. Gentleman regarded that sum as representing the amount requisite to purchase the bare necessaries of life for a family. He was, however, at a loss to know why the right hon. Gentleman stopped at £200 a year for that reduction. He thought that he ought to go somewhat higher in allowing the reduction. He found that the incomes under £200 a year, under Schedules D and E, amounted to 268,144, and that those receiving higher incomes amounted to 111,207, showing at once the reason why the Chancellor of the Exchequer should have the great majority of complaints from the class of smaller incomes. The allowance at 7*d.* upon £60 was 35*s.*, which, upon incomes under £200 would entail a loss to the revenue of £469,252, and upon incomes above £200 the loss would be £194,613. He had no data to show him what the loss would be to the revenue, if this deduction were to be applied to incomes of £250 or £300. Perhaps the right hon. Gentleman would be able to inform the Committee.

Mr. PULLER said, he wished to know whether the occupier of a farm exceeding £200 a year rental, supposing he had no other source of income, would be allowed to deduct from his real income £60 a year?

The CHANCELLOR of the EXCHEQUER said, it was his intention to place the farmer precisely in the same position as any other person with respect to deductions, the peculiar assessment applying to them being only a convenient mode of ascertaining the extent of their incomes. In answer to the hon. Gentleman opposite (Mr. Hunt), he might state that all the information in his power would be laid before the House at a future stage of the proposal under discussion. In reference to the proposal which the hon. Gentleman himself seem disposed to make, he must observe that it was one which he should feel bound to resist. It was most unadvisable to encourage all persons of considerable income, who were a large number altogether, to apply at Somerset House, to have each some £2 returned to them. It would cost them some £200,000 or £300,000 a year.

Mr. HENLEY said, he hoped the right hon. Gentleman would reconsider that part of his scheme in which he proposed to do away with the exemptions on charities with reference to the case of many persons who received payments under that head. In several grammar schools, for instance, the trustees of a charity paid the salary of a master to the extent of £100 or £150 a year. Now, suppose that master were to take boarders, and were thus to increase his income to an amount above £200 a year, he did not see how, under the operation of the scheme of the right hon. Gentleman, he could escape paying income tax twice over. There would be a deduction, in the first place, on the payment of the money from the land on which it was raised, while the master would again be taxed on his increased income. That was a point which, he thought, was worthy the consideration of the Government. He supposed he might add that a charity whose income was under £100 a year would be exempt from income tax altogether; and that if the income exceeded £100, but was under £200, it would be allowed the deduction of £60. If it were otherwise, a charity would be placed on a worse footing than an individual person.

The CHANCELLOR of the EXCHEQUER said, that he did not look upon charities as persons. He did not see that a charity had any analogy whatever to a person, and therefore would not be treated as such. So far as the smaller charities, which imposed a great deal of trouble and expense on the State, were concerned, he was of opinion that it was upon them it was most fair that the tax should fall. It was not the intention of the Government, he might add, that the income tax should, under any circumstances, be paid twice over.

Mr. HENLEY said, that it appeared, according to the Chancellor of the Exchequer's benevolent views, that the smaller the charities the more strongly did the principle of taxation apply to them, because they occasioned so much trouble. When they had the Bill before them, he (Mr. Henley) would submit this question to the consideration of the right hon. Gentleman and the House—namely, how far it was just as the Charity Commissioners were forcing all charities to regulate their affairs, that the trustees should be brought under the obligation to pay upon the distribution of those small charities for the current year without any right to deductions. He thought that such an obligation was a great hardship. Those charities did not, like the Chancellor of the Exchequer, possess large balances in hand, and had frequently great difficulty in making both ends meet; and if the right hon. Gentleman were to put his claw into the dish, as he proposed, he would be subjecting them to a great burden.

The CHANCELLOR of the EXCHEQUER said, the charities in question were not by any means a special object of taxation, nor had he intimated that he intended they should be so. All he had contended for was that the argument in favour of the proposal which he made was even stronger in their case than in that of other charities. He was, he might add, disposed to put his claws into their till, not their dish.

Mr. Alderman SALOMONS said, he would put the case of the annuitants of a charity receiving £8 or £9 a year, and would ask by what means their receipts were to be dealt with with respect to deductions?

THE CHANCELLOR OF THE EXCHEQUER said, that arrangements, as now frequently happened in similar instances, would be made with the charity itself.

MR. CRAWFORD said, he wished to ask whether small parochial charities left for the benefit of the poor would be subject to income tax?

THE CHANCELLOR OF THE EXCHEQUER said, that where it could be held that the charity went in aid of the ratepayers it was already liable to the tax, and the smallness of the charity would not, under the proposal he made, exempt it from the tax.

SIR STAFFORD NORTHCOTE said, the proposals of the right hon. Gentleman could be more conveniently discussed when the Bill in which they were embodied came before the House. He must not, however, in assenting to the Resolution, be held as committing himself to the provisions of the Bill.

THE CHANCELLOR OF THE EXCHEQUER said, he would promise that ample opportunity for the discussion of those provisions at the proper stage should be afforded.

MR. LYGON observed, that the Committee were asked to assent to a Resolution which contained no reference to the proposed exemptions. He wished to know in what form the questions of those exemptions would be raised. He wished to know what was the amount which would be derived from the non-exemption of these charities. He believed he was right in saying that nine-tenths of the charities belonged to the Church of England, and that was a signal proof of the benefit conferred on the Church of England by the right hon. Gentleman.

THE CHANCELLOR OF THE EXCHEQUER said, the hon. Gentleman would excuse him if he made no reply to the last observation. As to the amount to be derived from the abolition of the exemption, he estimated it at about £100,000 a year. There would be ample opportunities of discussing the question on the clauses of the Bill.

MR. AYRTON said, he understood that these charities were nothing more than trusts, for the benefit of persons among whom the funds were distributed. In ordinary cases the trustees paid the income tax, and the *cestui que* trusts, if their incomes were less than £100, had the amount returned to them. As he understood, that would still be done. In the case of railway companies the directors deducted the income tax from the dividends, and any shareholder whose total income was less than £100, obtained a return of the amount so deducted. Charities, like railway companies, were corporations, and their aggregate revenue did not affect individual exemptions. If that were so, the proposition to tax charities came to nothing, and would add nothing to the revenue.

MR. SELWYN said, that charities might be conveniently divided into three classes. One class had been referred to, and an illustration of that class was to be found in the Sons of the Clergy, where a large fund was distributed among a great many recipients, of £10 or £15 a year. He could scarcely imagine that it was proposed to tax them. The second class included almshouses, where part was given in goods and part in money. By the present law the income tax was first paid, and then returned, upon showing that no single person received £100 a year. The third class included hospitals, where all the benefit was in goods, and no one received anything like £100 a year. He wished to know whether the Chancellor of the Exchequer intended to include in the withdrawal of exemption either or all of these classes?

THE CHANCELLOR OF THE EXCHEQUER said, he thought he had made his meaning clear, and he was reluctant to restate what he had before said on the subject. The tax would be levied in the gross, but those recipients whose incomes did not amount to £100 would be entitled to a return of the money, because otherwise they would be more harshly dealt with than other persons in a similar position. In no case would a double tax be imposed. For further explanations he hoped hon. Members would wait until the clauses had been printed.

MR. HENLEY said, he understood that trustees who received £100 a year were to pay the tax, but that the money was to be returned to the recipients. He wanted to know how ten poor people, who got £10 a year each, and who, probably, could neither read nor write, were to get the amount of the tax back again. It seemed to him that under the change proposed by the Chancellor of the Exchequer the labours of Somerset House would be largely increased.

THE CHANCELLOR OF THE EXCHEQUER said, the right hon. Gentleman had misunderstood him. In such a case as the one supposed the business of returning the money would be settled with the charity, and not with the individual recipients.

Mr. T. BARING said, he assumed that the trustees would be taxed on the gross incomes of their charities, and that no second demand would be made upon the recipients. But there must be a deduction from the payments made to the recipients, because the trustees would have less at their disposal; and although the recipients would not be taxed twice, yet they would be taxed once, though their incomes might not amount to £100. The tax might be levied upon the charity as a whole, but it would really fall upon the individual recipients.

The CHANCELLOR of the EXCHEQUER said, the hon. Member was in error. He had already stated that no double tax would be imposed in any case, and he had now to add, that where a single tax had been levied upon a charity, the recipients whose incomes did not amount to £100, would be entitled to have the money returned. In those cases the return would be made, not to each individual recipient, but in the gross. It was also intended to provide that charities should not be entitled to deduct the amount of the tax from the doles or stipends payable to their objects when they had a residue of other funds from which the tax could be paid.

Resolution *agreed to.*

Sir STAFFORD NORTHCOTE said, he wished to ask the Chancellor of the Exchequer whether he intended to go on with the remaining Resolutions?

The CHANCELLOR of the EXCHEQUER replied in the affirmative. There was one of them especially on which he wished to give some explanations.

Mr. AYRTON said, it was past midnight, and he would appeal to the Committee whether it would be consistent with propriety at so late an hour to enter upon the discussion of Resolutions which were opposed.

The CHANCELLOR of the EXCHEQUER said, he did not propose to go on with Resolutions to which opposition was to be offered, but he thought it would be for the convenience of hon. Members that he should be allowed at once to explain certain auxiliary provisions which did not appear on the paper.

Sir JAMES FERGUSSON said, he thought no further progress should be made that night. Owing to a recent change in the mode of dealing with financial business, the effect of passing the Resolutions *sub silentio* would be to deprive the House of one important stage for discussion. It was most important to the large railway companies that due time should be given to point out to the right hon. Gentleman how, as they thought, their interests would be injuriously affected, and how the travelling public would suffer by the change proposed.

Mr. THOMPSON said, that if he offered no opposition to the Resolution affecting railways that night, he wished to be understood as not conceding the principle of the right hon. Gentleman's proposal.

Sir PATRICK O'BRIEN said, he wished to reserve his right to object hereafter to the principle of the resolution relating to charitable legacies in Ireland.

The CHAIRMAN would remind the Committee that there was no question before it.

Mr. LYGON said, he should protest against the doctrine of passing such important Resolutions *pro formâ*, without any adequate advantage to the public, especially, too, at a time when the other business which the Government had to submit to the House was not of a character to demand any lengthened discussion, or a protracted Session. He would suggest that the right hon. Gentleman should postpone Resolutions 6, 7, 8, 9, and 10. The House ought not to abandon its privileges, and he would feel it his duty to move that the Chairman report Progress.

Motion made, and Question proposed, "That the Chairman do report these Resolutions to the House."

Sir STAFFORD NORTHCOTE said, he would put it to the Chancellor of the Exchequer whether it was possible to go on with the Resolutions that night. They could not be passed *pro formâ*; and as they referred to questions which were new, they required a good deal of discussion.

The CHANCELLOR of the EXCHEQUER said, it was a very common thing to assent to Resolutions of the kind, the House reserving its judgment on the matter until it had before it the Bill, which in that case it was desirable to introduce as soon as possible. He did not, however, propose to proceed that night with any

Resolution to which real objection was taken.

SIR WILLIAM JOLLIFFE said, he did not desire to delay the passing of the Resolutions, but it was absolutely necessary that the consideration of some of them should be adjourned till a future day.

THE CHANCELLOR OF THE EXCHEQUER said, he would not resist the reporting of progress.

Motion, by leave, *withdrawn.*

The following Resolutions were then *agreed to :—*

(6.) That, towards making good the Supply granted to Her Majesty, the sum of £20,000,000 be granted, out of the Consolidated Fund of the the United Kingdom of Great Britain and Ireland.

(7.) That, towards making good the Supply granted to Her Majesty, the Commissioners of Her Majesty's Treasury be authorized to raise any sum of money not exceeding One Million Sterling, by an issue of Exchequer Bonds.

(8.) That the principal of all Exchequer Bonds which may be so issued, shall be paid off at par, at any period not exceeding six years from the date of such Bonds.

(9.) That the Interest of such Exchequer Bonds shall be payable half-yearly, and shall be charged upon and issued out of the Consolidated Fund of the United Kingdom, or the growing Produce thereof.

House *resumed.*

Resolutions to be reported *To-morrow ;* Committee to sit again *To-morrow.*

VACCINATION (IRELAND) BILL.

[BILL 70.]

SECOND READING. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [23rd March], "That the Bill be now read a second time."

Question again proposed.

Debate *resumed.*

LORD NAAS said, that since the last discussion on the subject he had made it his business to inquire into the facts, and he found that the number of cases in Ireland had not increased. He thought the Bill would have the effect of preventing the increase of Vaccination in Ireland ; and that it would lead to the people having recourse to the old and pernicious system of inoculation. The Bill, therefore, would not carry out the object it was intended to accomplish. There were also cases in which it would be dangerous to vaccinate children within a certain fixed time, and in such instances it would be most unfair to subject the parents to a penalty for not having their children vaccinated. The measure would also interfere with the operation of the Births Registration Bill which had just been passed, as persons would avoid registering the births of their children, because by so doing they would bring themselves under the operation of this Bill.

MR. VANCE complained of the increased expense the Bill would impose on the Poor Law funds.

MR. DAWSON said, he had just returned from Ireland, and he had found there that the feeling of the people and of the boards of guardians were in favour of the Bill.

SIR PATRICK O'BRIEN said, he should support the Bill. The views of hon. Members might be carried out by alterations in Committee.

MR. WHITESIDE referred to a Report of the Royal Jennerian and London Vaccine Institution, condemning a system of compulsory vaccination, and moved that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

SIR ROBERT PEEL said, the object of the Bill was to extend to Ireland that system of compulsory vaccination which prevailed in almost every country in Europe except Scotland. He had received communications from numerous boards of guardians in Ireland in favour of the Bill, and among others from the nine most populous unions. The cost of the measure—1-20th part of a farthing on the total valuation of Ireland, would be an infinitesimal price to pay for what would be a great boon to the country. At present, the births amounted to about 200,000 a year, while, on the other hand, the number of vaccinations, which was 107,000 in 1860, had fallen to 87,000 in 1862. He therefore hoped the House would allow him to pass the second reading. When in Committee he would be able to show that its provisions were calculated to effect much good.

MR. WHITESIDE said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Tuesday* next.

JUDGMENTS LAW AMENDMENT (IRELAND) BILL [Mr. Whiteside]—[Bill 71.]

SECOND READING.

Order for Second Reading read.

Mr. **BUTT** protested against a Bill of this important character being proceeded with at that late hour.

Second Reading *deferred* till *Monday* next.

POISONED GRAIN PROHIBITION BILL.

On Motion of Mr. Paull, Bill to prohibit the sale and use of Poisoned Grain in certain cases, *ordered* to be brought in by Mr. Paull, Mr. Sclater-Booth, and Mr. Walter.

Bill *presented*, and read 1°. [Bill 90.]

House adjourned at half after One o'clock.

HOUSE OF LORDS,

Friday, *April* 24, 1863.

MINUTES.]—*Sat First in Parliament*—The Earl of Cottenham, after the death of his Brother.

Select Committee — *Report* — on Metropolitan Railway Communication, *Second Report* [*P.P.* 70] and *Evidence.*

Public Bills—*Second Reading*— Qualification for Offices Abolition (No. 31), *negatived;* New Zealand Boundaries [h.l.] (No. 73); Offences (South Africa) [h.l.] (No. 74]; Leases and Sales of Settled Estates Act Amendment [h.l.] (No. 42.); Trustees (Scotland) Act Amendment (No. 53].

Committee—Office of Secretary-at-War Abolition (No. 71); Dockyards Protection Act Amendment [h.l.] (No. 66).

UNITED STATES — SEIZURE OF BRITISH SHIPS WITH MAIL-BAGS.

QUESTION. EXPLANATION.

Lord **REDESDALE** said, their Lordships would no doubt recollect that last evening he put a question to the noble Earl at the head of the Foreign Office with reference to an expression as to the claim of the United States over foreign mail-bags, which he thought the noble Earl had misunderstood. On looking over the reports contained in the papers that morning, he found that the extract from Mr. Seward's note of August 8, 1862, which the noble Earl had referred to, was in these words—

> "And, finally, that official seals, or locks, or fastenings, or foreign authorities are in no case, nor on any pretext, to be broken, or parcels covered by them read by any naval authorities of the United States; but all bags or other things conveying such parcels and duly sealed or fastened by foreign authorities will be, in the discretion of the United States officer to whom they may come, delivered to the Consul, commanding naval officer, or Legation of the foreign Government, to be opened, upon the understanding that whatever is contraband or important as evidence concerning the character of a captured vessel will be remitted to the Prize Court or to the Secretary of State at Washington; or such sealed bags or parcels may be at once forwarded to this department, to the end that the proper authorities of the foreign Government may receive the same without delay."

He understood the noble Earl to express himself satisfied with that statement from Mr. Seward. He confessed that on reading that statement it appeared to him that it required the Consul, or whoever the authority might be who received the bags, to open them and to see whether any correspondence was to be found in them disclosing the character of the captured vessel. That seemed a demand on the part of the United States, or of any Government, which could scarcely be justly or properly supported. At all events, he wished to know, Whether it was the opinion of the noble Earl and of the Law Advisers of the Crown—whose opinion no doubt had been taken—that the United States authorities were justified in demanding, that when their vessels took a ship, the sealed mail-bags found in her were to be delivered up for search, to see whether they contained any correspondence throwing light upon the character of the captured vessel?

Earl **RUSSELL** was understood to say, that the directions referred to came, in his opinion, within the terms of the decisions of Lord Stowell in relation to this question, and that the authorities of the United States had a right to require that any letters or papers found on board a captured vessel should be examined in order to see whether there was anything which would be evidence to condemn the vessel as prize.

The Earl of **DERBY** wished to ask the noble Earl whether this was really the doctrine to which he gave his assent—that when a vessel was taken on suspicion, the sealed mail-bags which she carried were to be handed over to the British Consul, and that the British Consul was to undertake the duty of opening them and of searching through the correspondence, for the purpose of procuring evidence for the service of the United States Government, and handing the evidence so procured to the United States Prize Court. He wished to know whether that was a doctrine to which the noble Earl assented on the part of Her Majesty's Government. He confessed he had heard with surprise the noble Earl apparently acquiesce in the doctrine laid down by the United States Government, and he should certainly hear with much more surprise that Her Majesty's Government gave their adhesion to such a doctrine.

THE MARQUESS OF CLANRICARDE said, that this question seemed to him of such great importance, and had been so little considered, that he thought the noble Earl the Foreign Secretary should take time to consider the matter before giving an answer. He would suggest that the noble Earl should give an answer on Monday next. He had not had an opportunity of referring to the best authorities on international law on the subject; but though there might be nothing in reference to this point in the older authorities, yet, possibly, in later authorities some *dictum* or opinion had been laid down which might, perhaps, be allowed to guide the usage. The question had an importance in its bearing at the present time very different from that which it possessed when former judgments were delivered. He should like to know on what grounds any British Consul had a right to open any letter. He did not believe the British Consul had any such right whatever. The point was one which must be decided before long, and the course taken by the Government might very likely rule the practice in regard to it for a very long time. It was for this reason that he thought that the subject should be considered very gravely; and unless the noble Earl was prepared to distinctly deliver the judgment of the Government, and to state the opinion of the Law Officers of the Crown on the matter, he recommended the noble Earl to take the question into consideration before he gave an answer.

LORD CHELMSFORD inquired whether the Government had received intelligence confirming the statement which appeared in that evening's papers, that four more British vessels had been seized by the Americans?

EARL RUSSELL was understood to say that the Government had not received such information; but what was certain was, that for many months English vessels had been running the blockade, and a great boast had been made that some had been successful in so doing, although others had not been successful, but had been captured in the act.

THE MARQUESS OF CLANRICARDE hoped the noble Earl would answer the Question just put to him by the noble Lord the Chairman of Committees.

EARL RUSSELL said, what had happened was this:—Mr. Seward, in order to satisfy Lord Lyons, had given him a copy of the letter which he had written to the Secretary of the Navy, in which the passage quoted by him (Earl Russell) yesterday occurred. The Law Officers were fully aware of that letter. That letter had been before Parliament for some time; but if it would be more satisfactory to noble Lords, he would ask the Law Officers as to their opinion upon the point in reference to the law of nations.

THE EARL OF ELLENBOROUGH wished to know how a British Consul was to ascertain the character of the letters found in captured mail-bags? Was he to judge by the superscription, or was he to open them?

EARL RUSSELL should say, that if, upon opening the mail-bag, he found a letter addressed to the Secretary of State of the Confederate States, it should be forwarded to the Prize Court.

THE EARL OF ELLENBOROUGH: And he could open the letter.

EARL RUSSELL: No, he would not open the letter.

THE EARL OF HARDWICKE said, he regretted to find, from the answers elicited from the noble Earl, that British Consuls were to be employed as engines of attack upon Her Majesty's subjects, and that the United States Government would have it in their power to say that they condemned vessels on the showing of the British Consul. That was a position very painful and unfair to place a British Consul in, and one which was alike unjust to this country and to the merchant service. If the United States Government had any charge to make against any of our ships, let them bring their charge upon their own grounds, and not compel a British Consul to be their instrument in condemning any of such vessels. After all, the point was not new. This country had been a neutral in wars before. What he wanted to see was an impression made upon the United or rather dis-United States that our Secretary of State for Foreign Affairs was not disposed to hesitate a moment upon the matter, but was prepared to take a straightforward

English course. It appeared that the conduct of the officers of the American service was very likely to bring about a collision. The best way to prevent that was to show that we were most resolutely determined to support the honour of the country. If we deviated from that position, the Americans would be too ready to attribute our vacillation to a sense of fear. He did not wish to use hard words, but the taste of the Americans led them to suppose that we were afraid, and that we would submit to any indignity rather than have recourse to hostilities. He should like to see the Foreign Secretary rise in his place and say at once that such a proceeding as that referred to was contrary to all law and precedent, and upon no pretence whatever should any of our Consuls be placed in such a position.

LORD TAUNTON said, he could not join in censuring the Secretary of State for Foreign Affairs in being cautious in such affairs as were now the subject of discussion. When he reflected on the grave consequences that might result, it was impossible for the noble Earl to exercise too much care in every step that was taken. He concurred with the noble Earl who last spoke in the opinion that it was by a firm and distinct resistance to anything like aggression on the part of the Americans that peace could best be preserved; and were he to suspect any hesitation on the part of the Government in adopting such a course, he should be ready to join in any censure of them. He was, however, so far from blaming them for the line they had pursued, that he had observed with satisfaction the careful and cautious course that the noble Earl had adopted in this grave matter. A war between this country and America was no light affair; but if it must be encountered in defence of the vital interests or the honour of this country, then no one would wish to shrink from it. But he trusted their Lordships would not permit the difficulties of the case to be aggravated by passion, and that they would not embarrass the Government by pressing inconsiderate questions.

THE EARL OF MALMESBURY rose to remind their Lordships that the letter of Mr. Seward was dated the 8th of August, and consequently it had been six months before the Government. He wished to know whether the noble Earl had admitted the principle assumed by Mr. Seward, or whether he had repudiated it?

EARL RUSSELL said, he had not expressed any opinion with regard to the order which the American Secretary of State had given to the Secretary of the Navy. There was a modified order given subsequently. With regard to this particular question he thought it would be better if he stated on a future day—say Monday—what was the opinion of the Law Officers of the Crown upon this subject. In the mean time he should suggest that noble Lords should make inquiries as to the decisions of Lord Stowell with regard to papers and despatches carried by neutral ships.

QUALIFICATION FOR OFFICES ABOLITION BILL—(No. 31.)

SECOND READING.

Order of the Day for the Second Reading read.

LORD WODEHOUSE, in moving the second reading of this Bill, said, this was the fifth time that a Bill of this nature had come up from the House of Commons, a circumstance which would relieve him from the necessity of making more than a few observations. The object of the Bill was to render it unnecessary to take the declaration which was imposed by the 9 *Geo.* IV., c. 17., and which was as follows:—

> "I do solemnly and sincerely, in the presence of God, profess, testify, and declare, upon the true faith of a Christian, that I will never exercise any power, authority, or influence which I may possess by virtue of the office of [ ], to injure or weaken the Protestant Church as it is by law established in England, or to disturb the said Church, or the Bishops or Clergy of the said Church, in the possession of any rights to which such Church or the said Bishops and Clergy are or may be by law entitled."

Now, among the objections made to the Bill was this, that by repealing this declaration a contract would be broken which was entered into in 1828, when his noble Friend the Secretary for Foreign Affairs carried through Parliament the measure for the repeal of the Test and Corporation Acts. It was perfectly true, that though his noble Friend introduced the Bill without any such provision, at the instance of the late Sir Robert (then Mr.) Peel, he introduced this declaration. He had no doubt his noble Friend had very good Parliamentary reasons—probably in order to avert opposition—for doing so; but he could not understand how it could be contended that an arrangement made thirty-five years ago could bind Parliament at the present day. The Parliament of that day had no power to make any such compact with a view to bind us; and since that day the principle of extending civil and religious freedom to all classes of Her Majesty's subjects had been admitted by Parliament, which had admitted Roman Catholics and Jews to seats in the Legislature. The circumstances of the times, therefore, having greatly changed, it was not unreasonable that their Lordships should be asked whether it was necessary or expedient to retain this declaration. What was the object of this declaration? He supposed it would be answered that it was a security for the Established Church. He was himself a member of that Church, and he sincerely felt, both upon religious and political grounds, that it would be a most serious misfortune to this country, both in a religious and a political point of view, if the Established Church should cease to be a portion of its institutions; and if he thought the declaration any security to the Church, he would be the last to propose its repeal. But he did not think it was. If the ministers of the Church were indolent or negligent in their duty, if the doctrines of the Church were corrupt, if the Church were administered in a narrow or bigoted spirit which would interfere with freedom of thought or action, if the Church stood condemned by public opinion, did any man think this declaration would save the Church? And even if the Church of England did require the aid of such a declaration in 1828, it did not follow that she required any such security now. They knew that since 1828 the Church had made great progress in the affections of the people, in consequence of the activity of her ministers and the reform of many abuses. But even if the declaration were a security, let them look to what the state of the law was. It so happened that the declaration, whatever its value, was practically not taken by a majority of those who might possibly have influence which could be used to the injury of the Church. The law was, that every person accepting office — the Ministers of the Crown, and all others taking offices, whatever their importance—should take the declaration within six months after entering upon office; but in fact they did not take it; and in order to remedy the omission, Parliament was every year obliged to pass an indemnity Act by which those who had not made the declaration were relieved from the consequences. But, upon the other hand, the law required that those who took municipal offices should make the declaration before entering upon their duties. So that practically the declaration was not required to be made by persons who could do injury to the Church, while it was required from those who could do no injury. That was an anomalous state of the law, and ought not to be maintained. Further, let them look at the declaration. It seemed to him that it was most vague and uncertain in its nature, for it was difficult to know how far the obligation imposed by the declaration extended; it might affect the conscientious or scrupulous, who would not be likely to do harm, whereas those who were not scrupulous would make the declaration without any objection whatever. It was at the present time a generally admitted principle, too, that it was not desirable that solemn declarations of this kind should be made unless they were precise and binding in their nature and indispensable for the security of some institution. But it was said that this declaration was a badge or symbol of the predominance of the Established Church; and it was also objected to this Bill that it came from the Liberation Society. As to the predominance of the Church, surely there were symbols enough of that in the facts that clergymen of the Church enjoyed securities and privileges by law in every parish of England, that the Bishops had seats in that House, and that the Sovereign must be a member of the Established Church. And as for the Liberation Society, he was not in the secrets of that Society; but if their object were to separate Church and State—if the members of that Society were the crafty and dangerous assailants which they were said to be—he could not conceive that they could desire anything better than that the friends of the Church should maintain a small irritating grievance which would enable them to draw over many persons to side with them who otherwise would stand aloof. Whatever the opinions of that Society might be, he was convinced there were many Dissenters in this country who, while differing from the formularies of the Church, still regarded her with respect as the centre around which Protestants of various kinds were gathered. Believing that the declaration was no real security to the Church, and that it tended to alienate a large class of Dissenters from the Church, he trusted their Lordships would agree to the second reading of the Bill.

Moved, That the Bill be now read 2ª.

THE EARL OF DERBY: My Lords, my noble Friend the Duke of Buckingham, who had undertaken to move that this Bill be read the second time this day six months, has, during the present discussion, been called from the House by the painful intelligence of an occurrence connected with his family; and I have therefore undertaken, at a moment's notice, to move the Amendment of which my noble Friend had given notice. And I do so the more readily because the matter has been frequently discussed in this House; and because the whole merits of the case lie in the smallest possible compass. My Lords, the object of this Bill is to repeal a declaration which it was provided should be taken, on the repeal of the Test and Corporation Acts, by those succeeding to political and municipal offices. I do not mean to argue that the time which has elapsed, from 1828 to 1863, precludes Parliament from reconsidering this question; but with regard to the feelings of the Dissenters, and with regard to the merits of the declaration itself, I am glad to see opposite to me the noble Earl the Secretary for Foreign Affairs, whom no one will accuse of being indifferent to the rights and privileges of Protestant Dissenters, or of being desirous to neglect their interests; or of being likely to consent to insert any clause in a Bill which he might think injurious to them:—but, on the other hand, the noble Earl was one of those who most strenuously contended, when the Test and Corporation Acts were repealed, that in the declaration required to be taken there was nothing to which the most conscientious Dissenter could object. Many of your Lordships will not recollect the late Lord Holland; but those who knew him are aware that he did not yield even to the noble Earl in his attachment to the principles of civil and religious liberty, and that he was jealous of any undue predominance of the Church of England, even if he did not absolutely share to the full extent the partiality which the noble Earl has for Protestant Dissenters in the abstract. But Lord Holland made the strongest possible declaration, on moving the repeal of the Test and Corporation Acts in this House, and consenting to the introduction of this declaration, that he did so, not because he saw it to be necessary, but because it removed the scruples of many conscientious and honourable men; and if it removed the scruples of one single individual, so convinced was he that it could not possibly be a grievance to any Dissenter, that he moved the insertion of the words. Such being the substance of the declaration, the noble Lord who introduced this Bill says that the declaration gives no real security to the Church. I am very much inclined to agree that practically it does not give any additional security to the Church; and, moreover, that if the Church could not stand without the assistance of the declaration, it would have little chance of standing with it. But that is very different from saying that the Legislature should be called upon to repeal the declaration which exists. The noble Lord referred to the number of persons holding political offices who are called upon by law to make this declaration and do not, and are protected from the consequences by the Act of Indemnity. With regard to them there can be no possibility of grievance, inasmuch as the Act of Indemnity saves them from the necessity of doing that which is painful to their feelings. But there are others, the noble Lord contended, who occupy municipal offices, who are compelled to take the declaration, and he contended that it was a grievance that they should be called upon not to use the power they were about to possess against the Established Church. If that were so, why was it that those who strenuously supported the rights of the Dissenters, when the Test and Corporation Acts were repealed, thought the making this declaration no grievance whatever? But I consider, that though the declaration gives no valid security to the Church, yet that its repeal would be held to be a significant declaration on the part of Parliament that the Church of England was no longer considered on a different footing from other religious bodies in the country, that it was no integral part of the Constitution, and that it was not desirable that persons holding high office should declare that they did not desire to injure the Established Church. I will take a possible case. Suppose it were the case in this or the other House of Parliament—I will take the other House of Parliament, out of courtesy to your Lordships—that the oath of allegiance, which is required to be taken by every Member of Parliament on taking his seat, were only required to be taken during the progress or at the end of the Session, and that it was the practice to introduce a Bill to indemnify any Member from the consequences of his not having taken the oath; suppose, again, that there was a very large number of persons who had avowed their intention of changing the Constitution, of using every legitimate means in their power for altering its form, for subverting the monarchy, and substituting a republican form of Government—suppose that one of the persons entertaining these opinions were to introduce a Bill calling upon Parliament to do away with the necessity on the part of every Member of taking the oath of allegiance to the Sovereign—will any man tell me, that although the oath of allegiance may give no additional security to the Throne, yet that a declaration by Parliament that it was unnecessary to swear allegiance to the Throne, would not be a serious injury to the loyal feelings of the people, if not derogatory to the authority of the Crown? I put the case with respect to the Church no higher than I put that supposed case of the Sovereign, but I put it exactly as high, and I say that at a time when there are a large number of persons bound together with the avowed and positive determination, if they can, to reduce the Church to the level of other bodies of Christians in this country, to do away with all her rights and privileges, and if possible to abolish her connection with the State—I say that the sanction of Parliament being given to the doctrine that the declaration is no longer necessary—that we may do away with the declaration required to be taken by persons holding high office, either political or municipal—I say that such a course would be a great encouragement to those entertaining such opinions. I am one of those who would not support the continuance of any grievance of which any class of my fellow-subjects has a legitimate right to complain; and I do not think that the denial of their real rights to others is expedient or calculated to promote the interests of the Church to which I belong. But I, for one, will never, as far as I can help it, allow the rights of the Church to be in any degree infringed upon, or agree to any concession which is inconsistent with the rights of the Church as guaranteed to her by our Constitution; though, at the same time, I would be fully mindful of the rights of others. In this case there is no real tangible grievance. There are grounds of complaint made subservient to political agitation. This Bill has been sent up five times from the House of Commons, and four times it has been rejected, and on this the fifth time it has come up with the large and overpowering majority of three. I say that your Lordships' sanction to the passing of this Bill would indicate—what I hope is not the spirit of this House—a determination to go back from the principles you have professed, and would indicate the absence of any determination on our part to maintain intact the rights, privileges, and predominance of that Church which forms an integral part of the British Constitution. My Lords, I beg to move that the Bill be read a second time this day six months.

Amendment *moved*, to leave out ("now") and insert ("this Day Six Months").

Earl COWPER said, there was a growing feeling that this declaration might be abolished without injury accruing to the Church. It was absurd to say that a mayor or common councilman could injure the Church of England by the exercise of any influence conferred by his office. Nothing, that he could see, could be gained by the retention of the declaration, and it proved a continual source of irritation. An argument in favour of this Bill, he thought, was the fact that every one who took office was not compelled to take the oath, but those who from their position had power really to injure the Church escaped from taking the declaration, relying upon the Indemnity Act that was annually passed. It was impossible to believe that in this country a declaration had any effect in adding to the security of the Church. But take the case of Ireland, where the Established Church was the Church of a small minority—he could understand that there the declaration might be required and have a beneficial effect; but the Act under which the declaration was taken did not apply to Ireland. He supposed, that if the Church of England was in a state in this country such as it was in Ireland, there would probably be little difficulty in imposing a declaration of this kind.

Lord LYTTELTON said, he intended to vote in favour of the Bill, which seemed to him a just and harmless one. If, however, the proposal were defeated, as no doubt it would be, and if that and similar measures continued to pass through the House of Commons by majorities hardly perceptible, the gentlemen commonly called political Dissenters, and their friends, in and out of the other House of Parliament, had only themselves to thank for it. They would never attain to a favourable consideration for measures of this kind so long as they continued frankly to declare that they would not thank them for passing such measures; that they were not to be looked upon as concessions, but as very insufficient instalments of much larger claims, and that they would be content with nothing but the dissolution of the connection between the State and the Established Church. He was not speaking as apprehending any danger to the Church—on the contrary, he thought the Liberation Society and the speeches and writings of its adherents had rendered the same kind of service to the Established Church which Mr. Bright's speeches had done to the party of the noble Earl opposite (the Earl of Derby). Whether those opinions had any chance of success it was for the gentlemen to whom he had referred to judge; he was merely dealing with the question of expediency, in the interest of such measures as this which he wished to see pass. They had a perfect right to their own opinions and to the expression of them; but measures like the present, and other modifications of the law such as he (Lord Lyttelton) desired to see, never would pass unless those gentlemen, whatever their private views might be, would be content to withhold the attempt to give effect to those opinions, and to acquiesce in the existence in its full privileges of that institution which very many believed to be the most important in this country.

Earl RUSSELL: Before your Lordships divide, I desire to trouble the House with a few remarks. My observations will certainly be brief, for the grievance contemplated by this Bill is very small, and the objections urged on the other side are very diminutive. I thought that my noble Friend who introduced the Motion found it a matter of very great difficulty to make out any existing grievance; and when the noble Earl opposite (the Earl of Derby) attempted to show that the declaration gave any security to the Established Church, he found it a matter of utter impossibility. No real security whatever is given by this declaration. But then it is said that there is a compact or engagement which was entered into at the time of the repeal of the Corporation and Test Act, by which I, and others who were associated with me in that act, are bound. Now, I cannot recollect that there was any such compact or engagement; I think, on the contrary, that after this declaration has existed for a considerable time, and has been found to give no security to the Established Church and to be perfectly worthless, I cannot conceive why Parliament should be bound to maintain it. The Act by which the Dissenters were called upon to take the Sacrament in accordance with the service of the Church of England was certainly a substantial grievance. It was objectionable on two grounds. In the first place, it was a profanation of the sacred rite; and in the second, it was a hardship upon the Dissenters, with regard to whom it was thought that many were debarred from accepting office lest they should be called upon to take the Sacrament. But when a declaration was substituted for this sacramental test, it was simply to the effect that the person making the declaration would not use the influence of his office to injure the Established Church. I confess I am quite at a loss to understand in what manner that declaration can really be a security to the Church. In the first place, the terms are exceedingly difficult to define. A man is not debarred from being an enemy, if he so chooses, to the Church, or using his personal influence against it; what he is debarred from is using the influence of his office in a sense hostile to the Church. That is all the declaration requires. It then becomes a question in what way that restriction can be defined. A Dissenter may be elected Lord Mayor of London, and everybody knows that he would exercise great influence, by virtue of his office, on the election of the Members for the City. He may declare his wish to come into Parliament to abolish the church rates, and if he uses the influence of his office to get into Parliament, is he or is he not using the influence of his office to the injury of the Established Church? This difficulty might occur to him, and he might be reproached for so doing. I know that some persons are very fond of these Acts, and think there is some virtue in imposing a disagreeable declaration—something which is unpleasant to those who have to make it; and they proceed to argue that persons holding such exceedingly wrong opinions ought to be obliged to pay some penalty in the shape of the annoyance consequent upon being called on to make a declaration to which they object. But that is not the spirit in which Parliament should regard the subject. The point we have to consider is what is really important for the security of the Church of England. The rights and property of that Church are secured by various Acts of Parliament, and further by the general attachment of the people of this country. These are securities on which the Church may rest; these are safeguards in which it may trust for its permanence. It gains nothing at all by having such useless and vague declarations as these. It is quite true that I had no objection to the declaration when it was substituted for the sacramental test; but I think the time has now come when the declaration may also be dispensed with.

THE EARL OF ELLENBOROUGH: My Lords, having some recollection of the circumstances connected with the repeal of the Test Act, I have heard with considerable surprise the speech of the noble Earl (Earl Russell). The noble Earl moved the Bill for the abolition of the sacramental test, and in many speeches which the noble Earl has since made he has referred with affectionate interest to that the first triumph of his political life. The Duke of Wellington and Sir Robert Peel thought that it would be expedient to substitute a declaration for the sacramental test, and that declaration was subsequently agreed to almost without the opposition of a single person. The noble Earl himself entirely acquiesced in it, under the impression that it would soothe the feelings of those who were opposed to the measure. Above all, there can be no doubt that the course which he took in adopting the declaration did most materially contribute to diminish the apprehension entertained by noble Lords in this House that that was only the commencement of a series of demands upon the Church of England, and so led them to suppose that with it might be established religious peace. In that manner the Bill was carried through this House, and I much doubt whether it could have been carried but for what had taken place upon this point in the House of Commons. The observations which have been made to-night have referred to the declaration alone; but what precedes this declaration? A most solemn assertion on the part of Parliament, taken from what had been proposed by Mr. Grattan and adopted by Mr. Plunkett as the preamble of the Bill for what was called Catholic emancipation, that the Episcopal Church of England and its doctrine, discipline, and government, and the Presbyterian Church of Scotland, and the doctrine, disclipine, and government thereof, were permanently and inviolably to be maintained as part of the law of this country; and because it was so asserted, then this declaration was accepted as a fitting substitute for the sacramental test which was abolished. The noble Earl may argue that it is no longer fitting; but is it no longer just? It was by means of that substitution that the Bill was carried, and therefore it is impossible for me at least, who was a party to the carrying of that measure with that addition, to agree to the alteration of what was then established; and I confess, that recollecting that the noble Earl, by his conduct in the House of Commons, so materially contributed to the passing of the Bill through this House, I do feel some surprise at the course which he has adopted to-night. I recollect well that the Duke of Wellington referred to what was done at that time as calculated to give religious peace to the country. Religious peace was always most dear to him. For that he changed the opinion which he originally entertained with regard to the sacramental test. In the hope of establishing that, he changed his course of conduct with respect to what was called Catholic Emancipation. But I regret to say, that notwithstanding all the concessions which the Church has made, peace it has not, and, apparently, never is to be allowed to have. Every concession, be it what it may, seems but to stimulate its opponents to further attacks upon it; and although I believe that the Church, if it be true to itself—if it be not exposed to greater dangers from within than from without—will successfully resist all these attacks, I do think that the time has come when we must adhere to that which was considered sound policy thirty-five years ago. Whether this declaration gives a real security or not, its continuance is, at least, an indication of the opinion of Parliament with respect to the permanence and inviolable maintenance of the Church of England, and, as such, I shall endeavour to secure its continuance.

EARL GRANVILLE:—My Lords, I shall not recapitulate the arguments in favour of this Bill which were so clearly and so concisely stated by the noble Lord who moved its second reading, and by the noble Earl whom we had the pleasure of hearing for the first time to-night (Earl Cowper) nor shall I repeat the explanation which has been given by the noble Earl near me. Surely, any discussion about a compact is most unnecessary when the noble Earl who moved the Amendment himself said that he attached no importance whatever to the compact as one which necessarily prevented Parliament from coming to any decision it thought desirable. The noble Earl says, that although the declaration itself gives no actual security to the Church, yet that the security of the Church would be affected if Parliament was to abrogate it; and he supposed, as an illustration, the case of a proposal to relieve the Members of this or the other House of Parliament from the oath of allegiance. That illustration was hardly on all fours with the present case. I do not think that the unanimous and devoted loyalty of the Members of either House towards the Crown of this country is much affected by the oath of allegiance; but suppose that the general body of the Members of this House were not called upon to subscribe to that oath, but that there was a particular section of them, the Lords Spiritual, the Irish Peers, or the Scotch Peers, who were required to take it, and that they asked to be relieved from that oath—I think that that would be a very different case, and one more similar to that which we are now discussing. As to the interference with the preamble of the Test Act, I can only say that I do not see that it is touched or repealed by the Bill now under consideration. The enacting clause does not refer to it, but merely relieves those persons from the grievance under which they feel that they suffer. Whatever may be the result of this debate—whether we are in a majority or a minority—we shall have the satisfaction of having endeavoured to do an act which is perfectly just and fair, and which cannot in the slightest degree affect the real security of the Established Church.

On Question, That ("now") stand part of the Motion? their Lordships *divided*:—Contents 52; Not Contents 69: Majority 17.

Resolved in the *Negative;* and Bill to be read 2ª on *this Day Six Months.*

CONTENTS.

Westbury, L. (*L. Chancellor.*)

Newcastle, D.
Somerset, D.
Sutherland, D.

Townshend, M.

Abingdon, E.
Airlie, E.
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Camperdown, E.
Cottenham, E.
Cowper, E.
De Grey, E.
Ducie, E.
Granville, E.
Grey, E.
Russell, E.
Saint Germans, E.
Shaftesbury, E.
Zetland, E.

Sydney, V.

Belper, L.
Broughton, L.
Carew, L.
Chesham, L.
Congleton, L.
Cranworth, L.
De Tabley, L.
Ebury, L.
Foley, L. [*Teller.*]
Harris, L.
Hunsdon, L. (*V. Falkland.*)
Kintore, L. (*E. Kintore.*)
Lismore, L. (*V. Lismore.*)
Llanover, L.
Londesborough, L.
Lyttelton, L.
Lyveden, L.
Manners, L.
Meldrum, L. (*M. Huntly.*)
Methuen, L.
Monson, L.
Overstone, L.
Rivers, L.
Sefton, L. (*E. Sefton.*)
Skene, L. (*E. Fife.*)
Somerhill, L. (*M. Clanricarde.*)
Stanley of Alderley, L.
Sundridge, L. (*D. Argyll.*)
Taunton, L.
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Richmond, D.

Normanby, M.
Salisbury, M.

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Bantry, E.
Beauchamp, E.
Belmore, E.
Carnarvon, E.
Coventry, E.
Dartmouth, E.
Derby, E.
Devon, E.
Ellenborough, E.
Erne, E.
Graham, E. (*D. Montrose*)
Hardwicke, E.
Lonsdale, E.
Lucan, E.
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Mayo, E.
Mount Edgcumbe, E.
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Pomfret, E.
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Shrewsbury, E.
Stanhope, E.
Stradbroke, E.
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Exmouth, V.
Hardinge, V.
Hawarden, V. [*Teller.*]
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Bath and Wells, Bp.
Cashel, &c., Bp.
Exeter, Bp.
London, Bp.
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Berners, L.
Castlemaine, L.
Chelmsford, L.
Clifton, L. (*E. Darnley.*)
Colchester, L.
Colville of Culross, L. [*Teller.*]
Conyers, L.
Delamere, L.
Denman, L.
De Ros, L.
Egerton, L.
Feversham, L.
Gage, L. (*V. Gage.*)
Grinstead, L. (*E. Enniskillen.*)
Heytesbury, L.
Kingsdown, L.
Leconfield, L.
Lovel and Holland, L. (*E. Egmont.*)
Northwick, L.
Raglan, L.
Rayleigh, L.
Redesdale, L.
Saltoun, L.
Silchester, L. (*E. Longford.*)
Sondes, L.
Tenterden, L.
Wynford, L.

PUBLIC AND PRIVATE LEGISLATION.

On Motion of Lord Redesdale,

Ordered,

That no Private Bill brought from the House of Commons shall be read a Second Time after *Thursday* the *2nd Day of July next.*

That no Bill confirming any Provisional Order of the Board of Health, or authorizing any Inclosure of Lands under Special Report of the Inclosure Commissioners for England and Wales, or for confirming any Scheme of the Charity Commissioners for England and Wales, shall be read a Second Time after *Thursday* the *2nd Day of July next.*

That when a Bill shall have passed this House with Amendments these Orders shall not apply to any new Bill sent up from the House of Commons which the Chairman of Committees shall report to the House is substantially the same as the Bill so amended.

OFFENCES (SOUTH AFRICA) BILL [H. L.]. (NO. 74.) SECOND READING.

THE DUKE OF NEWCASTLE, in moving that the Bill be now read a second time, according to Order, explained that by the 6 & 7 *Will.* IV., c. 57, certain powers were given to the Governor of the Cape of Good Hope to deal with certain offences committed by Her Majesty's subjects within certain territories adjacent to the Colony of the Cape of Good Hope. Since that time, however, new Colonies had been founded in South Africa, and it had become necessary to vary the powers given by the former Act. By this Bill the laws in force at the Cape of Good Hope for the punishment of crimes were extended to British subjects in parts of South Africa not being within jurisdiction of any civilized Government. Such crimes were made cognizable in the Courts of the Colony of Natal, or any other Court south of the 25th degree of south latitude. The Governor of the Cape was moreover authorized to address commissions to persons to act as magistrates in such territory.

Motion *agreed to.*

Bill read 2ª, and *committed* to a Committee of the Whole House on *Monday* next.

LEASES AND SALES OF SETTLED ESTATES ACT AMENDMENT BILL [H.L] (NO. 42.) SECOND READING.

THE LORD CHANCELLOR, in moving the Bill be now read a second time, according to Order, said, that this Bill was rendered necessary by the construction which the Court of Chancery had put upon the Leases and Sales of Settled Estates Act. That statute enabled trustees to grant building leases, but the Court of Chancery had held that every such lease must be subject to the approval of that Court. In the neighbourhood of large manufacturing towns they frequently wanted to grant leases under circumstances that did not admit of a reference to the Court. Great expense would be incurred by such a reference, and there was clearly no necessity for it. The present measure was proposed in order to get rid of the reference to the Court.

Motion *agreed to.*

Bill read 2ª, and *committed* to a Committee of the Whole House on *Thursday* next.

TRUSTEES (SCOTLAND) ACT AMENDMENT BILL—(No. 53.) SECOND READING.

THE LORD CHANCELLOR, in moving that the Bill be now read a second time, according to Order, said, that a very useful measure was passed last year, entitled, "An Act to amend the Law relating to the Powers and Liabilities of Gratuitous Trustees;" but a difficulty had arisen in determining whether certain persons who would be called gratuitous trustees in England would come within that class in Scotland. The present Bill was to get rid of this difficulty.

LORD KINGSDOWN said, he had a Petition to present upon this subject. The petitioners did not object to the Bill, and, indeed, they desired its operation to be extended to certain other cases. Under these circumstances, he would ask that a sufficient interval might be allowed to elaspe between the second and third reading, so that there might be an opportunity to make any suggestion for Amendment.

Motion *agreed to.*

Bill read 2ª, and *committed* to a Committee of the Whole House.

House adjourned at a quarter before Seven o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, April 24, 1863.

MINUTES.]—NEW WRIT ISSUED—For Antrim County, *v.* Major Gen. the Hon. George Frederick Upton, now Viscount Templeton, a Peer of Ireland.

SELECT COMMITTEE—on Navy (Promotion and Retirement), Mr. Charles Berkeley *added.*

Report—Kitchen and Refreshment Rooms (House of Commons) [No. 215].

SUPPLY—*considered* in Committee: Resolutions (April 23) *reported.*

WAYS AND MEANS—Resolutions (April 23) *reported.*

PUBLIC BILLS—*First Reading*—Customs and Inland Revenue [Bill 91].

Considered as amended—Telegraphs [Bill 78].

DEFENCE OF MERCHANT SHIPS.

QUESTION.

Lord **ALFRED CHURCHILL** said, he wished to ask Mr. Solicitor General, Whether Merchant Ships, in the prosecution of a voyage between neutral ports, would be legally justified in defending themselves, by the use of arms, from capture by the cruisers of the Federal States of America?

The SOLICITOR GENERAL: Sir, in answer to the noble Lord, I have no hesitation in saying that Merchant Ships, under the circumstances supposed by his question, would certainly not be justified in defending themselves from capture by the use of arms. That question was decided in this country in the celebrated case of the Swedish convoy, in which it was held, according to previous authorities, not only that they would not be justified in doing so, but that the very attempt to do it, even with the assistance of the ships of war of the convoy, would expose them not only to capture, but to just condemnation.

SMALLPOX AND VACCINATION.

QUESTION.

Lord **NAAS** said, he would beg to ask the Secretary of State for the Home Department, Whether the attention of the Government has been drawn to the increase of Smallpox in the Metropolis; and whether it is his intention to propose, during the present Session, any measure for the promotion of Vaccination?

Mr. **LOWE**, in reply, said, the misfortune of the question of Vaccination was that in quiet times no trouble was taken about it, and it was only when disease appeared in all its horrors that applications were made to the Government for legislation, which, if ever so good in itself, must then be tardy and inefficient to meet the evil. This subject had engrossed the attention of the Government. The House was aware that there was already in existence a measure for compulsory vaccination. That measure was not, in all respects, satisfactory; but the fault connected with the present spread of smallpox was not so much attributable to the state of the law as to the neglect of the local authorities on whom devolved the working of it. Unfortunately, there was no law on the subject in Scotland. The question of providing a law for Scotland and amending that of England was under careful consideration.

CARRIERS' LICENCES.—QUESTION.

In reply to a Question from Sir Charles Douglas,

The CHANCELLOR of the EXCHEQUER said, the question relating to Carriers had been considerably altered since he had first mentioned it to the House. His intention had simply been to remedy what, according to the statement of the proprietors of taxed carriages, appeared to be an injustice under which they laboured. That proposal, however, did not now seem to content them; for the hon. and learned Member for the Tower Hamlets (Mr. Ayrton) had given notice of his intention to make it the occasion of an assault upon the revenue. In the present state of affairs he felt that it would be his duty to uphold and defend the revenue against any such assault. It was not his intention to lay this tax on any person who did not now pay it. Consequently, he would not propose any preliminary Resolution; but in Committee on his Bill he would seek to introduce some provisions which he trusted would tend to increase the facilities for locomotion, especially in rural districts, where they now were most defective. The Resolution which now stood on the Votes as to Carriers would not therefore be proceeded with.

OUTBREAK IN A ROMAN CATHOLIC REFORMATORY.—QUESTION.

Mr. **NEWDEGATE** said, he wished to put a couple of Questions to the Secretary of State for the Home Department. The first, with reference to a serious outbreak which had taken place in a Roman Catholic Reformatory, which was called St. Bernard, in Leicestershire, on the borders of Warwickshire. There were, he believed, 180 inmates in that reformatory, which was under the care of some Cistercian monks. The second Question related to the removal of the Roman Catholic Chaplain at Dartmoor. The Questions he had to put were:—First, Whether the Government has received any information with respect to an outbreak at the Roman Catholic Reformatory at St. Bernard, near Whitock, in Leicestershire; whether any investigation on the part of the Government has taken place as to the causes and circumstances of the outbreak; and what steps have been taken, or are intended to be taken, with respect to it? Secondly, Whether the Roman Catholic visiting Priest at the Convict Prison at Dartmoor has been dismissed by the Home Secretary; when this dismissal occurred; and whether there will be any objection to produce the correspondence which has taken place between the Home Office, the Priest, and the prison officials at Dartmoor?

SIR GEORGE GREY said, in answer to the first Question, that recently the magistrates of the district had reported to him that serious disturbances had taken place at this Roman Catholic Reformatory in Leicestershire. They stated that injury had been inflicted on one or two of the police who had been called in on the occasion. He immediately referred their statement to Mr. Sidney Turner, the Government Inspector, directing him to inquire into the circumstances. Mr. Turner had not yet had time to make his Report. But the magistrates asked at the same time what course they should pursue; and while they were informed of the reference that had been made to the Government Inspector, they were also told that they must deal with these cases of assault according to the ordinary course of the law. With regard to the hon. Gentleman's second Question, the Rev. Mr. Henderson was last week removed from the performance of his duties at Dartmoor by the withdrawal of the approval of the Secretary of State to his continued employment there. Mr. Henderson had only been employed for a short time as visiting Priest at Dartmoor. In the course of last week copies were transmitted to the Home Office of a long list of letters addressed by that gentleman to the Governor and Chaplain of Dartmoor Prison, and amounting altogether to seventy or eighty. A perusal of that correspondence showed that Mr. Henderson had been wanting in that temper and discretion which were essential to the right discharge of his duties, and that his continued employment in that capacity with the sanction of the Government was incompatible with the discipline and good order of the prison. He was happy to be able to say that that was the only case in which he had been informed of the slightest difference having arisen between the visiting Roman Catholic Priest of a convict prison and the authorities of the prison, and the only instance in which it had been necessary to exercise the power of removal.

OSTEND AND CALAIS MAIL CONTRACTS.—QUESTION.

MR. H. BERKELEY said, he wished to ask Mr. Chancellor of the Exchequer, If the Contracts for carrying the Mails between Ostend and Calais are awarded to any party having tendered for the same; if so, the name of the party or parties obtaining the Contract, and the rate paid for the same, and whether such party or parties, if in possession of the Contract, have given security for it?

MR. PEEL said, that to meet the case of the existing Contract not continuing beyond the month of June next—which question it was proposed to submit to the House—the Treasury had called for separate tenders for the conveyance of Mails between Dover and Ostend and Dover and Calais. The tender as between Dover and Calais had not been dealt with, but the tender of the Belgian Government for the conveyance of the Mails between Dover and Ostend had been accepted, subject to the condition of the House not giving its approval of the continuance of the existing Contract after June.

ADMISSION OF REPORTERS TO LUNATIC ASYLUMS IN IRELAND.

QUESTION.

MR. DUNNE said, he rose to ask the Chief Secretary for Ireland, If he would state the grounds on which His Excellency the Lord Lieutenant of Ireland refused his assent to the wish of the Board of Governors of the Maryborough District Lunatic Asylum to admit the Press to their Meetings; and if the Irish Government will give assent to the admission of the Press to Meetings of the Boards of Lunatic Asylums in Ireland, whenever a majority of such Boards shall think fit to permit it; and if it be not a fact that Reporters are permitted to attend the Meetings in the Lunatic Asylum in Cork; and, if so, why are they excluded in the Queen's County?

SIR ROBERT PEEL said, in reply, that the Governors of the Maryborough Lunatic Asylum had, at a full meeting, considered the question of admitting the representatives of the press at their Meetings. They decided against the admission. At a subsequent meeting, however, some of the Governors approved of the admission of the gentlemen of the press. But, the question having been submitted to the Government, a request was sent down that a full Board should consider the subject, as it was in contravention of the 91st Rule of the Privy Council that reporters should be admitted. At a full Board, over which the hon. Gentleman (Mr. Dunne) presided, it was again decided that the press should not be admitted. As to Cork, the reporters there had been admitted to the Board Meetings of the Lunatic Asylums for a period of eight or ten years, but the permission was given before the regulations of the Privy Council were issued. There was no desire to prevent publicity; but he thought it was obvious that it would be injudicious to admit reporters to the Board Meetings, where matters which were necessarily very painful to families were discussed.

Mr. DUNNE said, he wished to know whether the right hon. Baronet was not aware that the unanimous consent of the gentlemen to whom he had referred was given after the receipt of the letter of the Lord Lieutenant, and was given in deference to that letter, and not because it was the opinion of those present that reporters should not be admitted.

Sir ROBERT PEEL said, that the Board of Governors held a full meeting, and at that meeting it was decided that reporters should not be admitted. No doubt that decision was partly given out of deference to the Government, but he presumed it was also given on account of the opinions of the Governors.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

SAILORS' HOMES.—RESOLUTION.

Sir HENRY STRACEY said, that in bringing forward the Motion of which he had given notice on the subject of the establishment of sailors' homes, he felt it was unnecessary for him to go at length into the subject. He had done so on previous occasions, and the House was, he felt assured, already in complete possession of the case. At the commencement of the Session, he had put a question to the noble Lord the Secretary to the Admiralty—a rumour having reached him that the general question was to be considered by the Admiralty; but he was sorry to say the Admiralty had shown so much indifference to the matter that sailors had been much discouraged, and the Admiralty had become more unpopular than any Board he could recollect. He was then about to appeal to a different Department, the Board of Trade, which, as he understood, had the management of the monies belonging to the Mercantile Marine Fund and the Merchant Seamen's Fund. In the one case there was a sum of £57,000, and in the other a sum of £67,000, balances in hand over and above all the claims and charges that could be made upon the funds. Now, the merchant seamen naturally inquired what was done with that money. They thought they were entitled to receive the benefit of that large surplus, and that it might most beneficially be applied to such objects as the establishment of sailors' homes. He also wished to suggest to the right hon. Gentleman the President of the Board of Trade, that if shipping offices were attached to sailors' homes, great benefit would accrue to sailors. When paid off, they were sent to the shipping-office, and it was in going there that they were often waylaid by crimps, whose victims they very soon became, being robbed of their money and often turned almost naked into the streets. A short time ago a vessel arrived at a certain port from Callao, in South America. She had on board a number of seamen in ill health who had been sent home by the Consul. These men were landed, and fourteen were found sitting upon the beach, the shipping master of the port not being able to do anything for them; but afterwards, from motives of humanity, he furnished them with means to reach a sailors' home some eight miles distant. If a sailors' home had been attached to the shipping-office, much suffering would have been saved. He had visited the Sailors' Home at Yarmouth one blowing day, and saw there twenty-one men who had just been rescued from shipwreck, and who were profuse in their expressions of gratitude. During the last month no less than a hundred shipwrecked mariners had experienced the benefits of the institution. It was obvious that the extension of sailors' homes to all ports would be a great advantage to the sailor, and he therefore asked the Board of Trade to apply surplus funds at their disposal for the benefit of sailors' homes, which were shown to be deserving of assistance. The object was good, the means were in their hands, and his proposal seemed to him so reasonable that he did not see how it could be the subject of any opposition.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the Board of Trade or Department of the Government having the control of and management of the monies belonging to the Mercantile Marine and Seaman's Fund, should be empowered by Parliament to give to those Sailors' Homes (not in the neighbourhood of the dockyards) such pecuniary assistance as in its judgment and at its discretion may be advisable," —instead thereof.

MR. MILNER GIBSON said, no class of men were more entitled to the consideration of Parliament and of the Government than the sailors of our mercantile marine, and therefore he hoped that in differing from the conclusions of the hon. and gallant Member he should not be suspected of indifference towards so deserving a body of men. He feared, however, that the hon. and gallant Member had formed too sanguine an estimate of the funds upon which he proposed to draw for the support of these sailors' homes. He had talked of a surplus which might be employed in the way suggested in his Resolution. He had said he did not know what became of the surplus of income over expenditure arising on the Mercantile Marine account, and also upon other accounts. He (Mr. Milner Gibson) could explain those matters clearly to him. Instead of there being a surplus upon any one of those accounts, there was a deficiency on all. In point of fact, therefore, the Motion meant nothing less than a Vote from the Consolidated Fund for the support of sailors' homes. The Mercantile Marine Fund was raised by fees paid by sailors, and by tolls paid by shipowners for the support of lights. The income in 1862 was £331,698, but the ordinary expenditure was £335,660; and if to that amount were added the expenditure for lifeboats and the rewards for saving life, the deficiency upon the account would be £10,000. That deficiency arose from the reduction recently made in the light dues from which the fund was created—a reduction which had been very beneficial to shipowners, so much so that where they formerly paid £100 they then paid £40. The Government hoped the deficiency would be overtaken by the yearly increase of trade. As soon as a surplus was obtained, it was applied in a reduction of the tolls paid by shipowners, and of the fees paid by sailors. He must decline to put any charge upon the Mercantile Marine Fund, which would have a tendency to deprive the mercantile marine of the benefit of those reductions; and especially should he object to put any charge for charities upon that fund; for when the whole of those funds were transferred from the Trinity Corporation to the Board of Trade, Parliament expressly provided that the charitable payments which used to form a part of the outgoings of the Trinity Corporation should cease, and that the fees and tolls raised from sailors and shipowners should be applied exclusively to light-houses, and to those other purposes for the support of which those fees were originally intended. With regard to any surplus, in former years it had been applied in the construction of new works. At present some new light-houses were in course of construction, and others were about to be commenced, and those new works would more than exhaust any surplus which had grown up from excess of income over expenditure in past years. He would next proceed to show the position of the Merchant Seamen's Fund. During the last ten years the sum of £206,401 had been received on that account, but the Government had expended £683,726; so that the Consolidated Fund during that period had been charged with no less than £477,325 on that account. He had no doubt that before the whole of the business was wound up and concluded it would entail an additional public outlay of £500,000; and instead, therefore, of there being any money available from that quarter for the support of sailors' homes, there would be a charge upon the public to the amount of £1,000,000. The unclaimed wages of seamen formed another fund which the hon. and gallant Baronet would apply to the purpose set forth in his Resolution. The wages of deceased seamen were recovered by the Government for sailors at the expense of the Government. It was a great benefit to the sailor class that that trouble was undertaken by the Government. When the wages were recovered, they were held for a certain number of years, in order that any claims arising against them might be met, and that the parties entitled might receive the property. After seven years, if there were no claims, they were passed over to the State. But the amount was very small. During the last ten years about £27,000 had been received on that account. This is but a small compensation for the charge on the Consolidated Fund for the Merchant Seaman's Fund. No doubt there was a sum of £65,000 in the hands of the Paymaster General, but that fund was held to meet the claims of the representatives. There was nothing, therefore, to be obtained from those three sources for the purpose of carrying out the object of the hon. Baronet, and if any aid were to be afforded to sailors' homes, it would have to be supplied out of the Consolidated Fund by a special vote of the House. He questioned, however, whether it would be advisable for Parliament to vote a sum of money for the support of sailors' homes. It would be very difficult to show upon what principle the House ought to support lodging-houses for sailors any more than for any other class. They might be asked to vote money for model lodging-houses and other excellent institutions upon equally good grounds as those on which they were asked to vote money for sailors' homes. He hoped the hon. Baronet would do nothing to check that flow of liberality which now aided these institutions, by any grant of public money. The support of these homes must depend, first upon the contributions of those who received their benefit, and next upon the voluntary contributions of the charitable.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

THE GLASGOW MURDER — CASE OF JESSIE MACLACHLAN.

PAPERS MOVED FOR

Mr. STIRLING said, he wished to call the attention of the House to a very important case, which had caused great interest in Scotland in the course of the last autumn, and which was still of importance in its relation to the administration of public justice and to the public confidence and respect which that administration was to enjoy in the country. He might remind the House of the principal facts of the case to which he referred. On the afternoon of Monday the 7th of July last, the house of Mr. Fleming, accountant, in Glasgow, was discovered to have been the scene of a barbarous murder. The dead body of his house-keeper was found upon the floor of her bedroom, so mangled that it was evident that she must have been murdered after a desperate resistance. The family were at the sea-side, and at the time of the murder the house was inhabited only by the deceased woman and by Mr. Fleming, senior, an old man, eighty-seven years of age. That person, on being questioned, said he had gone to bed on the previous Friday night, leaving the deceased in the kitchen; that during the night or towards morning he was awakened by a cry of distress, but did not take the trouble to ascertain the cause; and that next morning when he came down he found the door of the deceased's room locked, and thought she had gone out and would not return. Notwithstanding her non-appearance on Saturday or Sunday, it was not until the afternoon of Monday that the door was broken open and the body found; and then it was also discovered that some silver plate and other articles had been stolen. Under these circumstances, suspicion attaching to old Mr. Fleming, he was in consequence imprisoned. Meanwhile, the plate was discovered at a pawnbroker's, and Jessie Maclachlan, the woman who had pawned it, was secured; and the evidence criminated her so far that she was committed to prison, and Fleming was set at liberty. On the 17th of September the case came on for trial: the prisoner, indicted for murder and robbery, pleaded "Not Guilty," and put in besides a special plea—that the murder had been committed by James Fleming. The trial lasted for four days. On the fourth day the judge summed up the evidence, and after twenty minutes' deliberation the jury of fifteen returned a unanimous verdict of "Guilty." The advocate depute then moved, on the part of the Crown, that sentence should be pronounced. At this stage of the proceedings the counsel for the prisoner read a statement drawn up in her name, giving a most circumstantial account of the scene on the fatal Friday night when the murder must have taken place. The chief points of that account were that Fleming had committed the murder, and that she in her terror and distress at the death of her friend had allowed herself to be persuaded to silence by a bribe of plate and clothes. The Judge then pronounced sentence. He said that it was part of his duty, not only to condemn the guilty, but also, as far as he could do so, to protect the innocent; that the accusation against Fleming only aggravated the crime of the prisoner; that he fully concurred in the verdict of the jury, believing that no other verdict could have satisfied the ends of justice; and that the statement which had been read, so far from affecting his judgment, left upon his mind the impression that it was a tissue of as wicked falsehoods as he had ever listened to. The trial and the original crime had strongly excited the public mind. The greatest interest was felt in all the proceedings. The

Scotch papers were full of the case, and it was also largely discussed in the London journals. Scotland was divided into two parties, one believing that the woman alone was guilty, and the other that Fleming had committed the murder. As far as he had heard, no other persons were suspected of the crime. Soon after the trial, observing that a petition for a pardon or commutation of the sentence was being got up to the Secretary of State, the jury who had returned the verdict agreed to hold a private meeting to determine whether, on a consideration of the woman's written statement and all the circumstances, they ought to join in the appeal for mercy. Fourteen of the jurors attended the meeting, and they were unanimous in a resolution not to interfere on behalf of the prisoner. Still a petition, very numerously signed, was presented to the Home Office in the usual way. The constitutional practice with reference to such petitions differed in the two countries. In cases tried in Scotland, the petition for mercy was referred, not to the Judge who had tried the case, but to the head of the Criminal Court, the Lord Justice Clerk, whose duty it was to confer with the Judge. He did not know whether that course had been followed in that case, but he presumed it had been; and he thought he was justified in assuming that the Lord Justice Clerk was in favour of carrying out the sentence of the Court; for if that learned Judge entertained any doubt on the subject, he would have expressed it; and in that case it was evident, from what subsequently took place, that the capital sentence would have been commuted without any further proceedings. Although the Lord Justice Clerk was satisfied, the right hon. Gentleman the Secretary of State was not, for he instructed Mr. Young, a very able member of the Scotch bar, to investigate the circumstances of the case. Mr. Young's inquiry was held on the 16th, 17th, and 18th October, in the Court of the Sheriff of the county of Lanark, with closed doors and without the examination of the witnesses on oath. As far as he was informed, the only persons present, while the evidence was taken, were the Sheriff of Lanarkshire, the Procurators Fiscal of Glasgow, and the prisoner's counsel. The result was a respite of the sentence on the 29th of October. It had been previously, on the 3rd of October, notified through the Lord Provost of Glasgow to the prisoner that she was to be reprieved till an investigation took place, and that unless the facts brought forward should confirm her statement, she was to entertain no hope of a commutation of the capital sentence. Her statement was to the effect that old Fleming had committed the murder, that she, a mere bystander, had been, unfortunately, bribed to hold her tongue. From the terms of the respite, on the 29th of October, and of the intimation previously given to the prisoner on the 3rd, there was every reason to infer that the result of the investigation before Mr. Young had been to confirm her statement read between the verdict of the jury and the sentence of the Judge. He had no desire to cast any blame on the right hon. Gentleman the Secretary of State for the Home Department, who, he was sure, entertained a proper sense of the awful responsibility that devolved upon him, and had in that, as in all other cases, done what he conceived to be right. Nor did he question the propriety of sparing the life of the convict, which was clearly a matter for the right hon. Baronet himself solely to determine. But there were, nevertheless, circumstances in the conduct of this case which appeared to him to be open to such grave objection that he thought it his duty to state them to the House. In the first place, he wished to understand what the prerogative of mercy really was, and to what it extended? Did it confer on the Crown the power to remit wholly or in part the punishment awarded by a criminal court? Or did it enable the Minister of the Crown to review any capital sentence which might be pronounced in London or Edinburgh; to send such a sentence to be reviewed and revised by an inferior Judge, hearing over again the evidence already taken by a superior Judge, as well as evidence that had not been before the court by which sentence had been pronounced? If the latter supposition were correct, they might have the sentences of the Supreme Criminal Courts in the country reviewed and revised by gentlemen selected from amongst the Sheriffs of Scotland or from the benches of the County Courts in England. He might be told that the Commission intrusted to Mr. Young was not to review or revise the sentence, but merely to take evidence and report it to the Secretary of State; and that, in point of fact, no court of appeal had been held in the office of the Sheriff of Lanarkshire. Technically, that might be true; but if that court was not a court of appeal, it was so like it that the citizens of Glasgow had not been able to perceive any difference between it and a court of appeal. In point of fact, he thought Mr. Young had held a court of appeal; for how was he to know that the evidence brought before him for the first time was really new, unless the old evidence was also submitted to his consideration? A very careful and searching comparison of the old and new evidence was necessary; and that was doubly necessary when the trial and the inquiry were held under circumstances so widely dissimilar; when the facts were to be adjudicated upon under very different conditions; when in one case the evidence was taken before the Judge under the solemn sanction of an oath and in the face of the country, and in the other it was taken in secrecy without oath and with very little chance of publication; when the evidence given at the trial had been followed word by word by the Judge and jury who were to decide the case, and that given at the inquiry was to be ultimately received or rejected by a person sitting four hundred miles off at Whitehall. In February 1860, the late Sir George Lewis, at that time Home Secretary, in one of the most lucid and exhaustive of his speeches, opposed a Bill for the establishment of a court of appeal for criminal cases. The main argument of the right hon. Gentleman was, that it would be very unwise to remove from Judges and juries that wholesome sense of responsibility which arose from the knowledge that their proceedings were final. He believed the country held the same opinion on that subject as the right hon. Baronet; but cases like the present might compel both the House and the country to reconsider that opinion. They might arrive at a different conclusion if it appeared that the prerogative of mercy had been silently and step by step growing into a court of criminal appeal—a court established they knew not how, consisting of they knew not whom, appointed at the mere will and pleasure of this or that Secretary of State, taking evidence in an unusual and suspicious manner, and working under arbitrary and perhaps extemporized rules—both the evidence and the rules being removed from challenge or question, by being placed under the broad shelter of the Royal prerogative. He would not press that point further, but would suggest it for the consideration of the constitutional lawyers in the House.

An impression prevailed in Scotland, he knew not on what foundation, that the learned Lord Advocate had taken a somewhat active part in the transactions which passed between the trial and the respite, and the statements that he had been in correspondence with the Home Secretary seemed to lend some colour to the impression. He hoped it was not so, for the Lord Advocate's functions were already varied and conflicting enough without his claiming a share in the exercise of the prerogative of mercy. The Scotch Members well knew the indefinable and elastic character of his powers. If any one went to the Home Office or the Treasury on Scotch business, ten to one but he was referred to the Lord Advocate; and if he went to the Lord Advocate, ten to one but he was referred back to the Treasury or the Home Office. He wielded very large power, with but a very small responsibility. There was, however, one part of his duty, of which he could not shift the burden of the responsibility upon any other officer or office. He was the public prosecutor in Scotland; and there were therefore the gravest reasons why he should have nothing to do with the prerogative of mercy. Was it to be tolerated that the right hon. and learned Gentleman, in whose name every indictment ran, and who was responsible for the conduct of every criminal trial, who might stop a prosecution or a trial at any moment, should appear one day in court to marshal facts and press a charge against a prisoner, and so obtain a capital conviction, and the next day repair to the Home Secretary and say, "I have been somewhat too precipitate and too successful, and I must now call upon you to put into operation the prerogative of mercy."? This, he believed he might say, had certainly not been the practice of some of the learned Lord's predecessors. He hoped an opportunity would be taken of assuring the House that the impression of the public that his right hon. and learned Friend had taken an active part in the affair was a mistaken one.

He came now to the last and most painful part of the subject, and which was the most difficult to deal with—the treatment which Mr. Fleming received at the hands of the Home Office. On the 3rd of October the right hon. Gentleman wrote, or caused it to be written, that the prisoner Maclachlan was to be informed, that if the investigation about to commence did not confirm the truth of her statement, she must not hope for a commutation of her sentence. On the

29th of October she was informed that her sentence of death was to be respited until further orders, or, in fact, that she was to be kept to hard labour for the rest of her natural life. Was it possible to read those two letters together—to consider the words in one, and the silence in the other, without believing that the Home Secretary must have been satisfied that the woman's statement had been confirmed? He should be ashamed even to suggest that the Home Secretary might have permitted such letters to be written in his name if he had believed Mr. Fleming to be innocent; because he conceived that the suggestion would be an insult to the right hon. Baronet. The whole tenor of the correspondence compelled the conviction that the right hon. Baronet believed Fleming to be guilty. But even supposing that such had not been the belief of the right hon. Baronet, and that he had not perceived the direct inference to be drawn from his own words, he was not long left in ignorance that that inference was drawn by the public. The newspapers must have informed him of it—if Secretaries of State ever condescended to read newspapers—and the parties most interested soon brought it under his notice. The agents of Mr. Fleming, Messrs. Smith and Wright, wrote on the 31st October to the Home Office. They pointed out to the right hon. Gentleman the popular feeling, and they said that the letters of the Home Secretary could lead to no other inference but that he believed their client to be guilty. They therefore invited him to remove the impression which the letters had created. The right hon. Gentleman replied that he must decline to give any opinion on the subject. Messrs. Smith and Wright again wrote to him on the 7th of November, and on the 14th of November, having relented somewhat, as it appeared, in the interval, he replied, or at least Mr. Clive replied for him—

> "That Sir George Grey instituted the inquiry, under the very peculiar circumstances of this case, in order to assist him in deciding whether sufficient doubt existed, as to the share which the prisoner Jessie Maclachlan had in the commission of the crime to justify the commutation of the capital sentence. The result satisfied Sir George Grey that the whole facts relating to the case had not been submitted to the jury at the trial, and that sufficient did exist in the point mentioned to justify him in recommending a commutation of the sentence to penal servitude for life. But the result of the inquiry was far from removing all uncertainty, nor could it justly be held to fix a share of the guilt on any other person, especially when such a person was not represented at the inquiry."

The agents, to whom that letter was addressed, replied, on the 17th of November, that the popular feeling having been much strengthened by the previous language of the Home Secretary, had not been removed even by his present admission, and they said, "Under the circumstances it is the universal opinion that the tendency of the evidence taken before Mr. Young has been to criminate our client." On the 21st of November the Home Secretary refused any further satisfaction, and the correspondence closed. Surely, the correspondence could hardly leave any other impression on the public mind than that the Home Secretary believed Fleming guilty of the crime. He must repeat that it would be unfair to the right hon. Gentleman to assume that he would have written these letters had he believed him to be innocent. The language which he had used in regard to Mr. Fleming, even in the letter of the 14th of November, was not such as an English gentleman used when he was withdrawing a statement which he had made inadvertently or under wrong information. The House would observe, too, that in that apology—if apology it could be called—if there was one word for Mr. Fleming, there were two for Sir George Grey. If "the result of the inquiry" had been "to fix a share of the guilt" on Fleming, it would have been clearly the Home Secretary's duty to have placed him at the bar to be tried for the crime. But under no circumstances could it be the duty of the Home Secretary to write letters which, by their silence as well as by their statements, by inference and by innuendo, stigmatized a man and inflicted on him that kind of damage which would have been inflicted on him if he had been placed at the bar, and the verdict against him had been the Scotch verdict of "Not Proven." An opinion prevailed that Fleming, having been a witness in the case, could not afterwards be tried for the crime. He had made inquiries on that point, and while some of his legal friends were of that opinion, others, and among them some eminent authorities, took a different view. He hoped they would have a positive assurance on the point. But even if it were the law of Scotland that a person having been called as an ordinary witness —not as Queen's evidence—could not be placed at the bar for the particular crime respecting which he had given testimony —surely Mr. Fleming could have been tried for perjury, an offence of which he had unquestionably been guilty if he had committed the murder. For one or other of these crimes it was the duty of the Home Secretary to have seen that he was tried, instead of blasting his reputation and that of his family by letters such as those included in the published correspondence. That many of the most intelligent persons in Glasgow agreed with him in thinking so was evident from a memorial which, having been placed in the Exchange and other places of public resort, was in a few days signed by 2,700 of the leading citizens, and presented to the noble Lord at the head of the Government in October last. These memorialists stated that a searching inquiry was necessary, and complained that the public trial by judge and jury had been set aside, and a private investigation by a secret tribunal had usurped its place. They also called attention to the fact that the remission of sentence in the case of the prisoner without any explanation had a tendency to point to a man as criminal who was untried, and presumed to be innocent, and thereby inflicted upon him and his posterity a wrong of the most cruel description. There could be no doubt that the Home Secretary, who seemed to be turning the Royal prerogative of mercy into an appeal court in criminal cases, was making a great innovation in the Constitution. He hoped the House would maturely consider this important subject, and at least that it would not sanction the creation by the Home Office of a new punishment, a punishment to be inflicted at the arbitrary will of the Secretary of State, and to consist of imputations thrown upon the character of individuals. As the only means of ascertaining what circumstances there were in this case which justified the creation and infliction of such a punishment, he conceived that he had a right to claim the publication of the evidence taken before Mr. Young. Some portions of that evidence, indeed, had already been published. The proceedings before Mr. Young were so conducted that one of the Glasgow newspapers, which, with great energy and ability, advocated the cause of the prisoner, stationed a reporter at the door of the room in which Mr. Young was sitting, and thus obtained from a number of the witnesses as they came out information as to the evidence they had given. He was only asking, therefore, that the remaining portion should be given to the public, so that the whole evidence might appear in a complete form. It had been said, he did not know on what authority, that the papers had hitherto been withheld, because the agents for Mr. Fleming had not thought fit to ask for them. The printed correspondence sufficiently rejected this misstatement. It was plain that Messrs. Smith and Wright had asked for the evidence in November last, and they were still most anxious, for the sake of their client, that it should be produced. That no doubt might remain on this point, they had addressed to him, on the 24th inst., a letter in which they used these words—

> "Mr. Fleming and his family are still most anxious to have the evidence published, and to have an opportunity of testing its real value, and wait with much anxiety the result of your Motion."

He therefore hoped the Home Secretary would agree to his Motion, which was that an Address should be presented for Copies of the Proceedings at the trial of Jessie M'Intosh Maclachlan, convicted of murder at the Circuit Court at Glasgow in September 1862, and of the Evidence taken at the subsequent inquiry before Mr. Young.

Mr. SPEAKER said, the hon. Member could not make his Motion, because an Amendment to the Motion for going into Committee of Supply had already been put and negatived.

Sir GEORGE GREY: Sir, although the Motion cannot be formally put, I wish to make a few observations on the statement of the hon. Member. He was quite right in supposing that I acted in this case under a deep sense of the responsibility which attaches to any one holding the office which I have the honour to fill in advising the Crown in the exercise of the Royal prerogative of mercy, especially where capital sentences are involved. It is a solemn responsibility—a most painful duty; but, at the same time, I cannot accept the doctrine of the hon. Member that the Secretary of State is bound to consider the verdict of a jury in a capital case as absolutely final, and to refuse to investigate any alleged facts which may be stated to him tending to alter the view of the case submitted to the judge and jury. The duty of a Secretary of State would be easy if in all cases he refused to receive any appeal for mercy founded upon facts not stated at the trial. But he cannot shrink from the performance of the duty which is now imposed upon him, however painful it may be; if he did, his conduct would meet with universal condemnation. I have endeavoured in all cases to perform that duty to the best of my ability; and although I do not say that I have not come sometimes to an erroneous conclusion, yet I have tried honestly to discharge it according to the convictions of my own mind and conscience. In the present instance, I could not, consistently with the discharge of my duty, have taken any other course. The case was most extraordinary, and the hon. Member has only partially stated the circumstances; but I am not going into the evidence, because this House is not competent to sit as a court of appeal. I may, however, say, that it was impossible that the murder could have been committed except by one of two persons. Fleming was arrested in the first instance on suspicion, but was afterwards discharged, and his evidence was admitted on the trial of Maclachlan. Here I may say that I was distinctly advised, without doubt or hesitation, by those to whom I was entitled to look for a correct exposition of Scotch law, that Fleming having once been admitted as a witness, was incapable of being put upon his trial for the murder. Eventually the woman Maclachlan was brought to trial and convicted; and I am bound to say that upon the evidence laid before the jury in the case they could not honestly have found a different verdict. The evidence was conclusive as to her guilty participation in the murder, and no doubt has ever been entertained by me on that subject. But after the verdict was returned, a most extraordinary proceeding took place. The defence was a general defence of not guilty, and the agents and counsel for the prisoner put the Crown to its proof, hoping to obtain an acquittal. They failed; but no sooner was the verdict returned than the counsel for the prisoner read, with the sanction of the Judge, a long statement which it was afterwards proved had been taken down from her own lips five or six weeks before the trial, and was not framed as has been alleged with a knowledge of the evidence laid before the Court, and which she had urged her agents to rest upon as her defence, but which they declined to make use of, no doubt from a feeling that it admitted her guilt to such an extent as must have ensured a verdict against her. Before the sentence was pronounced, that statement was read—a statement professing to give a most detailed account of the circumstances of the night when the murder was committed—a statement not inconsistent with the evidence adduced at the trial, but admitting her guilt to the extent of what we should call in England being an accessory after the fact, but which under the Scotch law would have rendered her guilty as a principal. The evidence given at the trial, accompanied by that statement, produced a most profound impression upon the public mind in Scotland. It produced the impression that justice had not been done, that the facts had not been fully and fairly laid before the jury, and, without denying the guilty participation of the woman, there was a very general feeling that great suspicion rested upon other parties besides the prisoner, and that justice would be defeated if she were executed and those other persons allowed to go absolutely free. I then laid the statement and accompanying report before the Lord Justice Clerk. The hon. Gentlemen is quite correct in saying that the Lord Justice Clerk, after communicating with Lord Deas, who took, no doubt conscientiously, a very strong view of the woman's guilt at the trial, was still of opinion that the verdict was right. I also think it was right, and that no fifteen or any other number of men could have found any other verdict on the evidence before them. But I believe, if the defence of this woman had at the trial been rested on the statement which she afterwards made, that a different state of facts would have been laid before the jury. The conclusion at which, under those circumstances, they might have arrived, it is, of course, impossible to tell; but I think the case would have assumed a different aspect, and that the verdict, however right as the case actually stood, might have been modified. I communicated with my learned Friend the Lord Advocate, whose most valuable assistance I am happy to say I had, on the subject of an inquiry as to the truth of the woman's statement, and wished him, if he thought such an inquiry expedient, to direct that it should take place in a way that was likely to prove most satisfactory. The mode of conducting it I left entirely to him. The whole of the statements made to me were laid before Mr. Young, a most eminent counsel at the Scottish bar, and I know of no one to whom the investigation might have been more properly intrusted. That gentleman took those means which were best calculated to test the truth of the prisoner's statement. I am far from saying that the result established the truth of that statement. In many collateral points it might have done so. At all events, the impression left on my mind, and it was a very decided one, was, that there was sufficient doubt as to the share taken by the woman Maclachlan in the crime—although she was clearly a guilty party—to make it inexpedient, with reference to the general feeling existing in Scotland on the subject, that the capital sentence should be executed, but there could be no doubt that she should be subjected to such a punishment as the law would award to an accessory after the fact. With reference to the principle on which the Royal prerogative of mercy is to be exercised, I hold, as a rule, that where the case is clear and undoubted, where the jury have found their verdict, and the Judge entirely concurs in it, and where no new light is thrown on the facts by communication with the Judge, the Secretary of State ought to allow the law to take its course. But circumstances sometimes occur to modify that principle. I think it is most important that the administration of the law should not only be right, but that there should exist a general impression in the public mind of the country that it is right and just; and especially in regard to capital punishment is it undesirable that it should be inflicted where there prevails a general, I may almost say a universal feeling that there were circumstances in the case which rendered that course inexpedient. Now, I believed—and all that I have since heard has confirmed me in the conviction—that public opinion in Scotland would have been shocked if this capital sentence had been carried out. In the course of last year a murder was committed by a soldier, who deliberately loaded his carbine for the express purpose of shooting his comrade, and did kill him in cold blood. The prisoner was tried, convicted, and sentenced. But, owing to certain evidence adduced at the trial, although it was a clear case of murder, such a strong feeling prevailed that very great provocation had been given to the prisoner, that the Lord Lieutenant, the sheriffs, the magistrates, and other persons of influence in the county, represented that public opinion would be shocked by the execution of the man, and I felt that the sentence, just as it no doubt was in reference to the nature of the crime, could not be carried into execution with a due regard to the general ends of justice. As the crime was one of a military character, I communicated on the subject of the conclusion at which I had arrived with the Commander-in-Chief, who was good enough to express his concurrence in the course I proposed to take. I mention this to show that a case may be quite clear and no ground for a commutation of the sentence may arise from any doubt as to the facts; and yet, if you mean to retain capital punishments at all, it may not be expedient, under some circumstances, to let the law take its course. I think that capital punishments ought to be maintained, but I feel that they cannot be maintained if you stretch the law to the extreme and execute every sentence without regard to its effect upon public opinion. I do not now speak of public opinion as to the expediency of capital punishments — that is quite a different matter—and where petitions have been sent to me founded on objections to that principle, I have thrown them aside, because I feel that it is not for me, in my official position, to attempt to alter the law, but to carry it out to the best of my power, and with a due sense of my responsibility. I have now stated the course that I took in this case and I do not know that I could have acted differently. I might have said, like Lord Deas, that the statement put before me was a tissue of falsehoods, and refused to have it investigated. I found, however, that there were men of high principle, position, and influence in Scotland who gave credit to that statement, and that the general feeling of the community required its investigation. In deference to that public opinion, and in consonance with the dictates of my own judgment, I was anxious that it should be investigated; and after the inquiry took place, I felt that I should be wanting in my duty if I did not act as I have done. The hon. Gentleman has complained of the letters I wrote to the agents of Fleming. I was compelled to write them by the letters addressed to me by those agents. In one of the letters I stated distinctly, that having been admitted as a witness at the trial, Fleming could not then be put upon his trial and charged with any criminal offence in connection with this case. If I had said, that the jury having found this woman guilty of the murder, and the Judge having fully concurred in their verdict, she should be hanged, the general opinion I am convinced would have been that I had shrunk from my duty. However responsible may be that duty, however unsatisfactory may be the means of informing the mind of a Secretary of State, and enabling him to come to a sound decision, I took the best means in my power of doing so, and acted according to my conscientious belief of what that duty dictated. In this case I had the benefit of the assistance of my learned Friend the Lord Advocate, to whom I left the conduct of the inquiry. But I wish it to be understood that I had the sole and undivided responsibility of advising the Crown in the exercise of its prerogative. I feel that in this case, as in every other, that responsibility rests upon me, or upon whoever may fill the office which I now hold; and as long as I hold that office I shall not shrink from endeavouring to discharge my duty according to my own convictions of what that duty is.

Mr. STIRLING asked whether the papers for which he had asked would be produced.

Sir GEORGE GREY: I should be glad if the papers could be produced, but the difficulty is that by their production a dangerous precedent may be established. It will be highly inconvenient for the public interest if this House is to become a court of appeal in criminal cases.

Mr. BLACKBURN said, the case before the House was a very peculiar case. It involved the character not merely of an individual, but that of a respectable family, and the parties who had been brought under suspicion were anxious that all the evidence should be laid before that House, not as a tribunal of appeal, but that an opportunity might be given them of seeing the case against them, and answering it if they could. He wished to correct the right hon. Gentleman's impression as to there having been any general opinion in Scotland that the woman Maclachlan was not guilty. There was, he admitted, a great clamour got up in Glasgow, by the newspapers; but that was one of the effects of giving way to and encouraging those who made it. He did not think a dozen sensible men could have been found in Scotland who had the slightest doubt that the woman, unaided and alone, committed the murder.

Mr. DENMAN said, he could confirm the statement of his right hon. Friend the Home Secretary, as to the state of public opinion in Scotland. He happened to be travelling there at the time the case occupied the public mind; he read every word of the evidence, and discussed the case with every fellow-traveller, and he could not find a single Scotchman who had not only formed a judgment that Maclachlan ought not to be hanged, but who was determined she should not be hanged. One Scotchman declared it would take three regiments of soldiers to hang her. He wished to be informed by the Lord Advocate whether the state of the law in Scotland was as had been represented by the right hon. Baronet—namely, that a witness on a trial for murder could, under no circumstances, be afterwards put upon his trial on a charge connected with that murder. It was scarcely credible that in a civilized country such a scandalous state of law could exist. If the right hon. Baronet had represented it correctly, the sooner the law was altered the better.

The LORD ADVOCATE said, that he could not refuse to respond to the appeal which had been made to him. His opinion undoubtedly was that by the law of Scotland a person who had given evidence on a trial could not afterwards be tried on the same charge. He did not hold with his hon. and learned Friend that that was necessarily a bad state of the law. It was exceedingly desirable for the ends of justice that witnesses should be able to give testimony without the fear of personal consequences. It was usual for the Judge, when he observed anything suspicious in the circumstances of the witness, to warn him that nothing he could say would be brought against him, and that he could not be tried in relation to the matter before the Court. Although, in the present instance, that caution was not given, his opinion was, that if they had attempted to place Fleming at the bar, the plea would have been successfully taken, that having been a witness, he was not liable to be proceeded against. Reference had been made to the part he was reported to have taken in the inquiry. He took only that share in it which he uniformly did when his right hon. Friend the Home Secretary desired to have any matter whatever investigated. In an ordinary case, where there was a petition for the mercy of the Crown, it was not his habit to interfere, because the Home Secretary referred it to the Judge who tried the case, and his opinion generally decided the answer to the application; but when new facts were stated for the first time after the verdict which required examination, it was the uniform practice to use the machinery of the Lord Advocate for the purpose. It was certainly much better to employ a responsible officer, with a responsible staff, to do the duty than to leave it, as in England, to the committing magistrate or the constabulary. He was not aware that any other machinery had been used in Scotland for the investigation of crime. It was assuredly not his part, as the public prosecutor, to throw doubt on a verdict which he had himself obtained. Therefore, when there were no new facts brought forward, the Lord Advocate did not interfere at all. On the other hand, it was quite as much his duty to protect as to prosecute. If, on any occasion, he found grave reason to doubt whether a verdict which had been passed at his instance was just and true, he held himself entitled to represent the matter to the Home Office. Although the circumstances of the case before them were peculiar, the case was very simple, and the procedure did not deviate from the ordinary course. The murder took place on the 4th of July, but was not discovered till the 7th. The only inmate of the house beside the murdered woman was the old man Fleming. On the afternoon of the 7th the door of the woman's room was broken open, and her body was found there. The old man said that he had gone to bed at nine o'clock on the evening of the 4th; that when he got up the next morning the door was locked, and that he remained in the house from the morning of Saturday to the afternoon of Monday. Although he saw and communicated with many persons, not a word was said of the disappeance of the housekeeper till his son and grandson returned. It was discovered that some plate had been carried out of the house and pawned. That plate and the bloody clothes were traced to the possession of Jessie Maclachlan. She denied that she had been in the house on the night of the murder, and maintained that she had got the articles from old Fleming. That story was so palpably false, that on the best consideration which his learned friend the then Solicitor General could give to the case, it was resolved to try Maclachlan and to take Fleming as a witness. So the case went before the jury. After the verdict had been returned, the counsel for the first time read a long consistent statement, in which the woman confessed that she was an eye-witness of the murder, and described the whole proceedings with the most minute detail, from the time she went into the house at eleven o'clock on Friday night till she left at half past eight next morning, mentioning also many collateral circumstances to which others could speak. She said that she had been sent out by Fleming for whisky; that when she came back, she found there had been a quarrel, and that the old man had inflicted injuries on his housekeeper; that an attempt was made to revive her, but to no purpose, and that then the old man, becoming frantic, destroyed his victim with a cleaver, and threatened to do the same to Maclachlan if she ventured to breathe a word of the matter to any one. It sometimes happened that great culprits managed to make up an adroit story after hearing the evidence; but it should be borne in mind that the statement of Maclachlan was made before the trial; that the woman herself was anxious it should be read in the course of the trial; but, although it was placed in the hands of counsel, it was not produced till after the verdict. That was a very material element in the case. He did not see how, when a petition for mercy was, under such circumstances, addressed to the Crown, his right hon. Friend the Home Secretary could refuse to investigate the matter. It was impossible to have a new trial, or to set up a judicial tribunal to control the verdict. All his right hon. Friend could do was to avail himself of such machinery as Scotland offered, and he did so. According to the usual rule the Advocate Depute who was at the trial would have been directed to make an inquiry. It happened that that gentleman was not at home, and the duty was intrusted to his learned friend Mr. Young, who had since become Solicitor General. He undertook it simply as a deputy of the Lord Advocate and not as Commissioner for the Home Office. The result of the inquiry was not to criminate Fleming, but to show that there were material circumstances which were not before the jury, and that there was a substantial doubt in the case as submitted to the jury. What his right hon. Friend the Home Secretary thereupon did was, not to pardon the culprit, but to spare her the last penalty of the law; and in his opinion he could not avoid taking that course. That was by no means the first time such an inquiry had taken place. There was a case in the previous year which illustrated the regular mode of procedure. Three men were convicted of a felonious assault upon a woman.

After the trial, two of them stated that the third was innocent. That statement was sent to him from the Home Office for investigation. He sent it to the Senior Advocate Depute, who found that it was quite true, that the third prisoner had been erroneously identified, and that he was really innocent. The man accordingly received a pardon. What other mode was there of dealing with such cases than that which had been followed? They were, of course, matters of deep anxiety, and he doubted whether any good was done by discussing them in the House. He believed the responsibility of the Home Secretary was so grave that he ought to be left unfettered, and that he should not have before his eyes the fear of any objections being taken in a popular discussion in the House, or of being charged with overriding the verdict of the jury or the opinion of the Judge. He was quite satisfied that no one could have seen so much of the proceedings as he had done, and come to another conclusion than that which had been arrived at by his right hon. Friend.

Mr. MURE was understood to say that there were one or two points on which he differed from his right hon. and learned Friend. It was quite true that it was the duty of the Lord Advocate to protect those whom he believed to be innocent, as well as to prosecute those whom he believed to be guilty. If the Lord Advocate found that some information had not been laid before the court, which led him to doubt the justice of the verdict, he was undoubtedly bound to communicate the fact to the Home Office, leaving it to the Secretary of State to decide what course should be followed. It appeared to him a very serious matter indeed to call on the Lord Advocate, who, as public prosecutor, had obtained the verdict, to assume the responsibility of conducting an investigation into the circumstances of the case, with a view to advising the Crown to commute the sentence. That did not fall within the province of the Lord Advocate. He always understood that after the verdict had been obtained the Lord Advocate was out of court. He might refer to the following extract from the second volume of *Hume*, page 495, in corroboration of his view:—

> "If the Judge has no power to grant a remission of his sentence, still less does any such belong to the prosecutor, at whose instance the judgment has been obtained. Thus far the law countenances his lenity and even his fickleness, that it does not constrain him to persist in his process because he has brought one, but allows him to desert the instance at any period of his proceedings, not excepting even the latest after verdict of guilty has been returned. But if judgment has once passed on the verdict, both charge and prosecutor are then out of court, and he is thenceforth but as one of the people, all of whom have now an interest in the execution of justice on a criminal, whose guilt and its consequences have been openly declared in due course of law."

In his opinion, the law did not recognise the interference of the Lord Advocate after the verdict had been obtained, either in reference to the commutation of sentence or in directing the Home Secretary in the matter.

The LORD ADVOCATE observed, that his hon. and learned Friend misunderstood him. He did not direct the investigation; but, in addition to being public prosecutor, he was the head of the Home Office in Scotland, and it was in that capacity he obeyed the instructions of the Secretary of State.

Mr. MURE said, he would say only a very few words on one or two other points of the case. With all deference to the Lord Advocate, he must say there was no authority in the law of Scotland for the doctrine which had been laid down, that a person once examined as a witness on any criminal charge could not afterwards be tried for his supposed participation in the crime. It was undoubtedly the law of Scotland that where a party, being *socius criminis*, was put in the witness-box, and the Judge told him that if he told the truth he need not be apprehensive of the consequences—if such a witness told the truth, he was protected by the law of Scotland. But where a party was put in the witness-box to give evidence, there being no suspicion against him at the moment that he was *particeps criminis*, and he gave his evidence, not being warned, if it should afterwards turn out that there was reason to believe he had himself committed the crime, there was nothing in the law of Scotland which said he should not be tried for it. Looking to the peculiar circumstances of this case, unless there was some very absolute and imperative rule in the Home Office, he thought the evidence taken before Mr. Young should be produced. He would refrain from expressing any opinion on the matter; but having regard to the peculiar circumstances and the anxiety of the public to see the whole of the evidence, he trusted the right hon. Baronet would allow the papers to be produced.

Mr. FINLAY said, he wished to join in the expression of the hope that the right hon. Gentleman would give way, and produce the papers.

Mr. DUNLOP said, he entertained a strong opinion that the Secretary of State could not have refrained from commuting the sentence without violating the feelings of the greater part of the people of Scotland—not merely those who were led away by newspaper paragraphs, but the quiet and calm thinking portion of the community. He did not think the woman innocent. On the contrary, taking her own statement to be true, according to the Scotch law she was guilty, "art and part;" but there was one upon whom grave suspicions rested, who was not only not tried, but put in a position in which he could not be tried. The girl's statement gave an explanation so perfect that it added strength to the feeling that the man ought to have been tried, and that to execute the woman would be a violation of justice; for if not true, it was a work of genius not inferior to that of Defoe. It was not enough to warrant the execution of a sentence of death that it should be just in the sense of being deserved, but that it should also be just in the sense of being fair with reference to others reasonably suspected of participation in the crime; and if this woman had been hanged, while Fleming had been screened even from trial, the effect would have been most mischievous, as is always the case when a sentence revolting to the right feeling of the country is carried into execution. As to the papers, he thought it fair, if Fleming and his friends wished to see the results of the subsequent inquiry, that these should be communicated; and if any technical or official difficulty were apprehended for the future, he would suggest, that to avoid creating a precedent, the right hon. Gentleman might, instead of presenting the papers to Parliament, give them to the agents, with full permission to make what use of them they pleased.

Mr. BUCHANAN said, he hoped that the right hon. Gentleman the Home Secretary would, if he did not consider it inconsistent with his duty, comply with the request that the papers should be printed. He quite agreed that that House ought not to be made a court of appeal in criminal cases; but the discussion which had taken place rendered it necessary that some steps should be taken to allay the excitement which existed on the subject.

Lord CLAUD HAMILTON said, he hoped the Home Secretary would not persist in his refusal to allow the papers to be published, because the right hon. Gentleman had in effect pronounced Mr. Fleming guilty of the murder. He said it was clear that only two persons could have been guilty—namely, the prisoner and Fleming; and also, that it was clear that the woman could not have been guilty alone. It was clear, therefore, that he meant that Fleming was guilty. But after a man had run the risk of being placed on his trial; after he, a man eighty-seven years of age, had been subjected to a rigid cross-examination, in the course of which he neither stumbled nor faltered in his evidence, notwithstanding the great skill of the counsel for the prisoner; after the fifteen jurors, by a unanimous verdict, had in effect declared that the old man was innocent; after the Judge had expressed his concurrence in the verdict, and after he had, moreover, intimated his opinion that the paper put out by the prisoner was a tissue of falsehoods, and that the prisoner was by its means attempting to commit a second murder, it seemed rather unprecedented to make Mr. Fleming the subject of an imputation which, in any other place, would have afforded grounds for an action for libel. As to the public feeling in Glasgow being in favour of the woman, it was the most disgraceful exhibition ever witnessed. She was called the "heroine of the tragedy," and portraits of her in the scene of the murder, well smeared with blood to gratify the taste of her admirers, were exhibited for sale, whilst the walls were placarded with the words, "Hang old Fleming." It was said that the feeling in Scotland was unanimous against the execution of the woman; but having been in that country at the time, he knew that a great number of the most respectable people in Glasgow were indignant at the unworthy means adopted to excite the public mind in her favour. He had asked a noble Lord, at whose house he was staying, whether he thought it right that such misrepresentations should be allowed to pass unnoticed; to which the noble Lord replied that he should deem it a personal insult to his old and valued Friend the Secretary of State to believe it possible he could be induced to give way by such unworthy clamour. It had been said that that House ought not be made a court of appeal in criminal cases, and he agreed in that view; but then, when a question did arise, care should be taken not to argue it so that guilt must be imputed to an untried person. The old man was properly in the house, but the woman, Jessie Maclachlan, was not a resident there. She had been in the habit of borrowing money of Jessie M'Pherson, and on the night of the murder she went to the house to obtain a further loan. It appeared, afterwards, that she obtained money to pay her rent and to redeem her clothes. Those were facts which were proved, and which ought to have been stated by the learned Lord. He trusted that the Government would not decline to give the evidence upon which the Secretary of State had acted in commuting the sentence.

Mr. CRUM-EWING said, he also hoped the Home Secretary would yield to the wishes of the Scotch Members, and would produce the evidence taken upon the subsequent inquiry.

Sir GEORGE GREY said, he would rather take time to consider whether he could comply with the request. If it were not that an objectionable precedent might be established, he should not object to produce the evidence.

Mr. CONINGHAM said, he thought the case showed the necessity for some alteration in the law with regard to these secret courts of appeal, which were highly objectionable, and by no means calculated to inspire confidence in the administration of justice.

Mr. STIRLING said, he had not in any degree blamed the Government for sparing the life of Jessie Maclachlan, but he had strongly, and he thought not unjustly, complained of the stigma cast upon an untried man.

SEIZURE OF THE "ALEXANDRA."

OBSERVATIONS.

Mr. HORSFALL said, he rose to call attention to the seizure of the *Alexandra* steam vessel at Liverpool. He had no wish to provoke any general discussion either upon the Foreign Enlistment Act or upon the unhappy state of affairs in America. If, however, the hon. Member for Rochdale (Mr. Cobden), who had a notice upon the paper, should think it right to do so, he could take no exception to such a course. But he ventured to express a hope that the House would not allow itself to be carried away by a discussion upon general principles from the individual case of hardship which it was his duty to submit to them. The case was not one of the seizure of a British vessel upon the ocean by an American cruiser, it was not the capture and condemnation of a British vessel in an American prize court, but it was a calm and deliberate act of the British Government of which he had to complain—an act which had done serious injury to the owners of the ship *Alexandra.* He would state, as briefly and as clearly as he could, the facts connected with the building, outfit, and seizure of that vessel. She was built by a highly respectable builder at Liverpool, Mr. Miller, for a very respectable firm of something like fifty years' standing in that town, Messrs. Fawcett, Preston, & Co. The vessel was built, launched, and was being fitted out in dock, when, on the 6th of April, a Customs officer went on board and handed to the builder a note in the following terms:—

> "I have herewith to inform you that pursuant to directions from the Commissioners of Customs the vessel *Alexandra* now being built by you has been seized, pending such further directions as the said Commissioners may see fit to give."

After that notice was served, he (Mr. Horsfall) received from Messrs. Fawcett, Preston, & Co. a communication which he would read to the House. It was to the following effect:—

> "We think that it may be advisable to send you at once a general outline of our position as regards the *Alexandra.* Having had many inquiries for a vessel of her description, we had her built for us as a speculation. She had been launched, and we were completing her engines and fittings on board, when the Customs authorities, acting under directions from the Government, seized her. The *Alexandra* is our property. She is a three masted wooden schooner, of under 300 tons, builders' measurement, with engines upon the screw principle, of 60 horse power, calculated to drive her at a speed of from nine to ten knots per hour. She is designed and was being fitted out in a manner adapted either for a passenger vessel, for a mail boat, or for a yacht."

Happening to be in Liverpool at the time, he felt it his duty to go on board the *Alexandra.* He examined the vessel minutely from stem to stern, and the result of his observations was to confirm every word in that letter. The notice from the Customs was followed by a very prompt and proper reply from Messrs. Fawcett, Preston, & Co. to Mr. Edwards, the collector of the Customs, requesting to be informed on what ground the seizure of the *Alexandra* had been ordered; and giving notice in the mean time that they would hold the Commissioners of Customs responsible for any loss or damage consequent on the seizure. That letter was dated the 7th of

April; and Messrs. Fawcett, Preston, & Co., having waited until the 9th without getting any answer, then addressed this further communication to the Collector of the Customs—

> "We have not been favoured with any reply to the communication made to you on the 7th, and in the mean time we find that our workmen have been prevented from continuing their work on board the *Alexandra*. We beg respectfully to protest against this interference with our ship and our workpeople, and request that we may be furnished with the evidence upon which these proceedings have been taken."

On the following day the owners of the vessel received a letter from Mr. Edwards, stating that he had received directions from the Commissioners of Customs to inform them that the *Alexandra* had been seized by order of the Government, and that the usual proceedings would ensue. Mr. Edwards further stated that their request to be furnished with the evidence upon which these proceedings were taken would be transmitted to the Board. Messrs. Fawcett, Preston, & Co., then instructed their solicitors, Messrs. Fletcher & Hull, to ask the Collector of Customs to be allowed to see the depositions on which the proceedings had been taken. The collector very properly told them that he had no discretion with regard to the depositions, as they were not in his hands, but were in the hands of the police. The solicitor waited on the head of the police, who told him that the depositions had been transmitted to the mayor, and they could not be shown without his sanction. The solicitor then applied to the mayor and the town clerk for permission to see the evidence on which the property had been taken, but they refused. Upon that the solicitor addressed the mayor, stating that he had been informed that the seizure had been made, upon certain depositions, at the instance of the consul of the United States, which had been sent to the mayor, and requesting an inspection thereof. To this the mayor replied that he did not feel at liberty to permit such an inspection without the sanction of the Home Secretary, from whom he had received the depositions. Messrs. Fletcher & Hull then applied for permission to proceed with the completion of the vessel, but they were refused. They received a letter from the collector stating that the depositions were then in the hands of Mr. Hamil, the solicitor to the Customs, who was then in Liverpool, and to whom they might apply. In consequence of that suggestion, Messrs. Fletcher & Hull applied to Mr. Hamil, and from him they received a letter, dated the 15th instant, in which he referred them to an answer given in that House by the hon. Secretary for Foreign Affairs, to the effect that "the matter was under consideration." Now, as far as regarded the seizure of vessels by American cruisers, it might be quite proper that such an answer should be given; but when the British Government thought right to seize vessels, they ought to consider first, and not afterwards. Mr. Hamil proceeded to say—

> "As the Crown can have no possible desire to act otherwise than impartially, and with due regard to the ends of justice, no advantage will be taken by keeping you and your clients longer than necessary in ignorance of any information to which you are fairly entitled, to enable you to prepare your defence, and the moment I am at liberty to do so I will again communicate with you on the subject."

No further communication took place until the solicitors of Messrs. Fawcett & Co. received the following notice that the *Alexandra* was exchequered:—

> "No. 1. Date, 1863. Seized by officer Edward Morgan. Cause of seizure:—For being equipped, furnished, and fitted out with intent to be employed in the service of persons exercising, or assuming to exercise, the powers of government in and over a foreign State, colony, province, or people, the ship or vessel *Alexandra*, of Liverpool, &c."

He had already mentioned to the House the statement made by Messrs. Fawcett & Co., that no such intention was entertained at all, and he was sure the House would rather take the statement of such a firm than that of the parties who gave the information on which the seizure took place, but whose names were not to be made known. As to the question whether the seizure could possibly have been made under the Foreign Enlistment Act, he would read an authority which he thought neither the House nor the Government would question. The hon. and learned Solicitor General stated—

> "It would be a great mistake to suppose that the Foreign Enlistment Act was meant to prohibit all commercial dealings in ships of war with belligerent countries. Two things must be proved in every case to render the transaction illegal—that there has been what the law regards as the fitting out, arming, or equipment of a ship of war, and that this was done with the intent that the ship should be employed in the service of a foreign belligerent."

The Solicitor General also gave it as his opinion that—

> "The United States Government have no right to complain if the Act in question is enforced in

the way in which English laws are usually enforced against English subjects—on evidence, and not on suspicion, on facts and not on presumption, on satisfactory testimony, and not on the mere accusations of a foreign Minister or his agents."

Nothing, to his mind, could be more satisfactory than that declaration. And he would next read the following further extract from the letter he had received from Messrs. Fawcett & Co. :—

"It is an anomalous condition of things that we may, without question supply whole batteries of field pieces, with carriages and equipments complete, to known agents of the Federals, while we are not permitted to build and complete an unarmed vessel, because it is supposed that she might ultimately, by re-sale, become the property of the Confederate States. In any case, it is very desirable that it should be more clearly defined to what extent manufacturers may go in the production of such description of work as we have named, and that without risk of an interference, which, besides being detrimental to employers, may have the effect of suddenly casting adrift many hundreds of workmen."

To that letter there was an important postscript, to which he begged to call the especial attention of the House. It was as follows :—

"With reference to field batteries named in our letter, we enclose a communication received from Messrs. Peabody & Co., confirming an order verbally given to us by General Fremont. Shell for the equipment of the field-pieces were, we believe, procured in this country from another source."

He thought that extract would be incomplete if he did not furnish the House with the contents of Mr. Peabody's note, which was addressed to Mr. Gordon, agent for Messrs. Fawcett, Preston, & Co. The note was to the following effect :—

"We have received your letter of this date (18th June, 1861), with copy of yours of the 4th instant to Colonel Fremont, and that officer's reply to you of the same date, accepting your offer to supply eight 12-pounder rifled field-pieces, with carriages, &c., complete, for the sum of £1,700, on certain conditions, and within a certain period, as therein mentioned ; and, in consideration of the due fulfilment of such contract by Messrs. Fawcett, Preston, & Co., we hereby guarantee to them due and punctual payment of the above-named stipulated sum of £1,700."

He would beg leave to remind the House that his hon. Friend (Mr. Laird) had recently called the attention of the House to the large amount of arms shipped at Liverpool for the Federal Government. Had any steps been taken to arrest the shipment of those arms? The people of this country liked even-handed justice. If there was to be non-intervention and strict neutrality, why not stop the shipments of arms to the Federals when they stopped the fitting of vessels which, it was supposed, might ultimately fall into the hands of the Confederates? He held in his hand a Custom-house Return of the shipments which had taken place from Liverpool since his hon. Friend brought the subject under the consideration of the House. Some of his constituents in that town were very worthy, but very wary people, and he now found that instead of shipping rifles as rifles, they shipped them in bundles of gun-barrels. Thus, on the 24th of March, subsequent to the date on which his hon. Friend had addressed the House, 1,000,000 percussion caps had been exported to New York ; on the 25th, 870 bundles of gun-barrels, and 4 tons 16 cwt. of rifle-barrels ; on the 26th, 10 cases of rifles ; on the 30th, 341 bundles of gun-barrels ; on the same day, another shipment of 433 bundles ; on the 1st of April, 8,100 bundles ; on the 9th of April, 17 tons 12 cwt. of gun-barrels, and on the same day 4 tons 3 cwt. ; on the 10th, 20 cases, containing 400 rifles ; on the 13th, 36 tons 11 cwt. of gun-barrels ; on the 16th, 150 bundles of gun-barrels ; and on the 22nd, 200 cases of rifles, shipped by Messrs. Brown, Shipley & Co. That was not all. His Liverpool friends generally made their shipments as cleverly as they could, and he had another Return showing 437 packages of "hardware" exported to the Northern States. It was pretty well known in Liverpool what that "hardware" was, and any of the detectives could easily ascertain the fact. But they were not satisfied with supplying the Federal Government with cases of rifles, bundles of gun-barrels, and percussion caps, they were sending that Government the hands to use them ; and the House would be surprised when he stated, that the emigration of Irish labourers from Liverpool during the present year up to that period had been greater than was known since 1853. There had emigrated from Liverpool, to the 31st of March last, no less than 24,807 emigrants, and from the 1st of March to the 21st of April, no less than 14,648. Now, they had no right to stop these emigrants from going, but they had a right to ascertain by whom they were sent ; and he was told—and if Her Majesty's Government wished to investigate the thing he could communicate to them the names of his informants—that the passage-money of a large number of these men had been paid to America. They were told that the Foreign Enlistment Act applied only to ships, an not to the exportation of arms; but the people of this country would not be satisfied with such an explanation. The Foreign Enlistment Act was an Act of the Legislature; and if this country professed to observe strict neutrality, it was the duty of the Government to have that Act amended, so that the shipment of arms should be prevented as well as the fitting of vessels supposed to be intended for warlike purposes. He would not enter into any discussion of the Foreign Enlistment Act on this occasion, and he purposely abstained from saying anything which might be considered irritating either to the people of this country or to the United States. But he should ill discharge the duty which he owed to his constituents, to the House, and to the country, if he did not here solemnly enter his public protest against the system of espionage which had been introduced into this country, and which was furnishing fictitious information to the American Government—information which was leading our merchants into the most serious difficulties, and which, if not guarded against, would assuredly lead the Government into far more serious difficulties. He had now, as briefly as he could, stated the facts of the case. As a previous Motion had been negatived, he believed he was precluded by the forms of the House from moving for the papers in the usual way, and therefore he could only appeal to the Government to offer every possible facility to the owners of the *Alexandra,* in order that they might free themselves from a charge which he believed to be utterly unfounded, and from a position which was fraught with the greatest hardship and injustice.

The ATTORNEY GENERAL said, that the answer to the hon. Gentleman's Motion, even if the forms of the House had allowed it to be moved, could in substance have been but one, and that answer he would not delay one moment in giving. Under the circumstances of the case, as they had been correctly detailed by the hon. Member, it was impossible that the Motion could have been assented to. The House would assume that the seizure of the *Alexandra* at the instance of the Government had taken place on the advice of responsible officers, upon such evidence as satisfied them that that advice ought to be given. The vessel was now in the custody of the law; proceedings were pending; and nothing could be more inopportune, or could tend more completely to subvert the ends of justice, than for that House, at such a moment, to furnish the persons accused with the data and the materials upon which the accusation on the part of the Government proceeded. The hon. Member had failed to suggest any reason of convenience or of justice which justified him in calling for the production of these papers, and it would ill become the Executive to encourage any such discussion as that which the hon. Member desired. That was all he had to say on the Motion proper, and it was a sufficient answer; and he had no doubt every other Member of the Government would cautiously and deliberately abstain from being drawn into any discussion of the case of the *Alexandra.* He thought that any discussion on that subject was most inopportune, and might be followed by most inconvenient consequences. But as the hon. Member had diverged into other matters not connected with the particular case, he ought not to pass over one or two of his observations. The hon. Member complained, that while the Government were vigilant in seizing that vessel, they shut their eyes to other flagrant violations of the law of the country, and that shipments of arms for one belligerent or the other took place openly in Liverpool from day to day, and yet the Government did not interfere. The hon. Gentleman did not say that it was in the power of the Government to interfere, and he (the Attorney General) would tell him such interference was not in their power. The matter had been discussed in that House, and his hon. and learned Friend the Solicitor General had referred to unquestionable authorities which showed, in the first place, that according to principles of international law it was not the duty of a neutral Power to interfere with the supplies of arms and munitions of war by its own subjects to belligerents; and in the next place, that such supply and sale of arms violated no stipulation in the Foreign Enlistment Act, and no part of the municipal law of this country. The hon. Member made another complaint. He said that under the name of emigrants persons were shipped in Liverpool who had been engaged to serve in the army of one of the belligerents. The Foreign Enlistment Act provided for the cases of the enlistment and shipment of recruits; and if the persons who had supplied the information on that head to the hon. Member would furnish the same information to the officers acting at Liverpool for the Executive—if they furnished to those officers information showing that on board ships in that port were persons who had been enlisted to serve in the army of the United States, or in the army of the Confederates, he could assure the hon. Gentleman that measures would be taken under the Foreign Enlistment Act to prevent the departure of those recruits to serve in the army of either of the belligerents. The Foreign Enlistment Act authorized the laying of informations before the local magistrates for the purpose of obtaining warrants to prevent the sailing of such ships, and to bring before a magistrate the persons found on board and engaged to serve as soldiers; and the hon. Member might rest assured that the Government would give effect to the provisions of that Act whenever a proper case was brought under their notice. He thought it was unfair of the hon. Member, without evidence, to charge the Government with severity in enforcing the law with respect to one class of cases, and with failing to put it in force with regard to another class. He hoped, that feeling that it was a matter which concerned the administration of justice, the hon. Gentleman would not persevere with the demand which he made upon the Government.

Mr. WHITESIDE said, that the Motion of his hon. Friend the Member for Liverpool was one of a very serious character, and he did not think that the hon. and learned the Attorney General had answered his hon. Friend's point. He had never heard a simpler or more intelligible case than that put forward by the hon. Member for Liverpool. As he put it, the case was one of shipbuilders in their lawful employment being called on to build a ship by contract. He did not understand him to say whether the ship had been sold.

The ATTORNEY GENERAL said, he begged to observe that it could not have been sold. It might be well to state the course of proceeding in such cases. As soon as convenient after the seizure of the vessel an appraisement took place, and a paper was drawn up which not only stated the appraisement, but the grounds of seizure. It was subsequent to that process that the ship was sold, or forfeited, or released.

Mr. WHITESIDE said, he was much obliged to his hon. and learned Friend, but he had not required the information just communicated by the Attorney General. He was endeavouring to convey to the House his impression that according to the statement of his hon. Friend the Member for Liverpool the vessel had not been sold to any foreign Power, and that the transaction which had taken place in Liverpool was a very simple and honest one. Her Majesty's Government had seized the ship *Alexandra*, and the owners of the ship had the presumption to ask the reason why that had been done. But they had not been so fortunate as to get an answer to that question from the various authorities to whom they had been referred, each of them giving in succession the stereotyped answer that the matter would be considered by somebody else, who never considered it. Finally, it had come round to the Attorney General to explain the case; but he did not understand his hon. and learned Friend to differ from his hon. Friend the Member for Liverpool as to the fact of the seizure; but what the owners of the ship, his hon. Friend, and the House wanted to know was this—what was the crime? The Foreign Enlistment Act provided for the case of persons fitting out, arming, or attempting or endeavouring to equip, or assisting to arm or equip any vessel to be used against any foreign State with which Her Majesty was at peace. He had not heard that in their answers to the owners of the *Alexandra* the Government alleged there was distinct evidence before them, not that a ship was fitting out, but that a ship was fitting out which was about to be used for the purposes of war against a Power with which the Queen of England was at peace, for that was the offence. He had not heard the Attorney General state anything of the offence; but he presumed his hon. and learned Friend the Solicitor General would supply any omissions in the speech which had just been delivered to the House. Up to that moment he had not heard anything charged against the builders of the *Alexandra*, further than that they had been building a ship which was intended to sail to some other port; but that was what had often been done in this country before, and what he ventured to think would often be done in it again. The Attorney General stated that he was not to be provoked into giving any reasons for the course which had been pursued in this case. His hon. Friend had told them, that when the merchants in Liverpool whose property had been seized asked on what ground the seizure had been made, the Government agents, in their wisdom, had refused to afford them that information. Now, he (Mr. Whiteside) wanted to know the circumstances which led to such an exceptional proceeding in that case. If a deposition was made against the meanest person in the land charging him with any offence, he had a right to be furnished with a copy of the information. In cases of high treason the public prosecutor must go further, and give the accused a list containing the name of every witness against him. That being so, he could not understand why the principle adopted in the case under consideration had been introduced in England for the first time. Why was the information to be locked up in a green box, and why should the Attorney General refuse to state the offence? He held that every Englishman had a right to know the crime with which he was charged; and why should a shipbuilder be deprived of that which was granted to the humblest person in the land? The matter, as represented by his hon. Friend, stood thus:—A vessel had been built which, according to his statement, was not capable of being used for the purposes of war, and was not intended or equipped for that purpose, and yet it had been seized without any reason for that seizure having been assigned. He did not say, that if there was regular proof that it was intended the vessel should be used against the Government of the United States, that would not be a *primâ facie* case against the builder; but he did say, that as the case stood between the statement of his hon. Friend, on the one hand, and that of the Attorney General, on the other, it was clearly in favour of his hon. Friend and against the Attorney General.

Mr. COLLIER said, that if the hon. Member for Liverpool had confined his observations to the circumstances attending the seizure of the *Alexandra*, he should not have taken any part in the debate. But as the hon. Gentleman had referred to the general question of how far it was the duty of the Government to prohibit the exportation of arms, and to enforce the Foreign Enlistment Act, and as some misapprehension appeared to exist in his mind upon the subject, he (Mr. Collier) hoped the House would permit him to state his views upon those questions. In dealing with them, the House would probably agree with him that it would be undesirable to regard them solely from a neutral point of view. They were then neutrals, but they had been belligerents, and it was impossible to say how soon they might be belligerents again. If they laid down rules applicable only to their neutral position, those rules might be used to their disadvantage when they became belligerents. The proper course was to ascertain the rule of law applicable to the subject, and to apply that rule impartially to all nations with whom they had to deal, without favour and without fear. And first, upon principles of international law, every State had a right to exclusive sovereignty within its own dominions, and to prevent the intrusion of any belligerent carrying on hostile operations. But, granted the right of the neutral to complain of a belligerent who made use of its territory for hostile purposes, was there a co-extensive right in the co-belligerent to remonstrate? If the neutral allowed its territory to be used for hostile purposes to such an extent that the belligerent against whom they were directed could accuse it of complicity, that belligerent had cause of complaint independently of provisions of the Foreign Enlistment Act. Upon that ground it was, that when, in 1793, the French acted in that way, and a number of *Alabamas* issued from the American ports, captured English vessels, and took them off to France, they remonstrated with the American Government, and said that it was a breach of neutrality. For a time the American Government, under a mistaken impression that by treaty with France those proceedings were allowable, permitted them. But they soon discovered their mistake, acknowledged the justice of the remonstrances, and stopped the equipment of vessels in their ports. England remonstrated with the United States upon two grounds—first, that they permitted the export of arms and ammunition to France, and secondly, that they allowed the equipping of vessels of war in their ports. The American Government distinctly repudiated their obligation to prevent the shipment of arms, but as distinctly admitted their obligation as to vessels of war. The letter of Mr. Jefferson to the Minister Plenipotentiary of France put the question of the export of arms upon very clear grounds—

> "Sir,—Having received several memorials from the British Minister on subjects arising out of the present war, I take the liberty of enclosing them to you, and shall add an explanation of the determination of the Government thereon. In one of these memorials it is stated that arms and military accoutrements are now buying up by a French agent in this country, with an intent to export

> them to France. We have answered that our citizens have always been free to make, vend, or export arms; that it is the constant occupation and livelihood of some of them. To suppress their callings, the only means, perhaps, of their subsistence, because a war exists in foreign and distant countries with which we have no concern, would scarcely be expected. It would be hard in principle and impossible in practice."

But with regard to vessels of war he wrote—

> "Our information is not perfect on the subject-matter of another of these memorials, which states that a vessel has been fitted out at Charleston, manned there, and partly too with citizens of the United States; received a commission there to cruise against nations at peace with us, and has taken and sent a British vessel into this port. . . . Without taking all these facts for granted, we have not hesitated to express our highest disapprobation of the conduct of any of our citizens who may personally engage in committing hostilities at sea against any of the nations parties to the present war, and to declare, that if the case has happened, or if it should happen, we will exert all the means with which the laws and Constitution have armed us to discover such offenders, and bring them to condign punishment."

And with regard to the enlistment of men Mr. Jefferson, writing to Mr. Morris, Minister Plenipotentiary of the United States to the Republic of France, said—

> "The right of raising troops being one of the rights of sovereignty, and consequently appertaining exclusively to the nation itself, no foreign Power or person can levy men within its territory without its consent, and he who does so can be rightfully and severely punished. If the United States have a right to refuse the permission to arm vessels, or raise men within their ports and territories, they are bound by the laws of neutrality to exercise that right, and to prohibit such armaments and enlistments. . . We hold it certain that the law of nations and the rules of neutrality forbid our permitting either party to arm in our ports."

If one nation should permit another to carry on hostilities [*Cries of* To arm], it would be a breach of neutrality of which the co-belligerent had a right to complain. That being so, the Americans and ourselves had passed Foreign Enlistment Acts for the purpose of more effectually preserving neutrality, and of punishing those subjects who might have violated it, as well as to provide effectually against vessels equipped or armed proceeding from our ports. [Mr. ROEBUCK: Equipped and armed.] His hon. Friend the Member for Sheffield said "equipped and armed;" but if he referred to the Act of Parliament, he would find the words were "equipped or armed." The Foreign Enlistment Act of America was substantially the same as that of Great Britain, and inasmuch as there had been no decision on the subject in this country, he might refer to those which had been given in America. It had been said in America that the building, equipping, and even arming of a vessel, on the speculation of selling her to a belligerent, in a foreign port, was not a breach of the Foreign Enlistment Act, and upon that point Judge Story laid down the law thus—

> "But there is nothing in our laws, or in the law of nations, that forbids our citizens from sending armed vessels, as well as munitions of war, to foreign ports for sale. It is a commercial adventure which no nation is bound to prohibit, and which only exposes the persons engaged in it to the penalty of confiscation."

But there was another case bearing on the subject—that of a man named De Quincey, who was indicted under the Foreign Enlistment Act. He had partially equipped a vessel at Baltimore, and sent her to St. Thomas's with a view to procure funds for equipping her in full and disposing of her to a foreign Power. Upon that case the Supreme Court said—

> "We are of opinion that it is not necessary that the jury should believe or find that the *Bolivar*, when she left Baltimore and when she arrived at St. Thomas's, and during the voyage from Baltimore to St. Thomas's, was armed in a condition to commit hostilities, in order to find the defendant guilty."
>
> "The offence consists principally in the intention with which the preparations were made. These preparations must be made within the limits of the United States; and it is equally necessary that the intention with respect to the employment of the vessel should be formed before she leaves the United States."

Two things were therefore necessary—first, that the vessel should be equipped or armed, and next, that she should be fitted out with a present intention of being employed in the service of one of the belligerents, and against a Power with which they were at peace. The case of the *Alexandra* was *sub judice*, and he should therefore express no opinion upon it; but the Americans could not complain if in England the same construction was put upon cases of that kind as their own courts had done. He was glad to find, from the speech of the Solicitor General, that it was the intention of the Government to put the Foreign Enlistment Act into operation whenever a case came before them supported by proper evidence. It was evident that the Government could not act on mere hearsay and suspicion, but we owed it to ourselves and to a nation with which we were at amity to act upon proper evidence, and to do for them what we should expect them in a like case to do for us. Let the House suppose that we were at war with America, that we had blockaded all their ports, and that they resorted to the ports of Europe for the purpose of fitting out privateers against us. If that were permitted openly and notoriously to be done by foreign Governments, there could be no doubt that Her Majesty's Government would make the fitting out of those privateers a matter of remonstrance. On grounds of international law, therefore, the Americans had a right to expect that we should not knowingly and wilfully allow our shores to be made the scene of hostile operations against them; and they had also a right to expect that we should, on proper evidence, enforce the Foreign Enlistment Act. He (Mr. Collier) made those observations chiefly for the purpose of preventing any confusion of ideas between the duty of the Government to prevent the mere export of arms, and to prevent hostile expeditions from being fitted out in this country. He would not say that the mere non-enforcement of municipal law was a cause of war. It was, in a great measure, a question of discretion on the part of a Government; but it should be borne in mind that the Foreign Enlistment Acts of both countries had been declared by great jurists as based on international law. In the case of the *Alabama* he thought there was evidence that the Confederate Government were fitting out in this country a vessel for hostile operations, and that they were even enlisting seamen in our ports for this purpose. That was a clear case for enforcing the Foreign Enlistment Act. But it did not follow, because the Law Officers of the Crown took a reasonable time to consider the evidence laid before them, and because the *Alabama* contrived by a stratagem to escape, that we were therefore answerable to the Americans for any losses she may inflict upon them. The case against her was only completed on the 26th of the month, and on the 29th the Law Officers had delivered their opinion. With regard to the *Alexandra* he would say nothing, but he presumed that the Government would not have acted without having some weighty evidence laid before them. On the previous night a very irritating debate had taken place in that House which he greatly regretted. Whatever other grounds of complaint they might have—and he was not one to deny that they might have some—whatever other grounds of complaint they might have, they certainly could not say that the Americans had refused to enforce their Foreign Enlistment Acts. They had passed their Act before that of England; they had also passed a second, at their instigation, in 1818; and they had passed a third of great stringency during the Canadian rebellion. During the Russian war they suspended the building of a vessel, and they stopped a second, which after a full investigation was acquitted. He was one of those who sincerely desired peace, though he by no means would counsel submission. If the Americans had been guilty of any breach of international law, let us make that a ground of remonstrance against them, and insist upon our rights; but let us not make the existence of such grounds of complaint a pretext for refusing to enforce our own laws. He believed and hoped that peace would be maintained. He believed that the great bulk not only of their own countrymen, but of the American people also, desired it. They had, no doubt, used irritating language, and probably had done irritating acts; but he would remind the House that those irritating expressions no more represented the feelings of the Americans at large than similar expressions in that House represented the feeling of England. He hoped, and believed, that peace would be maintained; but if war must come, let them endeavour so to demean themselves that the opinion of the whole civilized world might be in their favour. Let them at any rate be able to satisfy their own conscience that they had left nothing undone which was consistent with national honour to avert so great a calamity.

Sir HUGH CAIRNS: — Sir, I am anxious, with as little delay as possible, to restore the question before us from the somewhat erroneous footing on which it has been placed by the hon. and learned Gentleman who had just sat down to the short and definite basis on which it was laid before the House by the able, lucid, and temperate speech of my hon. Friend the Member for Liverpool. I venture to say that this is no question on the policy of the Foreign Enlistment Act, or on the duty of the Government to enforce it. My hon. Friend expressly disclaimed, at the commencement of his speech, any intention of raising a discussion on the policy of the Foreign Enlistment Act. He said that a notice had been placed on the paper on that subject by the hon. Member for Rochdale, and that he might bring that forward if he thought fit; and I think, too, there will be no question raised in the House as to the duty of the Government to enforce that Act, provided they do nothing more. We do not require to be told that there are motives of self-interest by which we should be led to enforce the Foreign Enlistment Act; like every other Act, it ought to be enforced because it is the law, and not from any motives of self-interest. Neither is this a question now to be discussed with reference to the conduct of the American Government in interfering with or seizing the merchant ships of this country. That is a question which, no doubt, excites great public interest. We are told that it is under consideration; and feeling deeply the gravity of agitating angry topics on such a subject, I am quite willing to wait until the whole facts with regard to cases of that kind are brought before the House. The question properly before us is of a wholly different description. It is simply a question between the Government and one of its own subjects. The noble Viscount said, not long ago, that he felt what would be the consequences if any proposition was made by the Government to this House to alter the laws of the country at the request of a foreign Power. But there is another matter which it behoves this House well to watch, and that is, that the laws we have are not suspended or stretched in order to pacify or gratify a foreign Power. We have been told, though it will not be conclusive on the subject, and it has not been denied, that the proceedings taken by the Government have been taken on the motion and at the instance of the American Government. The American Consul has put our Government into motion. I do not complain of that, but we must watch closely that nothing more is done than the law of the country will warrant. The whole matter lies in a nutshell, and does not require any expansion of statement. The charges, or rather the points on which we require explanation, are very simple; and of course if they are not explained, then they become charges against the Government. We have first of all a statement, and as it refers to a matter which is about to undergo judicial investigation, I do not for a moment say that it may not be questioned or rebutted. It was this:—A ship was being built by a firm of great respectability in Liverpool, as they say, not upon order, but on speculation. She was not a war vessel, and was not equipped for war. She was built for sale, and was fitted for a yacht or small merchant vessel; 300 tons, I think, was her burden, and 60-horse power. The hon. Member for Liverpool has been on board of her, and he confirms the statement made by her builders. On the 6th of April, while she was in process of completion and the workmen were still engaged on her, the vessel was seized by order of the Government, through the instrumentality of the Custom House officers. The House may well be of opinion that these gentlemen, if their statement be true, were very much surprised and asked for some explanation. They asked, of course, for what offence it was that the vessel had been seized, but they could get no answer. Until the cause of seizure was put upon record no information whatever was given to these gentlemen. Between the 6th of April and the 21st or 22nd, for more than a fortnight, they were left in profound doubt and ignorance as to what was the crime laid to their charge. So completely reticent were the Government on the point that they knew not whether it was for a breach of the fiscal laws, or of the Foreign Enlistment Act, or any other enactment that the vessel had been seized. That is the first point on which we ask for some information. Such reticence could not have been conducive to the interests of justice; and why was it then, that these gentlemen, whose ship had been seized and their workmen turned off at the risk of great pecuniary damage to them, were left in ignorance of the charge made against them? I should be the last man in the world to ask the House to enter into an investigation of a matter which is about to become a subject of trial; but we are entitled to know what the offence was. Of course, if there be an offence, let those who have committed it be proceeded against in the ordinary manner. The next complaint which we make against the Government is this:—These gentlemen wrote to the Government in a manner which shows a simple desire to obtain information. They said, "We understand informations have been sworn, and we wish the Solicitor of the Customs to allow us to have copies of them." The Solicitor of the Customs seems to have thought that a very remarkable request, and said he would apply to his employers. Afterwards he refers them to the police magistrate, who refers them to the mayor, and the mayor tells them he is acting under the orders of the Home Office. To the fountain head they go, and there they are told that the informations will not be shown to them. Now, the most ordinary criminal to whose charge a crime is laid is entitled, sometimes, if not always, by law, and always by that courtesy and sense of justice which regulates the proceedings in our courts of justice, to a copy of the information on which he is to be tried. We really ought to have some explanation on this point. The Attorney General said he would not enter into the merits of the case. I do not want him to do so, what I want is to know why a copy of the depositions was refused to the owners of this vessel. At last, on the 21st or 22nd of the month, after the lapse of more than a fortnight, an official document was served on the parties, declaring the seizure of the vessel. That was the commencement of that process which the Attorney General explained to us, and which unlearned people call "exchequering." Well here, at last, we have the statement of the Government in black and white. Here, then, one should be able to learn what is the crime with which these people are charged. When I first read the document in the newspapers, I said, "Oh, this must be a mistake; there is not a solicitor's clerk in the kingdom who would not see that there is no offence described here for which a vessel could be seized." I thought it very likely that only half of the document had been printed in the newspapers, and that the important half had been left out. But when the hon. Member for Liverpool read the notice this evening, I followed him word for word, and find that my version is just the same as his. Let the House observe the crime of which Messrs. Fawcett, Preston, & Co. are accused. This is not a question of the policy of the Foreign Enlistment Act. The question is simply whether any offence is alleged against the owners of this vessel which any one in this House will venture to say comes under the Act I have named or any other. The following is the cause of seizure stated in the appraisement filed in the Court of Exchequer:—

> "No. 1. Date, 1863. Seized by officer Edward Morgan. Cause of seizure:—For being equipped, furnished, and fitted out with intent to be employed in the service of persons exercising, or assuming to exercise, the powers of self-government in and over a foreign State, colony, province, or people, the ship or vessel *Alexandra*, of Liverpool, with her tackle, apparel, and furniture, as she now lies.—Signed, Samuel Price Edwards, John King, C. W. Kellock, H. B. Watson."

Really, Sir, of all the views of the law I ever heard of, this is the most extraordinary. The shipbuilders of the country are informed by Her Majesty's Government, that if they construct vessels to be fitted out for a foreign State, such vessels are liable to seizure. When the Attorney General was speaking, I could not help asking under what clause of the Foreign Enlistment Act the ship was seized. The answer was the 7th; but in this document the portion of that clause which constitutes the offence is left out. The whole gist of the clause is not the building or equipping of a ship for a foreign Power, for I suppose the shipbuilders will be told that they may take orders from France or Italy, or any such Government, but the building and fitting out of a vessel intended to serve as a transport or storeship or to commit hostilities against some Prince or State with which Her Majesty is at peace. ["Hear, hear!"] My hon. and learned Friend cries "Hear, hear!" but there is no word of all this in the official document. The character of Hamlet is left out of the play. Of course, in making these remarks I am assuming that the paper read by the hon. Member for Liverpool is complete and correct; and, of course, my hon. and learned Friend will not suppose I attribute the blunder to him. I am only pointing out to the Government how their law business is conducted by the American Consul at Liverpool. This document is, I suppose, that gentleman's composition, and tells us what is meant by enforcing the Foreign Enlistment Act. It certainly is enforcing the Act with a vengeance. No wonder the merchants and shipbuilders of Liverpool have been thrown into a state of great astonishment, and that they have asked their Member to bring the matter before the House. For a fortnight they have been denied any explanation of the grounds on which the vessel was seized, and then, at the end of that period they are served by the Government with a notice professing to state the cause of the proceedings, but which does not suggest any crime whatever. Now, this is really a very serious question. It is very hard on the merchants to be dealt with in this way. If an offence has been committed under the 7th section of the Foreign Enlistment Act, a mode is therein pointed out by which the question may be brought to a speedy trial. Penalties are enacted which may be proceeded for in any of the local courts. Had that course been taken, both the merchants and the general public would have been satisfied whether or not there was a just ground of seizure. On the contrary, the Government resort to a practice which is not altogether new, but is extremely rare—they exchequer the ship. I do not suppose there has been a ship exchequered for a long time—certainly not during the tenure of office of the hon. and learned Gentlemen who fill so well the office of Law Advisers of the Crown. The Attorney General may still pursue the ship; if he succeeds, it will be, I suppose, on the merits of the case. But if he fails, who is to compensate the merchants for their trouble and loss of time, and for the damage they have sustained by the discharge of their workmen, by the non-completion of their contract, and by their ship not being engaged in the trade for which it was intended? That is a consideration of which the House, I trust, will not lose sight, and insist on some explanation being given why the more tedious rather than the shorter process had been resorted to. I have just had put into my hand a memorandum pointing out that I was wrong in saying that a notice was served on Messrs. Fawcett, Preston, & Co. It appears that the document I quoted was not served at all, but was obtained by the solicitor of the firm, on a formal application to the Court of Exchequer; so that they did not receive even the courtesy of an intimation of the crime imputed to them. I hope the House will observe that we desire information on these points, and not a general discussion of the policy of the Foreign Enlistment Act.

Mr. COBDEN: Sir, the legal points that have been discussed in connection with this question are, undoubtedly, of the greatest importance, but I apprehend that no one will expect that any conclusive result will arise from this passage of arms between Gentlemen learned in the law in this House upon a question which is, I believe, now pending before the law courts. When the hon. Member for Liverpool gave notice of his Motion, I had no idea he could have contemplated any such result, or that he could have wished this question to be confined to the mere technical aspect which has been sought to be given to it. I think a larger and more important question is before us. It is not merely the vessel now under consideration that public report charges with being intended to commit a breach of the Statute Law. It is said there are many vessels now building with the same object in view, and I apprehend that this is a proper time in the interests of this country—in the interests of this country and no other country—to offer a few remarks upon this subject. I expressly speak of the interests of this country, because we are constantly met by phrases such as "You are consulting American interests;"—"You are neglecting the honour of this country." I wish to consider British interests in my observations on the Foreign Enlistment Act, and I will consider no other interest; and I maintain, at the outset, there is no other country in the world that has a quarter—I say deliberately a quarter—of the interest in upholding the system of international law, of which the Foreign Enlistment Act is the basis. Now, Sir, the hon. Member for Liverpool has to-night—as was done by the hon. and learned Solicitor General on a former occasion—mixed up another question which has tended to bewilder and confuse the public mind here and out of doors, and the world over, as to two questions which are totally distinct. The hon. Member opposite has referred—and the greater part of his speech was made up of that subject—to the practice of buying and selling and exporting arms and munitions of war. I am sorry that topic was touched upon both now and on a former occasion when I was not present, though I have read the proceedings. There is no law in this country that prohibits the buying and selling or manufacturing or exporting arms and munitions of war. It has been truly said by the hon. and learned Member for Plymouth, and by the hon. and learned Gentleman the Solicitor General, that there is no country that has furnished such high authorities upon that subject as America itself. From the time of Jefferson, who, in that admirable passage read by the hon. Member for Plymouth, exhausted the whole argument in a few lines, down to the present time, every great authority in that country has clearly and distinctly laid down that a Government is not reponsible for the dealings of its subjects in the munitions of war. They carry on such a traffic at their own risk; and if they attempt to run a blockade, the Government is not responsible, and it never ought to be made the subject of diplomatic communication or complaint. I am astonished that Mr. Adams and Mr. Seward should have mixed that question up in their correspondence, with that of equipments for war. I will not say I was astonished at Mr. Seward, because he writes so much that he is in danger of writing on every subject and on every side of a subject—but I am astonished that Mr. Adams should have mixed this question up with what is really a vital question—that of furnishing and equipping ships of war. There is only one reason why I am not sorry Mr. Adams has touched upon that subject. He has alluded to large and systematic operations being carried on in this country for sending munitions of war to blockaded ports. That involves the risk of being seized by the cruisers of the Federal States; and as the only mode of punishing those who violate the blockade is in the hands of those who are maintaining the blockade (and we know the blockade is violated systematically—we know there are joint stock companies to do it)—as the only authority that can punish the guilty parties, by the confiscation of their property, is the Federal Government, through the prize courts; and as the only police that can seize them are the Federal cruisers, it is well the country should know what is going on. Because, if in the crowd of steamers sent out now for the first time to carry on our commerce with the West Indies—though a few years ago we were obliged to pay £250,000 a year for a line of steamers to carry our letters there—if, I say, in that crowd of steamers one or two innocent vessels should be detained by the blockading squadron, I think Mr. Adams has so far done good in showing that their Government is entitled to some forbearance from us if those one or two innocent vessels should suffer with the guilty. I am not going into the question of the blockade now. I promise that I will deal with that question separately another time, and I shall be just as ready to meet your arguments on English grounds then as I am on the question now before us. Now, coming to the real and only question before us—the infringement of our own Foreign Enlistment Act—what are the grounds upon which I desire to see the Government exercise the utmost vigilance in preventing the violation of that law? I say, first, it is because we, of all other countries, have the most at stake in seeing that law observed. How do I hope ever to see the Government supported—how do I hope to see public opinion sanction the vigilant observance of that law, but by making it clear to this House, and to the country, that the Americans have a claim upon us for the due observance of that law, inasmuch as they have themselves at all times exercised a fair reciprocity towards us when we have had occasion to appeal to them, when we have been in their present position? ["No, no!"] I am glad to hear the hon. Gentlemen who sit opposite say, "No, no." I like to hear an opponent say "No," if he will listen to me. And when he has listened, I challenge him, in all the records of our State papers, to show an instance, in our diplomatic correspondence, of a despatch having been written complaining of any unredressed grievance under the Foreign Enlistment Act of the United States. Now, what has been the conduct of the American Government with reference to this system of legislation. My hon. and learned Friend the Member for Plymouth (Mr. Collier) stated truly that all the legislation that has taken place in America, upon the question of foreign enlistment, has been at the instance, and in behalf, I may say, of European Governments, and I will add, that in a majority of cases, it has been at the instance and for the benefit of England. I will take the first Act, passed in 1794. I am not going to dwell on historical subjects, or to repeat the familiar history of Mr. Genet, and his proceedings in 1793; but the passing of that Act so remarkably illustrates the good faith of the American people that it cannot be passed over without notice. The United States had then been ten years an independent nation, owing its independence mainly to the assistance given by France. In the course of these ten years France had gone through a revolution; it had become a sister Republic; and it sent out an envoy to America, claiming assistance, and applying for the right of fitting out cruisers in American ports. It was against England, the old enemy of both, that it sought this advantage. What was the conduct of America under these circumstances, the most trying that could be imagined? Why, we all know that it required all the moral power of Washington to enforce the law. Not the law of America, for in 1793 the United States had no enlistment law, but they put themselves under the common law of England, or what may be called international law, and they gave us all the protection which they now ask us to give them. In 1794 they passed a Foreign Enlistment Act, and at whose instance? I will not weary you with long extracts or historical references of my own. I will give you what was said by an English statesman, whose views will probably be heard with some respect on the other side. Mr. Canning, speaking on the passing of our Foreign Enlistment Bill, in 1819, said—

> "In 1794 this country complained of various breeches of neutrality committed on the part of citizens of the United States of America. What was the conduct of that nation in consequence? Did it resent the complaint as an infringement of its independence? Did it refuse to take such steps as would insure the immediate observance of neutrality? Neither. In 1794, immediately after the application from the British Government, the Legislature of the United States passed an Act prohibiting, under heavy penalties, the engagement of American citizens in the armies of any belligerent Power."

That was not merely an Act to prevent enlistment. It was a Foreign Enlistment Act, embracing our own provisions with reference to ships of war. That was the opinion of Mr. Canning. I come now to the next case, in which the Americans carried out and enforced, in its entirety, the principle of neutrality under the provisions of the Foreign Enlistment Act, in the year 1818. At that time the Spanish American Republics were in revolt against the mother country. There was a great feeling of sympathy in America with the revolted colonists, and there was a very strong feeling in this country. We generally sympathize with everybody's rebels but our own. Mr. Canning and Lord Castlereagh brought into this House in 1819 a Foreign Enlistment Bill, which was intended to make provision for the more faithful observance of our neutrality towards the Spanish colonies. This Bill met with great resistance from the Whig party; and among others it was opposed by Sir James Macintosh. I will read an extract from the speech of Lord Castlereagh, whom hon. Gentlemen opposite—even those below the gangway—will probably deem an authority. Lord Castlereagh, speaking on that Bill on the 13th of May, and using a mode of argument that would tell effectually with his Whig opponents, said—

> "It was a little too much in the hon. and learned Gentleman (Sir James Macintosh) to censure the Government of this country, as being hostile to the South Americans and partial to Spain, while we had delayed doing what another Government, which he would allow to be free and popular, had done long ago. He would ask him, had the United States done nothing to prevent their citizens from assisting the South Americans? They had enacted two laws on the subject, nearly of the same tendency as that now proposed."

Now, I beg to remind the House that not only is it true, as my hon. and learned Friend the Member for Plymouth says, that the American Government has passed its Foreign Enlistment Acts at the instance of European countries; but there is this remarkable fact also to be borne in mind, as proving the good faith of that Government and people, that they have passed those Acts in direct opposition to the sympathies and even to the supposed interests of the country. In every one of the three cases to which I have to refer they went against the national sympathies, and it required all the influence of the leading and authoritative politicians of the United States to carry the law against the popular feelings of the country. But now I come to the strongest case of all. I am going to bring as a witness a person who is present—the noble Lord at the head of the Government. In 1837, as most of us are old enough to remember, a rebellion broke out in Canada, and when this House met in January, 1838, we were in a state of great apprehension with reference to the state of affairs on the North American continent. Our apprehensions arose, not so much with respect to the rebellion in our own colonies, as on account of what was passing on the frontier of the United States. Great excitement prevailed among the border population, which sympathized strongly with the rebels; and the danger we felt was that that state of things might lead to a collision with the United States. Soon after the meeting of the House, Sir Robert Inglis, interpreting the general anxiety of the country, rose and asked the noble Lord, who is now at the head of the Government, but who was then Foreign Minister, if he had any objection to state what were at that moment the relations between Mr. Fox, our representative at Washington, and the Government of the United States. Lord Palmerston replied, that fortunately he was able to give exact information, as he had received a despatch from Mr. Fox the day before, from which I infer that the noble Lord and Sir Robert Inglis had agreed beforehand that this important question was to be put. The noble Lord went on to describe the state of excitement and dangerous agitation prevailing on the frontiers of Canada, how the rebels had taken possession of a place called Navy Island, how they had flocked there, and been joined by citizens of the United States, and how arms had been furnished to them, and how there existed in fact a most dangerous state of excitement. The noble Lord further said that the Governor o Canada, Sir Francis Head, had sent a despatch to Mr. Fox at Washington, complaining of this most unfortunate and menacing state of affairs; and now I will read the continuance of the noble Lord's speech with reference to the conduct of the American Government on that occasion—

> "Mr. Fox immediately communicated these facts to the President of the United States, and received in reply a most friendly communication. In the first instance he had a verbal communication from Mr. Forsyth, the United States Foreign Secretary, containing an expression of sentiments such as might be expected from the friendly spirit of the United States Government, and the high sense of honour by which that country has been actuated in its dealings with foreign countries. On the 5th ult. Mr. Fox received a note from Mr. Forsyth in which was a passage to this effect:—'That all the constitutional Powers vested in the Executive would be exercised to maintain the supremacy of those laws which had been passed to fulfil the obligations of the United States towards all nations which should unfortunately be engaged in foreign or domestic warfare.' In addition to this assurance, that all the powers now vested in the central Government should be used to preserve neutrality, the President on the 5th, sent down a special message to Congress stating, that though the laws as they stood were quite sufficient to punish an infraction of the neutrality, they were not sufficient to prevent it, and asking Congress to give the Executive further power for that purpose. Upon the receipt of this communication, a short discussion, in which many of the leading men, including Mr. Clay, Mr. Calhoun, and others of high character, participated, took place in Congress, and, without exception, all who spoke expressed sentiments of a most friendly disposition towards this country; stating a strong opinion that the laws should be enforced, and that if, as they stood, they were insufficient, stronger powers should be given to the Executive.

Now, let us pause to do justice to those great men, Mr. Clay, Mr. Calhoun, and others, who brought their great influence to bear at a time of immense excitement and dangerous animosity, and who threw their temporary popularity to the wind, in order that they might—as every man of public influence ought to do—make themselves the depository of the influence which they possessed for their country's advantage. Now, I am going to put an hypothetical case. Let us suppose that instead of the friendly answer which the American Government returned, the President had replied to Mr. Fox in these terms, "I hope the people and Government of the United States will believe that we are doing our best in every case to execute the law, but they must not imagine that any cry which may be raised will induce us to come down to Congress with a proposal to alter the law. If this cry is raised for the purpose of driving the President's Government to do something which may be contrary to the dignity of the country in the way of altering our laws for the purpose of pleasing another Government, then all I can say is, that such a course is not likely to accomplish its purpose."

Now, with the simple alteration of the words "United Kingdom" for "the United States," "this House" for "Congress," and "Her Majesty's Government" for "the President's Government," we have exactly the language which was used by the noble Lord three weeks ago. I wish now to draw your attention to what was done in consequence of that promise of the American Government. Why, notwithstanding that the Foreign Enlistment Act, as it stood, was much more stringent than ours and gave greater powers than ours now does, they passed a supplementary Act for the year, which gave such powers to the Government that one would hardly believe that such arbitrary powers would have been given to the Government of the United States. [*Cries of* Hear, hear!] I hear cries of "Hear, hear!" of a rather doubtful tone from the other side, but let hon. Gentlemen remember that that Act was passed twenty-five years ago, and nobody then said that the Americans were fond of submitting to tyranny. By this temporary Act, which received the assent of the President on the 10th of March, 1838, it was enacted—

> "That the several collectors, naval officers, surveyors, inspectors of customs, marshals, and deputy-marshals of the United States, and every other officer who may be empowered for the purpose by the President of the United States, are hereby respectively authorized and required to seize and detain any vessel which may be provided or prepared for any military expedition or enterprise against the territories or dominions of any foreign Prince or Power;"—and so on.

It gives them power to seize a vessel without any proof, an absolute power to seize on suspicion and detain any vessel for ten days, during which time they may gather evidence on the matter. If there was no proof, the vessel was then to be released; but she was liable to be seized again if any new case should arise. To carry out this arbitrary and temporary Act the whole powers of the militia and the volunteers of the country were placed at the disposal of these officers. That affords the third instance of the mode in which the American Government has legislated for the benefit of European States. But there is a fourth case, which affords another example, which occurred on the occasion of the Crimean war. On the breaking-out of the war with Russia in 1854 we sent a communication to the American Government, and a duplicate of it was sent from the French Government also. We asked the American Government—

> "In the spirit of just reciprocity to give orders that no privateer under Russian colours shall be equipped, or victualled, or admitted with its prizes in the ports of the United States, and also that the citizens of the United States shall rigorously abstain from taking part in armaments of this nature, or in any other measure opposed to the duties of a strict neutrality."

I will not now refer to the conduct pursued by the American Government in reference to the ship that was about half built for the Russian Government in America, and the building of which was suspended. I heard some person whisper that the building of that vessel was suspended because the Russian Government could not find the money to finish it; but will any one believe that, when it is known that the Russian Government were at the time spending millions a week at Sebastopol? The vessel was not finished until three years after the war with Russia. There was another vessel called the *Maury*, which was suspected of being intended for the Russian Government, and was stopped under circumstances which showed a great deal more activity and vigilance than we have exhibited in the case of the *Alabama*. What I want to deduce from all these facts is this:—First, that the American Government have, from the very formation of their Union, shown a willingness to observe, maintain, and enforce a strict neutrality in reference to the wars which have frequently taken place amongst European States. Next, that they have done it under circumstances of the utmost difficulty. It is easy enough to maintain neutrality when you have no feeling the other way to contend with. They did it in spite of their sympathies, and in opposition to their wishes. There can be no doubt, that in the case of the Canadian rebellion, there was a strong feeling amongst the mass of the American people that a successful rebellion in Canada would have led to the annexation of Canada to the United States. There is no doubt that the strongest national yearnings were enlisted on the side of the Canadians; and I want to call the attention of the House to the fact, that in spite of these temptations to go wrong, the United States have uniformly gone right on this question. We may have had other grounds of complaint —I think, for instance, that in regard to our enlistments in America they persisted in their resentment against us in a manner that partook of unfriendly severity, if not of direct hostility; but in the matter of their Foreign Enlistment Acts I repeat again, and let no one answer me with a vague statement of what he has heard somewhere or other—I challenge any one to show me in all our diplomatic correspondence a despatch which complains of an unredressed grievance under those Acts. I have mentioned these circumstances in the hope that they may become generally known, and in order that they may bring the sentiments of this House, and the public opinion of this country, to a temper which shall incline us to act by the United States as they have acted by us. If the motives which I have appealed to in this statement of facts will not have that effect, then I do not know that I ought to spend another minute in trying to bring any other motives to bear upon the minds of my countrymen. I do not intend to appeal to your fears; that would be out of the question; but I will not sit down without saying a word or two with reference to the interest we have in the question. If gratitude for the past observance of an honourable neutrality is not sufficient, let us look at what will be the consequence of pursuing another course. The hon. and learned Gentleman the Solicitor General, in a speech from which I may not quote, as it was delivered in a previous debate this Session, and which he has published as a pamphlet, laid it down that we have only to deal with municipal law, and that the Foreign Enlistment Act was passed at our own will and pleasure, and that we may repeal it in like manner at our own pleasure. The Solicitor General laid it down broadly that the Foreign Enlistment Act was simply a measure of municipal law which we might repeal at our own will and pleasure. Now, I join issue with the hon and learned Gentleman, and I say we are bound as distinctly to the United States by the rules of honourable reciprocity in this case as if treaty engagements existed. We have gone to the Americans begging them not to allow their citizens to molest us, begging them not to allow privateers to be fitted out; and when it is clear that there has been no violation of their law, we are, I contend, bound to observe the same honourable neutrality. The hon. and learned Gentleman says, that if we choose to allow both parties to come and buy ships of war here, no infringement of our neutral position would, as a consequence, take place. That may be an abstract legal truth; but what must we say of a statesman who stands up in the House of Commons and gives expression to such a *dictum* as that, to be quoted hereafter in Washington? I am not going to discuss points of law with the hon. and learned Gentleman; that would be an act of presumption on my part, and we may possibly observe neutrality either by abstaining from assisting either party in the contest or by rendering assistance to both. Is that, however, let me ask, a state of things which we ought to covet? I should like to know from hon. Gentlemen opposite what would be our fate if any of those numerous wars in which we have been engaged, and to the recurrence of which we are liable, if this doctrine were carried fully into effect? If, for instance, the little dark cloud which threatened a rupture with Brazil had burst upon our heads, America would, according to the theory of the hon. and learned Gentleman, be entitled not only to build ships for us, but might fit out vessels for the Brazilian Government, to cruise in the name of that Government and with the commission of the Brazilian Emperor, against our commerce. But I will not rest my argument merely on the ground that this is a thing which might possibly happen if we were to adopt the line of policy to which the hon. and learned Gentleman has, as I think, so unwisely referred. Can we, I would ask, look for the maintenance of the law relative to foreign enlistment in America or elsewhere, unless we ourselves set the example of good faith? You have not only in America, but in France, a most stringent law on this subject. I wrote to a friend in France to ascertain what was the mode of proceeding adopted there in order to prevent vessels slipping from their ports as the *Alabama* had done from ours, and I was told that they required no Foreign Enlistment Act there for the purpose. By a penal code, which I believe all the nations of the Continent imitate more or less—any citizen of France, who without the consent of the Government commits an act of hostility against a foreign Power by which the country incurs the risk of war, is liable to transportation. The law further provides that anybody who fits out a ship of war, or does any hostile act owing to which an enemy inflicts reprisals on a French citizen, will likewise be held subject to the same penalty. This, you may say, is very severe; but then you want reciprocity with that country. The French do not ask you to pass a law in accordance with their model; but what both France and America will require is this, that you will, in the event of war, as far as lies in your power, prevent privateers from going out and preying upon their commerce. You may choose any way you please to do it; but surely you have too much common sense to imagine that you can induce America to abstain from such a system in the future, unless you observe the laws of a fair reciprocity in her regard. Now, is there, let me ask, no way in which you can prevent ships of war from sailing from your ports, threatening, as they do, the commerce of a friendly country, all of them built in England, manned from England, armed and equipped from England, that were never intended for any destination, but are roaming the seas without any fixed goal, and marking their track by fire and devastation? That is the question to which you have to address yourselves, and unless you are prepared to set your face against this system, the Foreign Enlistment Act will be, as the hon. and learned Member for Plymouth said, a dead letter; and if it be made a dead letter here, most assuredly the same state of things will result elsewhere. Who, then, I should like to know, has the most to lose by the adoption of this system? I will show, by giving some figures which tell us how large a proportion of the property afloat on salt water belongs to British capitalists. The lowest estimate I have heard formed of the value of this property, as entered through the insurance offices in the City and other quarters, shows that we have upon an average £100,000,000 to £120,000,000 sterling worth of the property of British capitalists on the seas. Rest assured no other country has £30,000,000 worth, and that you have as much property at stake upon the ocean as all the rest of the world put together. You have, moreover, 10,000,000 people in these islands to feed upon food brought from foreign countries. You get three-fourths of the tea and four-fifths of the silk from China; more than one-half of the tallow and hemp from Russia; there is more cotton, more wheat, more Indian corn brought to us than to any other country. You, who are so powerful here, and can set the world at defiance in your island home, are, the moment a war of reprisals is made on your commerce, the most vulnerable. ["No, no!"] The hon. Gentleman who says "No" does not understand the position of the commerce of England. But be that as it may, is there, I would ask, nothing we can do to show our good faith in this matter? Is it not derogatory that we should have any one in this country, and especially in this House, claiming to be educated and reflective, who would for a moment consent to put himself on the side of those who are committing those acts against the law of the country and its future welfare. I want public opinion to be ranged on the side of law in this as well as in every other matter? Is there any person who wishes to give his sanction to an offence against the law of the country? Every person engaged in the building of ships of war, under the circumstances to which I have referred, subjects himself to penal consequences—to fine and imprisonment. Is there any person who will encourage such a practice as that? Is there nothing we can do to show that we wish to put it down? The case of the *Alabama* is one that is, perhaps, clearer than the case of the *Florida* or the *Japan*. The last-mentioned vessel was, however, one not only built here for the Confederate Government, but manned by Englishmen surreptitiously conveyed on board the ship. The *Alabama*, it was said, escaped from our port under the pretext of going on a trip of pleasure, and it was stated in one of the despatches that orders were issued to have the vessel stopped at Nassau. If she was to be stopped at Nassau, why was she not stopped elsewhere? That vessel has been paying visits to our ports in other islands, and has been received with something like favour and consideration. There is a legal difficulty, I know, raised, that you cannot stop a vessel after her first voyage; but my answer is, that the *Alabama* has never made a voyage at all; she has been cruising about, and has no home. Why do you not forbid the re-entry of those vessels into your ports that left them manned by a majority of English sailors in violation of the Foreign Enlistment Act? Would any person have a right to complain of that? Proclaim the vessels that thus steal away from your ports outlaws so far as your ports are concerned. If you were to do what I suggest, other countries would follow your example, and put an end to those clandestine proceedings by making them unprofitable. It is our duty in reference to the obligations of the past—it is our duty in reference to the stake we have in future to put an end to the present state of things. The whole system of the Foreign Enlistment Act is, I may add, only 200 years old. The ancients did not know the meaning of the word "neutrality" as we know it at the present day. In the Middle Ages people were hardly aware of such a thing as neutrality; the first Foreign Enlistment Act is hardly 200 years old, and since that time that system of legislation has grown up. It has been a code of legislation that has gradually grown up, and is now looked to by the nations to assist in keeping the peace and preventing the catastrophe of a general war. Shall we be the first to roll back the tide of civilization, and thus practically go back to barbarism and the Middle Ages, by virtually repealing this international code by which we preserve the rights and interests of neutrality? I cannot but think that this House and the country, when they reflect on the facts of the case, will consider that if they in any way lend their sanction to such a retrograde policy, they would be unworthy of themselves, and would be guilty of a great crime against humanity.

Mr. HORSMAN: I rise, Sir, to address the House after my hon. Friend the Member for Rochdale under a deep sense of that responsibility which weighs upon every Gentleman who speaks on American affairs in the present peculiar condition of our relations with that country. The state of the American war, and of our position with regard to the belligerent parties, has now become such that it has been evident at no distant date a very serious and practical discussion must take place as to our own position and as to the duties and responsibilities which it imposes upon us. We have had to night from both sides of the House expressions of opinion as to our relations with the Northern States, which show that the Gentlemen who expressed those opinions believe that we were rapidly drifting into war. I am sure, however, that when in England a war is not desired, and when in America a war is not for the interest of the country, we can drift into war only because this House neglects its duty, or because it has not the courage to perform its duty. The hon. Member for Liverpool (Mr. Horsfall) adjured us to confine our observations to the local grievance he brought before us; but the hon. and learned Member for Plymouth (Mr. Collier) and the hon. Member for Rochdale (Mr. Cobden) have gone far beyond the question to which he drew our attention. They have raised the whole question of the merits of England and the Northern States as contrasted with each other, and the hon. Member for Rochdale has passed a eulogium upon the proceedings and the temper of the North, attempting to lecture us into what he calls a becoming frame of mind, fit to bear a comparison with the equanimity exhibited by the Northern Government. Under present circumstances, I should not have undertaken the responsibility of originating a discussion which I have hitherto thought was to be deprecated; but when it is raised in this House by the friends and advocates of the Northern Government, disparaging, as I believe they have done, the Government of England, then I do think no good can arise, but much mischief may ensue, from our attempting to evade that discussion. As to the first question—the conduct of our Government in these proceedings—I shall only say a few words. The conduct of the Government has been the subject of charge and complaint from both sides of the House. The hon. Member for Liverpool, complaining on the side of the South, says, "You have been too severe in your administration of the law." The hon. Member for Rochdale, speaking on the other side, says, "So far from being too severe, you have shown a disposition to disregard that law to the advantage of the South." "You have been a great deal too vigilant," says the hon. Member for Liverpool; "You have been too lax," says the hon. Member for Rochdale. I am brought between these contradictory complaints to the conclusion which I believe has been arrived at by a majority of those in this House, who at the commencement of the war were not drawn by sympathy to either side—that the Government have endeavoured with perfect integrity to carry out the policy enjoined by the country, of strict and undeviating neutrality. I shall not follow the hon. and learned Member for Plymouth (Mr. Collier) into his exposition of the principles of the Foreign Enlistment Act, or into those distinctions between municipal and international law which I certainly thought the hon. and learned Solicitor General pushed rather too far in the instructive speech he addressed to the House a few weeks ago. I admit to my hon. Friend the Member for Rochdale that we are bound to enforce the Act known as 59 *Geo.* III. I do not ask whether we are obliged to do so in obedience to the requirements of a foreign Power, but I do say, that as we find that law upon our statute book, regard for our own character and self-respect should prevent us from allowing any foreign State to cite it against us as an evidence of our insincerity. Therefore, Sir, I for one cannot be the apologist of those whose illegal proceedings may have tended to embarrass or embroil the nation, and I admit that where they have engaged in unlawful undertakings they must submit to the penalty attaching to them.

Passing from these two preliminary questions as to the conduct of the Government and as to the necessity of enforcing the Foreign Enlistment Act, I come to the question raised by the hon. Member for Rochdale as to the present condition of the American war, and as to our position in regard to it—as to the duties enjoined upon us now, and as to our prospective policy. There are two things which I hope my hon. Friend will at once admit. I think no candid man will deny that it has been the desire of this country to observe a strict neutrality in the war. I also think no candid man will deny that it has been not only the wish, but the determination of England not itself to engage, if it could be avoided, in a war with America. If that be the case, I confess I do not see precisely the object of the speech of the hon. Member for Rochdale. One of its effects, I am certain, will be very different from what he intended. I am sure it will require a very moderate exercise of those powers of exaggeration which have made the journalism of America one of the wonders of the world, to represent the speech of my hon. Friend as endorsing, to a great extent, the complaints and charges of the American people and press against the Government of this country, and as even going far to justify the reprisals which have been intrusted to the discretion of Admiral Wilkes. No one can say that this House has displayed an anxiety for the discussion of American affairs. It has been very much the reverse. Knowing that this war in America was pregnant with such consequences to the Americans themselves — consequences far more momentous to them than to any other State that could be brought into relations with them either as friends, customers, or rivals —we thought it was our duty, even more than our interest, to let events work out their own development, and refrain from the smallest appearance of interference, which could only add fuel to the passions and hatreds that have already rendered this war a disgrace to the civilization of the age. But although so long as the dubious character of the war left no room for more than speculative opinions as to the result, it was better that Parliament should refrain from expressing a judgment that might wound American susceptibilities, the case is very different when uncertainties have been dispelled by the inexorable logic of facts. We have now, after two years of silent and patient observation, had the conviction forced upon us that Secession is no longer a phrase or a cry, but a proved reality; proved by the triumph of its arms, by the calmness and prudence of its counsels, and by the unvanquished and invincible spirit of the people, determined as one man to die for independence. We have seen the Leviathan power of the North broken and driven back, with nothing to show for two years of unparallelled preparation and vast human sacrifice but failure and humiliation; the conquest of the South more hopeless and unachievable than ever, and Washington at this moment in greater jeopardy than Richmond. When, in addition to this, we now see the North, unsoftened and untaught by all it has inflicted and endured, turning aggressively and menacingly to England, and forgetting that we have borne with patience the destitution of our operatives, the crippling of our trade, the harassing of our merchants, and forgetting even that this last strange assumption of authority by the American Minister to give certificates of licence to British merchantmen to sail unmolested between neutral ports passed for several days almost unnoticed in this House—when, in addition to all this, we are asked to-night by the advocates of the North to impose fresh fetters upon our Government, and exercise greater vigilance in obedience to the requirements of a Power that certainly has not become less aggressive as we have become more forbearing, I am not surprised that we should hear the questions asked now, "How long are these afflictions to be endured? How long are the cotton ports of the South to remain sealed to Europe? How long are France and England to be debarred from intercourse with friendly States that owe no more allegiance to the North than they owe to the Pope? And how long are our patient but suffering operatives to remain the victims of an extinct authority and an aggressive and a malevolent Legislature?" I am not surprised that these questions should be asked, and I do not think it would be becoming in this House if, being asked, we were to evade answering them. I think we owe an answer to our countrymen, whose industry is starved at home and whose commerce is now harassed on the sea; to Europe, that witnesses with amazement our submission to assumptions which are subversive to all established laws of international morality; and to that minority in the Northern States who are in favour of peace, but who are kept down under a tyranny that stifles the free expression of opinion. We owe it to them all to state not only what we feel is our position in regard to this war, but what is our policy in regard to it, and, more important still, what are the grounds upon which it is based. The policy which this country has determined to pursue is a policy of neutrality—of neutrality in action, not of neutrality in sentiment, for the want of which we are sometimes reproached, because it never has been the case that the sympathies of England have lain dormant in any great war in which human destinies were at stake. Sir, as such a war has proceeded, and the purposes and principles of the contending parties have developed themselves in contrast, the sympathies of Englishmen have always enlisted themselves on one side—the side of justice, of generosity, and of freedom. And Englishmen have always given vent to their sympathies without asking whom they might offend. At the commencement of this war I believe the sympathies of nine-tenths of Englishmen inclined them to the side of the North. I believe they owed that tendency, favourable to the North, first, because we believed that there was no adequate cause for the secession. It was, as we thought, a weak and short-lived assertion of independence, which would certainly be put down. Then, again, it was a vexatious interruption to our commerce, which disposed us to be impatient and intolerant; and, for many reasons, we in England had, I believe, a general desire that the reduction of the South, as it was supposed to be inevitable, should also be speedy.

But as events proceeded, they very soon falsified those expectations, and the North has now had bitter experience of the magnitude of the task it had undertaken.

The war which has now been raging for two years in the States is one of the most frightful internecine wars that ever disgraced civilization. And with what result? Is the North one step nearer the attainment of its end than it was two years ago? Is the South anyway subdued or dispirited? Is it not showing itself not only the equal but the over-match of the enemy who undertook so contemptuously to crush it? Sir, the South has now closed successfully the second year of its War of Independence. It began that war by constituting a Government and electing for five years a President, whose inaugural address would bear comparison with any modern State paper. It brought armies into the field as large as those which European Powers of the first class could raise. Wherever it has met the North in open fight, apart from its gunboats, it has won every battle waged on land, and it has gained some signal victories at sea. It has been inferior to its enemy in numbers, accoutrements, and resources — it has been cut off from the sea, and reduced to great straights, not only for the munitions of war, but for the necessaries of life; yet its spirit and fortitude have carried it over all. Although fighting for existence, against those who have been waging a war of extermination, it has shown itself free from the passions it has provoked. No cruelty has stained its arms. No savage proclamations have disgraced its generals. But it has proved itself to be an earnest and united people, capable of heroic sacrifices in a conflict in which its Government has been strengthened rather than weakened by the strain which has been put upon it. For in the South there has been no shackling of the press, no suppression of law, no abridgment of the liberties of the citizen; but all classes have rallied as one man, under a President who, by the dignity and moderation of his counsels, by the high bearing of his army, and the devotion of his people, has given an elevation to the Southern cause which, slowly, incredulously, reluctantly, but now, in the third year of the war, has won for it, irresistibly and universally, the generous sympathies of Europe.

But, when we turn to the North, what a contrast is there exhibited. Their military failures, great as they have been, sink into insignificance, compared with their moral downfall. Their war has been not against freedom, but civilization; for, imperfect as are the accounts received from Northern channels, and always coloured to their advantage, they furnish ample evidence of the spirit in which the North has carried on the struggle. Sir, in the sinking of the stone-fleet before Charleston, in the submersion of the food-producing districts of the Mississippi, in the brutality to women at New Orleans, in the shooting of prisoners in cold blood by General M'Neill, and in the President's incitements to a servile war, with all its cruelties and horrors, we have presented to us a revolting combination of the barbarous ingenuity of the Chinese invoking the ferocities of the blacks of St. Domingo. And while, Sir, these barbarities have roused a spirit of the South which has united every man, woman, and child in the determination to prefer death to submission, they have not been without their effect in Europe. We watched the conflict at first with curiosity and interest, which grew to wonder, before our sympathies were given to either side. But as the true character of the war, and of the combatants, developed themselves—as it became evident that the war was one for existence on one side and extermination on the other, and as the full consequence to the South of every city becoming a New Orleans, with every governor emulous of the deeds which had exalted General Butler into a hero, presented themselves more vividly to the mind of Europe, then I do believe that—always excepting those whose political sympathies enlisted them sincerely on the side of the Republic—there was not a friend of freedom and humanity in Europe who was not conscious of a hope daily growing up and strengthening within him that victory might crown the efforts of the South, and deliver them, their households, and their offspring from the doom that would be theirs if subjugated by such invaders.

But, Sir, their subjugation is no longer aimed at. That last proclamation of Mr. Lincoln, emancipating the slaves in the insurgent States and exciting them against the lives and property of their masters, was a confession to the world that the subjugation of the South was abandoned as hopeless. Sir, the American President has solemnly invoked the judgment of Europe upon that proclamation, and we in this House are bound not to evade giving a response to that invocation. Sir, what judgment can we in this Christian assembly pronounce upon it, except to denounce it as one of the most atrocious crimes against the laws of civilization and humanity which the world has ever seen? Sir, to me it is a matter of astonishment how any Englishman can contemplate that proclamation but with feelings of sorrow or indignation. Why, it does not profess to be an act of justice or philanthropy, but of stern military necessity. What does stern military necessity mean? Does it not mean domestic treason, assassination, incendiarism, rapine? And all this in the name of philanthropy, liberty, religion, mercy, combining to rebuke the crime of slavery! Well, slavery is a great crime. [An hon. MEMBER: Hear, hear!] I do not require to be told that by my hon. Friend; but he does require to be told by me that there is yet a greater crime than slavery; for a crime it is of a deeper dye and a blacker and more unpardonable hue for a white man and a Christian to incite a negro to achieve his freedom by a carnival of crime; and forgetting that emancipation to be safe must be gradual, that it should be peaceful, and not violent—that it should be preceded by measures of preparation, to make it a blessing and not a curse—I say it is the very highest iniquity in the chief of a Christian Government, forgetful of all this, to excite the negro with the ferocity of a tiger to the perpetration of cruelties that cannot be numbered, and crimes which we dare not name, with no possible termination to that desperate and deadly war of races but in the extermination of the weaker and vanquished—the negro must either drive out or destroy the white man, or the whites must exterminate the blacks. Sir, there is nothing in the despatches of our Foreign Secretary more creditable to him than the promptness and spirit with which he laid bare the atrocity of that proclamation, stigmatizing it to the American Government as an act not of humanity to the slave, but of vengeance against his master. And I believe it was that proclamation which destroyed the very last chance of English sympathy with the North. Yes, there is no doubt that Englishmen hate slavery, but there is one other thing which they also very much hate, and that is cant. And on this occasion John Bull showed himself far too sagacious and too sound-hearted, to view with anything but feelings of disgust the too transparent device for perpetuating a war of extermination under the cant of philanthropy. The Government of the North having played their last desperate card, and that having been followed by failure and disgrace, profess still to cherish the delusion that the Union is to be restored by war. But let me ask this simple question:—When you have half a million of men in arms on the one side, to enforce a Union which half a million of men in arms on the other side are sworn to resist to death, what becomes of the Great Republic founded on the free choice of a united people? The attempt to cement the Union by blood has broken down the whole internal Government. The free Republic is metamorphosed into a military tyranny; the President is a more irresponsible despot than the Czar; liberty is at an end—liberty of person, of motion, of speech, writing, and thought, are all gone—the press is coerced and gagged—the State prisons are filled with political suspects, as used to be the case in Italy—the editor of a paper who dares to advise peace has his property destroyed, and a petition which lies for signature to the Government recommending arbitration is seized by the police and torn to pieces. In fact, the constitution of the United States is at an end. And while such is their political condition, what is their financial state? In three years they have created a debt half as large as that of England, at double the rate of interest. The interest of that debt is greater than the whole revenue of the Union before the war. In three years more, at the same rate, they will have the largest debt in Europe, with the lowest credit. Their army is in process of dissolution. By their own departmental accounts, by returns from their own officials, the number of deserters during the war has exceeded 130,000. Their short enlistments expire on the 1st of June, and are not likely to be renewed by soldiers whose pay is many months in arrear. The Irish and Germans, who formed the fighting portion of their army, are either killed or they have disappeared, and those negroes for whose emancipation my hon. Friend behind is so anxious—even the negro regiments—the last hope of the Union, have proved a failure; for we are told, at the very first volley these sable warriors threw down their muskets and ran away. Such is the political, financial, and military condition of a State that has been brought to ruin by the errors of its Executive; and I have endeavoured to review the situation, because it enables us to judge what is the position of those leaders who seem now inclined to crown their errors by the belief that the best escape from their intestine troubles would be a foreign war, and that of all foreign wars a war with England would answer their purpose most effectually.

I come, then, to the particular point which the House has been discussing. I do not believe for one moment what many hon. Gentlemen in this House seem to apprehend, that the Northern States have the very smallest desire actually to go to war with England; but this I do believe, that it may be the deliberate policy of the Washington Cabinet to provoke England to put an end violently to the blockade as the readiest escape from their own domestic difficulties. Submission to England would save them from the humiliation of submission to the South; and I believe it is for that reason that we hear those boastful assurances of approaching victory and conquest, which become more loud and confident as their achievement appears more notoriously impossible. I believe that foreign Powers would be represented as having at the eleventh hour stepped in to be the saviours of the South, and thus would be made the instruments of a disruption which, without foreign intervention, it would be said could never be accomplished. I believe it is in pursuance of the same policy that a naval commander of ill-omened notoriety like Wilkes was so ostentatiously promoted to a station on which he could have the surest chance of inflicting injury and provoking collision. A question is asked in this House and everywhere out of it why we endure all this from the Northern States, which we would not endure from the strongest of the old monarchies of Europe—why we have endured it in the past and how long for the future? The answer is twofold. We have endured it in the past because of the very difficulties and embarrassments of the Northern Government—their energies and resources are taxed to the utmost in their internal war so as to place them in the event of a quarrel entirely at the mercy of England. We have shown them once that we know how to silence their bravado, and an early and captious repetition of that proceeding would have laid us open to the charge of acting with bravado, and therefore we can afford to pass by with indifference such annoyances as involve no material interest. But though that may explain the past, it does not suffice to justify submission to injuries of so flagrant and systematic a character as those which are reported by every packet; and the reasons for that endurance are of a different and higher character. The fact is, that the Northern States are passing through a crisis of the magnitude of which they are not themselves aware. This first disruption is but the commencement of their difficulties. The war with the South I hold to be virtually at an end. The independence of the South is an accomplished fact. Its recognition by the great Powers of Europe and the North, though delayed, is not the less certain on that account; and though we know that much additional suffering may be inflicted upon the South, they will in the end be compensated with success, because the South will retire from the war with the glory of established nationality. But with the North it is very different—their sacrifices are followed by great failures, and their vain-glorious boasting by ignominious defeats. And what is the prospect now before them? It has long been proved that there is no Union party in the South; but has it not also been proved that there is an important peace party in the North? How else can you explain the silencing of the press, the imprisonment of magistrates, the coercion of judges, the suppression of all free opinion and discussion? We have never been able to know the real opinion of the North, because they were kept down by fear as long as the war was supposed to be successful. But now it is evident that all along there has been a very important peace party in the North. Therefore, I say, when the difficulties of the South are over, the dangers of the North will begin in earnest, and every day the war lasts, aggravates these dangers. Peace with the South long delayed must tend to the complete disorganization of the North, because political disorganization must follow upon financial ruin; and when that trying day arrives, which cannot be far off—the day for the settlement of accounts, when each State has the choice before it of heavy taxes and burdens, as the member of an insolvent Union, or prosperity acquired by fresh secession—then, when under the temptations of such a crisis, proving too powerful for Transatlantic flesh and blood, the process of repudiation and dissolution once sets in, who can tell how fast and how far it may proceed, till the Union itself may be reduced to fragments? Now, it is because I believe the Government has foreseen, as every attentive observer of American affairs must have foreseen, the ruin and anarchy impending over the North, that they have feared to precipitate that crisis by a collision. It is not the strength of the North, but its weakness, that the Government and people of England have to fear. It is not the perils, but the responsibility of a collision, that is to be dreaded. I say let us not incur that responsibility. Let us in this House—let all parties, let our merchants emulate the patience of our operatives, in the full assurance that a generous nation will not suffer them in the end to be the martyrs of its policy—let all parties unite and press on the Government the imperious and solemn duty of maintaining, under every provocation, an immovable attitude of peace. Let them not by any false move—and no move could be so false as a collision at sea or a diplomatic ultimatum that might commit us to war—do not let them by such a mistaken act transfer to England the guilt of others, and suffer our name to be associated in future ages with calamities prepared for generations yet unborn by the obstinacy and the rashness of the bewildered and desperate men in whose hands the destinies of that unhappy community are placed. I may be asked, is there no solution for the difficulties by which we are surrounded? We have, in this House, a twofold duty to discharge. We have first to maintain a strict neutrality, construing the law generously and liberally for the North, and giving them no cause of complaint against our Government. And our next duty is to leave no room for possible misconception as to the real opinion of England. The case, at the present moment, stands thus. The South are prepared and anxious for peace. They invite intervention and arbitration with a view to stopping the effusion of blood. The North are determined to prolong the war, and would make the South a desert sooner than acknowledge it as a nation. This, therefore, is the choice presented to us—Union by war, or separation by negotiation and peace. On which side are the sympathies of England to range themselves? On which side do those who have always proclaimed themselves the especial friends of peace range themselves? Where are the friends of arbitration? Where are the clamourers for economy? Where are the agitators for popular rights? Is it true that they have formed deputations to Mr. Adams with laudatory addresses to be transmitted to the President, adjuring him to go on as he has begun—adjuring him, whose hands are already red with the blood of his slaughtered countrymen, to go on burning, slaying, devastating, extirpating—and conveying to him the audacious assurance that the hearts of Christian England are with him and bless him for that holy work? Sir, if this be so, and sad and sorrowful it is to think it—if the blight which has fallen on free America has spread contagion here, the more it behoves us in this House to rescue our country from the stain which such calumnies would cast upon it, and to make it known to all parties in America, especially those who are raising a yet timid voice for peace, that the apologists for despotism and bloodshed among us represent but an infinitesimal portion of the sentiment of England, and that the great masses of our countrymen, of all creeds and classes, are united in one common feeling of abhorrence and condemnation of a suicidal war which is destroying a nation and disgracing an age.

The SOLICITOR GENERAL:—Sir, this discussion has wandered very far indeed fromt he point; and if I endeavour, in the short address which I propose to make to the House, to bring it back in some degree nearer to that point, I feel that I shall labour under the disadvantage which every one is under who endeavours to return to an entirely dispassionate state of mind, after having heard an oration not altogether of that character. I must say I heartily agree in the desire for the maintenance of peace which has been expressed by my right hon. Friend, and it was with pleasure that I heard that his wish was so strong for peace. I own I did entertain some degree of doubt whether the tenour of his speech was of so pacific a tendency as he doubtless desired it to be. We can only hope for the best, and I think it will be remembered across the Atlantic that in this as in other Assemblies, every hon. Member is at liberty frankly to express his own sentiments, but that those sentiments must not be assumed to be the sentiments of the Assembly to which that Member belongs. I heard with great satisfaction from my hon. and learned Friend opposite, the Member for Belfast (Sir Hugh Cairns), that in his opinion there can be no question about the duty of enforcing the Foreign Enlistment Act. I should be very glad indeed if I felt sure that that was universally the opinion of all the Members of this House. I cannot but think that it would be a great support to the Government if that were generally understood throughout the country to be so; for there can be no doubt whatever that it is the duty of the Government, while this is the law, to enforce the law. There can be no doubt whatever that those persons, be they merchants in a high position or in a low position, or whoever else they be, who do not deem it to be an obligation to observe the law in their commercial and other dealings, are forgetful of the duty which, as citizens, they owe to their country. Her Majesty, by Her proclamation of neutrality, pointedly called attention to that duty. Her Majesty expressed her will to be neutral in this war, and the people (hitherto, at all events, and I trust they will continue in that opinion) have expressed their approbation of the policy of neutrality. Can it be consistent, then, with their duty as subjects, can it be consistent with their duty as citizens—can it be consistent with their duty as good, patriotic, Christian men, to disregard the obligation so doubly laid upon them, both by the law of the country and by command of the Queen, and to place in jeopardy the most important public interests by the wanton and systematic disregard of that obligation. Sir, I heard with astonishment not long ago that there was supposed to be some inconsistency between the conduct of the Government in acting upon the information which they had received as to violations of this law, and the sentiments which I was the humble organ of expressing in this House as to the attitude which the Government must and would maintain in discussions with the United States, as to the extent and character of their international obligations. Inconsistency! Why it will be in the recollection of every one present, who was present at the debate to which I refer, that on behalf of the Government I stated their anxiety and determination to enforce this law in all cases in which sufficient information, supported by sufficient evidence, might be brought before them. They said, and I say again, that without that evidence, that without pursuing the same means which they would pursue in all cases in which the law of the country was in question, they could not and would not act: and here I certainly agree that the law must not be stretched to meet the demands of any foreign Power. I disagree from something which fell from the hon. Member for Rochdale, that we must find the means—*coûte que coûte*—of stopping these things, either by imitating particular laws which have been passed in other countries, or by assuming to ourselves arbitrary powers such as exist in neighbouring nations where there is no constitutional system. That we cannot—that we will not do. Important as it is to maintain our own laws—just and important as is this law against Foreign Enlistment, it is more important to preserve our liberty, to preserve our laws, and to maintain the Constitution unimpaired. We say we will not do that which is inconsistent with our laws. Those are the professions which we have made, and to those professions we intend to adhere.

With regard to the particular question which has called forth this debate, I am afraid my hon. and learned Friend the Attorney General has not been understood. He has not been understood, though I confess that to me there was no difficulty whatever in understanding the scope of his observations. This case of the *Alexandra* is pending in a court of law. It is about to to tried. The Government will have to produce their evidence, and the parties who are concerned will have to make their defence. It is impossible for us, unless we mean to embarrass and defeat those proceedings which we have undertaken the responsibility of instituting, to disclose prematurely the information we have received and the facts within our knowledge, to help the defence and put a brief into the hands of those who are defendants. ["Oh!"] My hon. Friend says "Oh!" I say that in this case everything has been done according to the course of law. In the first place, we are asked on what information did we proceed? My hon. and learned Friend referred to a document, and I frankly confess I heard its terms with surprise. It was a document totally immaterial, because it was only the formal notice of appraisement, and the person who prepared the form has put it in short terms. [Sir HUGH CAIRNS: The cause of seizure?] The cause of seizure is, I quite agree, not there stated in adequate terms. The cause of seizure is not limited to what appears in the notice of appraisement; nor is it, in fact, necessary that the notice of appraisement should contain the cause of seizure. [Sir HUGH CAIRNS: Where is the cause of seizure?] The cause of seizure will appear when the information is filed in the Court of Exchequer, and my hon. and learned Friend knows, I am sure, that under the 7th section of the Act, under which the seizure has taken place, no sworn information is necessary. There is no semblance or analogy to criminal proceedings. The proceedings are under the provisions of the Customs Acts; and the Government require for their own information and satisfaction sworn depositions, but it has never been the practice to give them, and there is nothing in the Act of Parliament which entitles the claimant to see them. And while the Government is collecting evidence and completing the case, which is just of that character which requires to be conducted with the greatest caution and vigilance, unless they wish to embarrass themselves and diminish their own chance of success, they will not depart from the usual course by giving copies of the depositions, which I venture to say have not been given in any similar case before. The Government proceeded upon depositions containing evidence, which if true, went to show that the vessel was being fitted out "with the intent that she should be employed on the service of a foreign Power, or persons exercising powers of government in foreign States, with intent to cruise or commit hostilities against a State at peace with this country." The evidence laid before the Government came up to that. My hon. and learned Friend may advert to another clause—the fifth—where he finds that sworn informations are necessary; but they are not necessary under this clause, the proceedings under this clause being in the ordinary form. With that information before us, be it true or be it false, whether the builders have a good defence or not, we cannot now inquire. The hon. Member for Liverpool says they have a good defence—if so, justice will be done them; but with that information before them it was impossible for the advisers of the Crown to take any other course; and we felt it to be our duty, in fulfilment of the pledge we had given to Parliament and to the country, to deal with this case as a serious case under the Act, and, at all events, to bring it to trial, and to obtain, whether upon construction of the Act or upon the facts, a decision of a court of law. My hon. and learned Friend said—and, coming from him, I was surprised to hear it—he said, "Why did you not try the course of suing the individuals concerned for penalties before a magistrate?" Now, although I agree we are not to go out of our way on account of any unreasonable requests from foreign Powers or Ministers, yet neither are we to go out of our way to expose ourselves to the imputation of not being in earnest in our endeavours to enforce the law. Of course, the information thus given in the first instance would require in various points to be strengthened and corroborated; and if we had wished to fail, I know no better course which we could have adopted than to go with the minimum of information before a magistrate, leaving the ship, if sufficiently advanced in her preparations, to slip out like the *Alabama* and the *Oreto* before a decision could be obtained. I say it was our bounden duty, even at the risk of some expense to the country if the prosecution should fail—it was our duty, upon having *primâ facie* evidence which in our judgment came up to the requirements of the clause, to seize the ship or vessel, according to the form of proceeding under the Customs Acts. There is no other way of dealing with the ship. You cannot stop the ship by going before a magistrate; it must be done upon the responsibility of the Government, and so it has been done. I have therefore now said all I think is necessary to be said upon this point, with one single exception. The hon. Member for Liverpool has referred to what he called a system of *espionage* practised in that town. The Government utterly disclaim having anything to do with any such system. All the proceedings upon our part have been conducted strictly, as in all other cases where there has been an endeavour to enforce the law, according to the laws of the country. If there are other persons not connected with the Government who have resorted to any such system as he describes, of course, for the acts of such persons, the Government cannot be responsible.

I do not propose to enter upon the more general question which has been raised in the course of this debate, but I must be permitted to say, that if ever I have been supposed to lay down the doctrine that this country ought not to enforce its Foreign Enlistment Act, or that foreign Powers, and especially the United States, have no right to look to this country to enforce it, then I have certainly been misunderstood. My endeavour, upon a former occasion, was to place that obligation upon its true footing, and to show that it did not depend upon the general obligations of international law, but upon our own particular law; and that if the American Government appealed to us to enforce that Act, they must look for its enforcement according to the established rules of jurisprudence of this country; and that they were not at liberty to set those rules aside, nor to call upon us to do more, or to be responsible for more, than our own law enables us to do. I never said, that if hostilities were carried on with the countenance of our Government in our waters, if armed expeditions were openly launched in our waters to make war upon the United States with the permission or connivance of the Government, I never said the United States might not complain; but I said that nothing of the kind had taken place, that the acts which had been brought home to any persons in this country, even by such evidence as was laid before us, were acts done in violation of our own municipal law, and were not of that character which could be regarded as in themselves direct acts of hostility within our jurisdiction against the United States. I do not think I laid down any extreme doctrine; but whatever it was, I am willing to bear the blame. Far be it from me by one rash word to aggravate the difficulties between this country and the United States, or to diminish the chances of peace and good will, which I have always anxiously desired to see preserved. But it is our interest and our duty, it is the interest of peace and good feeling between the two countries, that we should not plead guilty of offences against the United States which we have not committed; and we could not suffer to pass in silence and without remonstrance the charge of having committed such offences. We must be prompt, forward, and direct in disclaiming responsibility for things beyond our power, and for which we never intend to be responsible. If, by any unfortunate concurrence of circumstances, there should be a rupture of peaceful relations between this country and the United States, we must not by any concession of what is our due in justice and right, we must not by any admission that it is our duty to do that which it is not in our power to do, we must not by any deviation from the position, which under the law of nations we are entitled to take up, give any colour to a charge that we are wrong in the cause of quarrel. That was the object I had in view in endeavouring to lay before the House and the country what I conceive to be the true position of the question of the *Alabama* lately discussed, and which, I believe, is the true position of each similar question. We are anxious, most anxious, to prevent such violations of neutrality and law by our own citizens; but we are determined not to accept a responsibility on the part of the Government that does not belong to it, and not to concede that the United States have a right to treat us as wanting in our duty of neutrality if our laws fail to reach all particular cases that may occur; and much more do we disclaim all responsibility for acts done upon the high seas far beyond our jurisdiction or control, by vessels which when they left this country were not armed and equipped to such an extent as to be capable of acting as ships of war, and which had not in our waters or in our jurisdiction exercised any act of hostility against the United States. It is always necessary to bear in mind the great distinction between acts of hostility against the United States and infractions of our own municipal law. A transaction which is purely mercantile according to international law may be a violation of our own municipal law; and in that case we must restrain it, but we must take care to do so only upon those principles by which we are bound, and it is of the highest importance that it should be understood, without mistake, that we will not consent to accept responsibility upon any other principles.

SIR FITZROY KELLY said, it was extremely satisfactory to hear from so distinguished an authority as his hon. and learned Friend, that the Government disclaimed any idea of encouraging any proceeding on the high seas on the part of the United States which could tend to disturb the amity between the two countries. It was not, however, the general conduct of the Government that was in question, and he wished to recall attention to the particular case which had been brought to their notice, and he could not help thinking that the course adopted in the case of the *Alexandra* had been not only arbitrary and unjust, but one that exposed the owners to much hardship. At that moment no one, not even those who were to suffer, had the least intimation of what was the charge, upon what grounds it was made, nor who were the individuals upon whose testimony it was based. The hon. and learned Solicitor General had said that the Government felt it their duty to proceed under the 7th clause of the Foreign Enlistment Act. Let him be permitted to say, that in the case of any information which was laid before the Government with respect to a violation or supposed violation of that Act, it was open for the Government to have proceeded in such a way as to have given the accused the opportunity of knowing the grounds of the charge against them, or at least to have enabled them, before irreparable injury was done, to have offered whatever defence they might be provided with. It had not been unusual for officers of the Crown, dealing with a case in which it was possible that false information might have been given them, to go before a grand jury and there test the truth of the information. Again, they might have brought an action for penalties and in that case also they must have come before a grand jury. Instead of that, they had proceeded at once to seize and estreat the vessel, bringing the defendants into the Court of Exchequer; so that when the trial came on those defendants would be perfectly ignorant of the charges made against them, and of the witnesses they would require in order to absolve them from the charge. Moreover, by bringing the case into the Exchequer the Crown were not liable to pay any costs, while the defendants were liable not only to lose their vessel, but to pay all the costs of the case. By such a course those who were acting on the part of the Crown took unfair advantage of the commerce of the country, and placed it in an unfair position; and he trusted that they would lose no time in communicating to the accused the real nature of the charges made against them. Knowing what quantities of arms and munitions of war had been shipped from this country to the United States, he could not help thinking, that if the Government had been as vigilant in watching these acts as they were in watching the fitting-up of suspected vessels, far more serious charges might have been advanced against the United States agents here than against the owners of that unfortunate merchantman. He would not, however, dwell upon that matter, as his object in rising had been to call the attention of the hon. Under Secretary for Foreign Affairs to a question closely connected with the subject before the House, and one upon which it was due to the honour and the commerce of the country that the House should receive a satisfactory answer. He wished to know whether the Government had adopted any measures to facilitate and to protect the postal communications between this country and the different ports within or near the Gulf of Mexico? He was not about to enter into the critical relations between this country and the United States. He should not refer to the capture of the *Peterhoff*, the *Dolphin*, or the *Adela*, being quite content to leave to the Foreign Secretary, esqecially while under the guidance of the noble Viscount, all that related to the honour and dignity of the country in reference to those acts of the United States, which had been seriously complained of, and which he thought would be amply justified or honourably compensated. But there was something which required notice in the communications that had taken place between the merchants and the Foreign Office respecting a vessel about to sail for a Mexican port. The facts were these:—An Act of Parliament existed under which the Post Office was empowered to compel vessels proceeding to a foreign port to take on board the Post Office mails, under a penalty for non-compliance. The merchants said, "We fear, that if we take the mails on board our vessels bound to ports in the Gulf of Mexico, and if those vessels are overhauled by the Federal cruisers, the captains of those cruisers, breaking the seals of the mail-bags, will find letters sent from this country with the express design of compromising the ship, and upon these fabricated letters may be founded the seizure and condemnation of the ship." What was the noble Earl's reply? He did not say, "It is impossible that any mischance can befall you from the conveyance of Her Majesty's mails." What he said in effect was, "It is possible that the letter-bags may be broken open and your ship condemned in consequence, and therefore we will relieve you from the necessity of carrying these mails." If the noble Earl meant to imply that in consequence of an apprehension arising from the proceedings of a nation with which we were in amity he would release the owners of ships from the obligation of the law, even though that course should render it impossible for the merchants of this country to pursue their ordinary occupations, he had no hesitation in saying that the reply of the Foreign Secretary contained a humiliating and degrading avowal on the part of a Minister of the Crown. After such an answer he did not understand how, from that moment till such time as the struggle in America was at an end, the merchants of this country were to keep up their correspondence to those parts of the world with reference to which his question was directed. No modification had been suggested; no hope was held out for the future. It was nearly a year and a half ago that energetic measures taken by this country in the affair of the *Trent* procured redress for a violation of international law; but at that moment British merchant ships were constantly exposed to the peril of attacks from American cruisers. While he hoped the Government would, by every means consistent with the honour and dignity of the country, seek to maintain the peace which still subsisted between two great nations, he trusted that they would have some regard, not only to the interest, but to the feelings of our merchants.

Mr. MONCKTON MILNES: Sir, in the course of this debate, the right hon. Gentleman the Member for Stroud (Mr. Horsman), has made a speech of a character most insulting to a great and friendly people, and most offensive to the feelings of a large number of the Members of this House. I do not think that speech ought to be allowed to pass unanswered and unchallenged; but, at this period of the night, and when the debate has taken another direction, I do not know what is left to us but to protest against the accuracy of his facts and the logic of his deductions. If such language was generally adopted by the Members of this House at the present time, the prospect of maintaining anything like a good understanding between this country and the United States would be a poor one indeed. We have heard a good deal of the insecurity of British commerce, and we have been asked, "When is this to cease?" Well, Sir, if we desire that there may be no insecurity to British commerce, what we have to do is to abstain from such speeches as we heard from my right hon. Friend the Member for Stroud; and when they are made, to stand up and denounce them as unjust, unwise, and unpatriotic. To suppose that such a spirited nation as that on the other side of the Atlantic—a nation as spirited as our own—will submit, not only to such words as we have heard used, but to such acts as are now going on in this country, is impossible. In the discussion on the Act of Parliament which has been so frequently alluded to this evening, one important point seems to have been omitted. The United States of America can avail themselves with their own ships of many ports. The Confederates have no ports except those which we choose to give them. If Confederate ships set out to destroy and burn vessels belonging to the United States, it is from our ports alone they can go. It is absurd to talk of international law, when its effect is to give a navy to those who have not one, and to afford the means of destruction and of disturbing commerce to those who have it not themselves. It would not be a real neutrality to allow ships of war to be built in this country for either the United States or the Confederates, and therefore it is necessary that we should exercise the utmost vigilance in carrying out the Act of Parliament which affords us a means of preventing such proceedings. And on this point I would say to Her Majesty's Government, that though the Foreign Enlistment Act is a municipal statute, its application must be directed by considerations of a large and wide policy. I trust that the wise men on the other side of the water will disregard such ebullitions of feeling as we have seen manifested by by some hon. Members in this House. As to Her Majesty's Government, there is no reason for thinking that individually they are favourable to either cause. But, whatever their individual feeling may be as wise men and statesmen, Her Majesty's Government, in the unity of their action, have shown that neutrality which I think the best security for the peace of the world. Sir, that peace I trust will continue, for many reasons, but above all, for this. For us to talk of war—for England armed to the teeth—England with all her wealth and power, to talk of war against a nation in the very agony of her destinies, and torn to the vitals by a great civil commotion, is so utterly ungenerous, so repugnant to every manly feeling, that I cannot conceive it possible. Hon. Gentlemen opposite talk of acting in a gallant spirit. Is it to act in a gallant spirit for a strong man to fight a man with his arm tied, with his eyes blinded? And that is what you propose to do—you with the wealth and power of England—when you seek to promote war with the United States. I fear the unhappy speeches which we have heard this evening will tend much in that direction. There is a party in this country who think only of how to break the blockade, and imagine the only way to procure cotton is by an act of violence. I say there is a suspicion abroad that that will be done, and that suspicion, unfortunately, will be increased and magnified by the speech of the right hon. Gentleman. But let us do what we can to preserve peace. The lowest class of our people have acted with forbearance, with a full consciousness of the advantages they enjoy in belonging to a country like England, at the same time that they do not deny the advantage to the world of having a great, free nation on the other side of the Atlantic. The mass of the people feel these things; let not the Gentlemen of England who have seats in this House, and from whom every ungenerous thought ought to be far removed, show themselves inferior to their humbler fellow countrymen.

Viscount PALMERSTON: The hon. and learned Gentleman (Sir FitzRoy Kelly) has asked what security there is for mercantile communication with Mexico, and communication by letter. With regard to merchant vessels, in the first place, the best security, and I trust a sufficient one, is that the American Government will no doubt observe the law of nations; and if their cruisers intercept and capture any merchantman without sufficient cause, they are liable to damages in their courts, and we have no reason to believe that their courts will not act justly. With regard to bags of letters that may be carried by a merchantman, if the vessel is captured upon suspicion of being concerned in an illegal voyage, by that order which my noble Friend the Secretary for Foreign Affairs read in another place yesterday it will be seen what the American Government prescribes with regard to bags so found. They are not to be opened, the seal is not to be broken, they are to be delivered to the consul of the nation to which they belong when the vessel comes into port, and that consul is bound to open those bags himself, and if there should be found anything contrary to the good faith of nations and against the Government of the country, then he is bound to give that to the Government, but the letters in the bags are to be forwarded by him to the destination to which they are directed. I apprehend, therefore, that there is no necessity for any other proceedings on the part of Her Majesty's Government than that of calling the attention of the United States Government to the circumstances, and expressing a hope that they will act according to international law and in conformity with the orders which they themselves have laid down.

Main Question put, and *agreed to.*

Supply *considered* in Committee.

House *resumed.*

Committee report Progress; to sit again on *Monday* next.

SUPPLY.—REPORT.

Resolutions (April 23) *reported;*

(1.) "That a sum, not exceeding £50,000, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1864, towards the Expense of a National Memorial for His late Royal Highness the Prince Consort."

(2.) "That a sum, not exceeding £85,925, be granted to Her Majesty, to enable Her Majesty to make a Grant to the Naval and Land Forces employed in the Expedition to Kertch and Yenikale in the year 1855, on account of the value of the Stores captured."

(3.) "That a sum, not exceeding £1,000,000, be granted to Her Majesty, to pay off and discharge Exchequer Bonds payable on the 8th day of May 1863."

First Resolution read.

Mr. CONINGHAM said, he trusted the Government would consent to postpone the consideration of the Report. The noble Lord could not for one moment expect to erect the proposed monument for the sum named. In fact, it would cost not less than £350,000, and Government would have to come, year after year, to ask further sums from the House. In proposing such a scheme the noble Lord ought to have laid plans and details in full before the House, so as to enable them to judge of what they were about. They had been told that Her Majesty had set her heart upon the plan, but he believed that the plan was founded altogether upon the opinion of the Royal Commissioners. It was proposed to erect a Gothic structure of a kind from which we were far removed by time and thought, and which was characteristic neither of the prince whose name it was intended to commemorate nor of the nation by which it was to be erected. He would therefore beg leave to move that the further consideration of the subject be postponed until the plans and details which might enable the House to judge should be laid before it. He hoped, if the noble Lord would not consent to that proposition, he would give a pledge that the sum to be expended upon the monument should not exceed what he had stated to the House.

Sir HARRY VERNEY said, he rose to second the Motion. The noble Lord at the head of the Government had not stated that the plan proposed had been approved of by Her Majesty, but that it had been recommended by the Commissioners. It appeared to him, that in contemplating the erection of a monument to the Prince Consort, they should have regard to what the taste of the Prince Consort was. He believed that his late Royal Highness contributed more than any other individual to the progress of art and science, and everything that was calculated to advance the material interests of the country. It was therefore the opinion of a great number of individuals that the memorial to his memory should be such as he would himself have approved. If the noble Lord stated that the proposed monument had received the sanction of Her Majesty, he did not think the Motion should be pressed.

Motion made, and Question proposed, "That the further Consideration of the said Resolution be postponed."

SIR MORTON PETO said, he could not conceive anything more beautiful or appropriate than the proposed memorial, and it had been stated by the noble Lord that it was the selection of the Queen herself. He felt, however, that the sum named was not sufficient to execute it in the manner in which it should be completed, and such was the opinion also of the architect. He thought, therefore, the noble Lord should take further time to consider the amount for which he should ask. The House was only anxious that the memorial should be in all respects worthy of the late Prince Consort, but it was not a matter in which they ought to be applied to a second time.

VISCOUNT PALMERSTON said, he thought his hon. Friend the Member for Brighton must have misunderstood the nature of the proposal he made on the preceding evening. He did not propose to the House that they should sanction any particular plan, but that they should Vote a certain sum of money with the distinct understanding that it would rest entirely with Her Majesty to determine what kind of memorial would be most suitable to the occasion and most agreeable to her feelings. And although plans were, he was informed, exhibited in another part of that building, yet he was not aware that Her Majesty had yet determined upon any particular plan. Therefore, any argument founded upon the assumption that the cost of executing any particular design would exceed the sum which he had stated to be available was no argument whatever against the grant. What he proposed was that the House should tender to Her Majesty the sum of £50,000, to be added to private subscriptions, to enable her to direct the construction of such a monument as would be congenial to her feelings and best calculated, in her opinion, to record the great and eminent qualities of the Prince. Some particular plan that had been seen might cost more than the amount available, but the architect could, doubtless, alter his design so as to make the work greater or smaller, and more or less expensive. If, therefore, it were found that the very magnificent plan alluded to could not be accomplished for the money, a man of genius could so reduce it in its dimensions or ornament as to bring it within the sum desired. He could not, under these circumstances, see any reason for postponing the Vote, and trusted that the House would at once agree to it.

MR. LIDDELL said, that while he admired, as much as any man, the virtues and the eminent qualities of the late Prince Consort, he hoped it would be understood that any sum that might be granted for completing the memorial would be a final Vote. If a further appeal were made to the House, it would be derogatory to the Government and disrespectful to the Throne.

MR. KINNAIRD said, that as he understood the noble Lord at the head of the Government to give a distinct pledge that the outlay in that case should not exceed the £50,000, he hoped the hon. Member for Brighton would not press his Motion.

MR. DILLWYN said, he hoped that there would be no further application to Parliament; and also that the House would not interfere in the matter of taste. He trusted that the Vote would be a free gift to Her Majesty.

MR. CONINGHAM said, that after the statement of the noble Lord that the grant was not to exceed the sum of £50,000, he would not press his Motion.

Motion, by leave, *withdrawn.*

Resolution *agreed to.*

Subsequent Resolutions *agreed to.*

POST OFFICE SAVINGS BANKS BILL.

(NO. 47.) LORDS' AMENDMENTS.

THE CHANCELLOR OF THE EXCHEQUER said, he rose to move that the House agree to the Lords' Amendments on the Bill, and in so doing he wished to take that opportunity of correcting a mistake which he had made on a former occasion. Instead of the trustees of the St. Martin's Savings Bank having dwindled down to three as he had stated, the actual number of the trustees was seven.

Amendments *agreed to.*

CUSTOMS AND INLAND REVENUE BILL.

Bill to grant certain Duties of Customs and Inland Revenue, *presented,* and read 1°. [Bill 91.]

House adjourned at a quarter
before One o'clock, till
Monday next.

HOUSE OF LORDS,

Monday, April 27, 1863.

MINUTES.]—PUBLIC BILLS—*Second Reading*—London, &c. Dioceses [H.L.] (No. 68).

Committee—New Zealand Boundaries [H.L.] (No. 73); Offences (South Africa) [H.L.] (No. 74).

Report—Alkali Works Regulation [H.L.] (No. 77, 81); Local Government Act (1858) Amendment (No. 78).

Third Reading—Office of Secretary at War Abolition (No. 71), and *passed*; Dockyards Protection Act Amendment [H.L.] (No. 66), and *passed.*

PRIVATE BILLS.

On the Motion of Lord REDESDALE, Standing Order No. 189, Section 14, *considered* (according to Order), and amended, as follows:—

14. In every Railway Bill in which new Works are authorized, the Committee shall make Provision for ensuring the Completion of the Line of Railway by impounding the Deposit, or by providing that after the Expiration of a Period to be limited by such Bill, not exceeding Five Years from the passing of the Act in the Case of a new Line, and Three Years in case of the Extension of Time for completing any Line, the Company shall be liable to a Penalty to be fixed in the Bill, which shall not be less than Twenty Pounds and shall not exceed Fifty Pounds per Day, to be recoverable as a Debt due to the Crown, for every Day after the Period so limited, until such Line shall be completed and open for public Traffic; but no Penalty shall accrue in respect of any Time during which it shall appear, by a Certificate to be obtained from the Board of Trade, that the Company was prevented from completing or opening such Line by unforeseen Accident or Circumstances beyond their Control, but the want of sufficient Funds shall not be held to be a Circumstance beyond their Control.

UNITED STATES—SEIZURE OF BRITISH VESSELS WITH MAIL-BAGS.

EXPLANATION.

EARL RUSSELL: My Lords, you will expect me, no doubt, to answer the questions which were put to me on Friday night; but what I have to say will, I think, convince your Lordships it is not desirable that at this time I should state the opinion which I have received from the Law Officers of the Crown. On referring to the papers already presented to Parliament—to the Parliamentary Papers, "North America, No 5"—your Lordships will see that a good deal of correspondence passed subsequently to the 8th of August. The letter written on the 8th of August is, in fact, continued by that correspondence. I wrote afterwards to Mr. Stuart, on the 27th August, to the following effect:—

"I have at present only to observe that the orders for the future guidance of the United States officers, as stated in Mr. Seward's letter to the Secretary of the Navy of the 8th inst., appear to be satisfactory, and ought to suffice."

And on the 10th of October I made a further communication to the same gentleman. It is not necessary to trouble your Lordships with the whole of the last mentioned despatch. Part of it has already been presented to Parliament; but the despatch, after the passages published in the printed papers, goes on to say—

"Her Majesty's Government are glad to find from your despatch of the 12th of August last that the orders originally given to American cruisers in regard to interference with neutral vessels have been rescinded. If these orders had been sanctioned and continued in force by the Government of the United States, they would have called for prompt and firm remonstrance on the part of Her Majesty's Government, and it will be proper that you should intimate to Mr. Seward, while expressing the satisfaction of Her Majesty's Government at their revocation, that Her Majesty's Government are glad to be thereby spared from the necessity of stating their decided objections to their tenour. You will say that to order vessels, though apparently and *primâ facie* carrying on a lawful trade, to be systematically seized on the high seas, without any preliminary search, or without the discovery during such search of any strong evidence of suspicion against such vessels, would be to subject the mercantile marine of neutrals to a system of oppression and annoyance which no neutral Government could be expected to tolerate. The unjust seizure under urgent circumstances of a neutral vessel may be considered as one of the occasional burdens which a state of war may impose upon a neutral, and it may be partially compensated by the condemnation of the captor in costs or in costs and damages; but the indiscriminate and general seizure of merchant vessels, without previous search, converts an occasional exception into an intolerable rule. The question which has arisen in this case as to the seizure of Her Majesty's mails on board the *Adela*, while it forms a new and very important element in this case, deserving very grave consideration, raises a point of some delicacy and difficulty. Her Majesty's Government cannot doubt that the Government of the United States are prepared to concede that all-mail bags, clearly certified to be such, shall be exempt from seizure or visitation, and that some arrangement shall be made for immediately forwarding such bags to their destination in the event of the ship which carries them being detained. If this is done, the necessity for discussing the claim, as a matter of strict right, that Her Majesty's mails on board a private vessel should be exempted from visitation or detention, might be avoided; and it is therefore desirable that you should ascertain from Mr. Seward whether the Government of the United States admits the principle that Her Majesty's mail-bags shall neither be searched nor detained."

On the 4th November, Mr. Stuart wrote to say that he had read it to Mr. Seward, who was ready to admit the principle therein laid down with regard to the seizure of mail-bags. That there might be no misunderstanding on the subject, arising out of unofficial communications, it was agreed that special instructions should be issued. Accordingly, on the 31st of October, Mr. Seward addressed the following letter to Mr. Welles:—

> "Department of State, Washington,
> October 31, 1862.
>
> "Sir,—It is thought expedient that instructions be given to the blockading and naval officers, that in case of capture of merchant vessels suspected or found to be vessels of the insurgents or contraband, the public mails of any friendly or neutral Power, duly certified and authenticated as such, shall not be searched or opened, but be put, as speedily as may be convenient, on their way to their designated destinations. This instruction, however, will not be deemed to protect simulated mail-bags, verified by forged certificates or counterfeited seals.—I have, &c.,
>
> "William H. Seward."

Those were the instructions given to American naval officers, and no question arose with respect to them until the other day. I have just received the account of the preliminary proceedings in connection with that transaction. On the 4th of April, Mr. Archibald, Her Majesty's Consul at New York, was summoned to attend the Prize Commission in regard to the *Peterhoff*, which had been captured, as the House is aware, by the United States cruisers. On arriving at the office, Mr. Archibald was shown the mail-bag taken from the vessel, which was under the seal of Her Majesty's Postmaster General. Mr. Archibald protested against that seal being broken and the bag examined, and required that it should be sent forward to its destination. The United States officers, however, insisted that the bag should be opened, and that was accordingly done. The bag was found to contain several packages addressed to Matamoras. Nothing more took place on this occasion; and Mr. Archibald reported the matter to Lord Lyons. Lord Lyons immediately applied to Mr. Seward, and stated that the proceeding in question was in violation of the letter of the 31st of October, upon which he relied for the security of mails of this description certified and authenticated by Her Majesty's Postmaster General. Mr. Seward did not pay immediate attention to this remonstrance, but said the subject would require consideration. Subsequently, Mr. Archibald was again desired to attend the prize court, and was there informed by the counsel for the United States that it had been resolved to open the packages found in the mail-bag. The Prize Commissioners requested Mr. Archibald to take, if he should think proper—indeed I believe, they asked him in the first instance to open—the packages, in order to ascertain what were *bonâ fide* letters, which should be forwarded to their destination, and what were papers referring to the cargo, which should be handed over to the prize court. Mr. Archibald, however, declined to be a party to such a course. If the court chose to order the packages to be opened, he said he would be present as a witness of the transaction, but could not approve or give any sanction to it. Upon this declaration the proceedings seem to have been suspended, and the opening of the packages was deferred. Mr. Archibald at once reported the matter to Lord Lyons. Lord Lyons went to Mr. Seward, and pointed out that, in accordance with the Order of the 31st of October, the letters ought to be replaced in the mail-bag, and forwarded to their destination. According to the latest intelligence which I have received, a telegram had been sent to the prize court, directing that the packages were not to be opened until further orders, but the Government of the United States had not come to any definite determination on the subject. These are the facts of the case as they at present stand. Seeing how very important the question is—seeing that the opinion of the Law Officers of the Crown must, of course, be very carefully weighed by Her Majesty's Government before any steps are taken—seeing that instructions will be sent out probably by the next mail, but that in the mean time fresh information may arrive which may quite alter the complexion of the affair—under these circumstances, I have to press for the indulgence of your Lordships in forbearing, for the present, to press for the production of the opinions of the Law Officers of the Crown; but to leave the question for the present in the hands of Her Majesty's Government.

The Marquess of CLANRICARDE said, no one could approve more than he did the discretion which the Government had exercised in postponing for the present the publication of the opinion of the Law Officers. He was also glad that the noble Earl had called attention to the agreement of the 31st of October as to the security of the mails. On the 11th of the present month the owners of the *Sea Queen*, in addressing an inquiry to the Government as to the amount of protection which would be afforded to the mails, referred to the dictum of an American Judge, to the effect that mail letters found on board a British ship could legally be opened in order to ascertain the character of the ship. Now, seeing that by the letter of October last that contention was waived on the part of the United States Government, it would have been courteous in the noble Earl, or in the noble Lord the Postmaster General, to have stated the understanding now in force. He wished to know what steps had been taken by Her Majesty's Government to obtain correct reports of the proceedings of the American prize courts. It was clearly of great importance that they should know whether there was any conflict of law between the prize courts and the United States Government. He understood that a number of ships had been seized, some of them as far back as fifteen months ago, and had been taken into port, but had not yet been brought before the prize court. The reason of that delay was believed by the owners to be the want of evidence against the vessels; but from whatever cause it occurred it was most unjustifiable.

Earl RUSSELL said, he was not sure that complete reports of all the proceedings of the prize courts could be obtained; but he would take care to remind the British Minister in the United States of the importance of transmitting them whenever possible.

CHARGING OF ENTAILED ESTATES FOR RAILWAYS.

REPORT OF THE SELECT COMMITTEE.

Lord REDESDALE rose to call the attention of the House to the Report from the Select Committee on Charging of Entailed Estates for Railways [*Parl P.* No. 80], and to the Evidence given before that Committee. The noble Lord, who was very imperfectly heard, was understood to point to several recommendations of the Report, as showing the difficulty of dealing with the subject by legislation. Lord St. Leonards, who was unable to attend in his place that evening, had written to him to say that nothing could be more objectionable than the scheme which the Committee had recommended. He (Lord Redesdale) had not put himself in opposition to the Report of the Committee; he had done all in his power to see it carried out, and he would continue to do so. But his recommendation would be, that nothing more should be done until the House should be prepared to pass some well-considered public Bill on the subject.

Earl GREY said, it had been clearly proved, before the Select Committee, that the formation of the railway about which this particular question arose was as certain to improve the land in its neighbourhood as drainage, buildings, or any other works; and there was no more difficulty in ascertaining the improved value of land arising from the construction of a railway, than there was in estimating the effect of any other improvements. It had been also clearly proved that there was very great difficulty in obtaining capital for the construction of this railway without the assistance of the landowners; and though some landowners were able to take shares to a large amount, many were not in a situation to do so unless they were enabled to raise money for that purpose upon their estates. The conclusions of the Committee were unanimous, and derived additional weight from the fact that the Committee was composed of noble Lords who had had great experience in similar matters.

Lord EGERTON of TATTON said, that great doubts were entertained by Mr. Derby, the Commissioner for Drainage Works, whether it was practicable to fix the additional value given to estates by railways running through them; and if legislative powers were given, they should be clearly defined in a separate Bill brought in for that purpose; and that it should not be left to each separate Railway Bill to insert clauses, differing from each other in each case; and that the powers of each general Act should be inserted in each particular measure, in the same manner as the Land Clauses Act is applied.

Lord STANLEY of ALDERLEY thought, in respect of the particular measure which had given rise to this inquiry, as considerable expense had been incurred by the promoters of this Bill, and the evidence was favourable, it would not be unreasonable to allow the measure to proceed to a second reading. It might then be left to the Select Committee which had considered this subject, to say whether the provisions were sufficient to secure that no injury would be done to existing or future rights.

Lord RAVENSWORTH considered that it would be a dangerous precedent to introduce into a Private Bill a principle which it might prove would not be desirable for general adoption.

The Earl of BANDON would warn their Lordships, from the experience he had had in Ireland, that unless some definite rules were laid down, numberless Bills would be brought in by landed proprietors next Session asking permission to encumber their estates for the objects proposed. At the same time, he was rather in favour of the principle proposed to be introduced into the present Bill.

Lord WODEHOUSE said, that no doubt in passing a Private Bill with a provision of this kind they would be sanctioning a general principle ; and therefore they ought to do it with their eyes open. He admitted he did not see how it would be possible to refuse the introduction of similar Bills if this measure were agreed to. He thought it could not be disputed that a railway would in most cases confer a great benefit upon the property through which it passed ; but the essential point was, that there should be security that the owners should receive in increased rents as much as would be sufficient to pay off the money advanced to the railway company. They had already sanctioned this principle in the case of drainage and buildings, and an improvement such as a railway was, in fact, even more permanent, except in the case of a railway not being worked, which, though just possible, was very unlikely. He argued, however, that it would be better that a general measure should be introduced.

The Earl of AIRLIE said, there could be no question of the value to a particular district of railway communication, but he thought it was to be regretted that the Committee had not more largely considered what guarantees ought to be taken for the efficient working of the lines after they had been opened. That appeared to be the weak part of the scheme, and the evidence with regard to it was meagre and unsatisfactory. It was often the policy of large lines to stifle instead of facilitate short landowners' lines running into theirs, either because they brought too small a profit to the main line, or else in the hope of purchasing the branch on easy terms. Sometimes, too, a portion of the stock was issued on the express condition that the holders should not be called on to pay for their shares, the object being to comply with the Act of Parliament and bring into play the borrowing powers, which could not be exercised till two-thirds of the shares had been taken. By this means the line became hampered with a large amount of debt. He hoped, therefore, that if any general measure were introduced, care would be taken, not only to insure prudence in the construction of lines, but their efficient working afterwards.

Earl GRANVILLE thought that it would be desirable that steps should be taken to obtain a decision of their Lordships' House upon this subject, but that no good would result from continuing a discussion by which that object would not be attained.

Lord REDESDALE wished to urge upon their Lordships the importance of not allowing powers, such as had been referred to, to be introduced in any Private Bill; for if they did, they might depend upon it that they would not obtain public legislation upon it. If such power were granted to one Company this Session, they would have fifty applications for similar powers next year ; and if it were found that they could go on in this way, there would be no public legislation, and a crude and bad system would grow up. On the other hand, if they refused to grant powers by Private Bills, there would be a probability of their passing a Public Act, which was a thing much to be desired. If the noble Earl (Earl Granville) wished it, he (Lord Redesdale) would himself bring the matter definitely before the House—probably by way of Resolution.

ALKALI WORKS REGULATION BILL [H.L.]
(NO. 77.) REPORT.

Amendments *reported* (according to Order).

Clause 4 (Conduct of Alkali Works).

Lord STANLEY of ALDERLEY moved the insertion in Clause 4 of words providing that in respect of every offence after a previous conviction, the owner shall be subject to a penalty not exceeding £100.

The Earl of DERBY said, that he should have liked to see the minimum as well as the maximum amount of penalty fixed by the Bill ; but as the noble Lord had done so much to meet his wishes, he should offer no opposition to the form of the Amendment.

Amendment *agreed to ;* Words inserted.

Further Amendments made ; Bill to be read 3^{a} To-morrow.

Bill as amended on Report (No. 81).

House adjourned at a quarter before
Seven o'clock, till To-morrow, a
quarter before Five o'clock.

HOUSE OF COMMONS,

Monday, April 27, 1863.

MINUTES.]—New Member Sworn—Ion Trant Hamilton, esquire, for Dublin County.
Select Committee—*Report*—on Public Petitions, *Seventeenth Report.*
Ways and Means—Excise Duties—*considered* in Committee.
Public Bills—*Resolution in Committee*—Anchors and Chain Cables.
First Reading—Naval Medical Supplemental Fund Society Winding-up Act (1861) Amendment [Bill 93]; Consolidated Fund(£20,000,000); Exchequer Bonds (£1,000,000).
Second Reading—Savings Banks (*Mr. Chancellor of the Exchequer*) [Bill 79]; Judgments Law Amendment (Ireland) (*Mr. Whiteside*) [Bill 71].
Committee—Salmon Fisheries (Ireland) [Bill 1]; Elections during Recess [Bill 48].
Report—Elections during Recess [Bill 48].

INNKEEPERS' LIABILITY BILL.

EXPLANATION.

Mr. WYKEHAM MARTIN said, he wished to offer a few words of explanation in respect to an absent individual. In moving the second reading of the Inkeepers' Liability Bill on Wednesday, he read to the House a written statement regarding the loss of some notes, which occurred at the Grosvenor Hotel, and he drew certain inferences from the fact that the numbers of those notes were unknown. Since then, the hon. Member for the Tower Hamlets had informed him of some facts bearing on the subject of which he (Mr. Wykeham Martin) was previously ignorant. He could only say, that if he had been aware of those facts before, he would never have drawn the inference which he had done, that the notes had not been lost; and he was now fully convinced that the loss actually occurred.

PUBLIC BUSINESS—THE FINANCIAL MEASURES.—OBSERVATIONS.

The CHANCELLOR of the EXCHEQUER said, he wished to state the arrangement of business, so far as depended on him, relating to the financial measures before the House. The Order for the Committee of Ways and Means stood first on the Paper, and would come on immediately after the discussion on the Motion of the hon. Member for Devonport (Mr. Ferrand), on which the House was probably about to enter. He proposed to take the Resolutions in that Committee to-night; at the same time, if it were thought that the Resolution on Railways required further discussion than it could receive in its present form, he would be willing to postpone it; but he wished to bring in the Bill with regard to the other Resolutions, which did not appear to involve any matter that could not be conveniently disposed of in their present form. He did not propose any Resolution with respect to Carriers, as he had already mentioned. Then, with regard to the Customs and Inland Revenue Bill, he should propose the second reading to-night; and in the event of the House reading it a second time, he should propose to go into Committee on Thursday, when he would state fully the nature of the proposals of the Government with regard to Charities, as, probably, that was a point in the Bill at which the Committee would then arrive. On Thursday, therefore, at an early hour, he should wish to make that statement and invite the judgment of the House upon it.

Mr. DARBY GRIFFITH said, he wished to ask if the Chancellor of the Exchequer would take the second reading of the Customs and Inland Revenue Bill after eleven o'clock to-night?

The CHANCELLOR of the EXCHEQUER said, he should be prepared, as far as he was concerned, to bring it on whenever he could.

Mr. WALPOLE said, he wished to know whether the right hon. Gentleman intended to make any statement to the House with regard to the two clauses in the Bill applicable to Charities with a view to making any alteration in them, or whether his statement would be in support of those provisions?

The CHANCELLOR of the EXCHEQUER said, his statement would be in support of those clauses. There were one or two minor questions in regard to which he wished to reserve a discretion. One, for instance, was raised with regard to the Patriotic Fund, which, from its peculiar nature, it was thought should be treated exceptionally; but, with regard to the general substance of the two clauses in the Bill, he should propose to take the final judgment of the House upon them.

Mr. CLAY said, he thought it would be inconvenient to proceed with the Bill after a late hour.

LAW AND EQUITY (ENGLAND AND IRELAND) COMMISSION.

QUESTION.

Mr. LONGFIELD said, he wished to ask Mr. Attorney General, If the English and Irish Law and Equity Commission have as yet agreed to any Report on the entire or portions of the subject referred to them, and when there is any probability of their labours being concluded, and a Report made by them?

The ATTORNEY GENERAL said, he was enabled to state, on the authority of the Master of the Rolls in England, that the Commissioners expected to issue the substance of their Report within a month from that time.

ATTACK ON THE LATE MR. FONBLANQUE.—QUESTION.

Mr. DARBY GRIFFITH said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether he has any objection to lay upon the table of the House the Papers and Correspondence relating to the attack, by which his life was endangered, made on Mr. Fonblanque, the then Consul General at Belgrade, by a soldier of the Turkish garrison, in or about the year 1856?

Mr. LAYARD, in reply, said, he did not think it would be any advantage to lay on the table those papers. Seven years ago an attack had been made on the late Mr. Fonblanque, then Her Majesty's Consul General at Belgrade, by a half-mad soldier; the Turkish Government expressed their great regret, and made the fullest reparation. Punishment was also inflicted on the soldier and his accomplices. The matter was so long past that no good would arise from the production of the papers.

THE CITY AND METROPOLITAN POLICE.

QUESTION.

Colonel FRENCH said, he would beg to ask the Secretary of State for the Home Department, Whether, having obtained leave to introduce, as a Public measure, a Bill for amalgamating the City and Metropolitan Police, which, as it related to matters of Police, and proposes to deal with the power of a Corporation whose constables are appointed under a private Act of Parliament, must, under the rules of this House, be considered a Private Bill; whether or no he means, no notice having been served, to proceed any further with his proposed measure?

Sir GEORGE GREY said, in reply, that his hon. and gallant Friend was mistaken in the supposition he made. Precedent had been strictly followed. The Bill proposed in one part to deal with a local Act passed as a Private Bill, and it was referred to the Examiner, who had fixed next Thursday to inquire whether any Standing Order had been interfered with. In the event of his finding that any of the Standing Orders had been interfered with, the Bill would be referred to the Standing Orders Committee to determine what course should be pursued.

LANCASHIRE DISTRESS. THE MANSION HOUSE COMMITTEE.

QUESTION.

Mr. Alderman SALOMONS said, he rose to ask the hon. Member for Andover, If the Mansion House Committee for the Relief of Lancashire Distress has responded to the prevailing opinion that it ought now to unite with Lord Derby's Central Committee; also the number of persons composing the Mansion House Committee; and if there exists a General Committee of the Subscribers to the Fund to whom this Question might be referred?

Mr. W. CUBITT said, in reply to the first Question of the hon. Gentleman, he wished to state that the Mansion House Committee was not aware that the opinion to which he alluded was so very prevalent as to justify them in making any change of their proceedings. Contributions from all classes continued to come in, and were placed under their administration. With regard to the second Question, the number of the Committee was nine. It consisted of:—The Lord Mayor, President; the Member for Andover, Treasurer; Mr. John Armitage, of the House of Armitage & Co., Australian merchants, Great St. Helen's; Mr. Charles Barber, of Barber, Nephew, & Co., East India and Colonial brokers, Fenchurch Street; Mr. W. J. R. Cotton, of Culverwell, Brooks & Co., hide, skin, and tallow brokers, College Hill; Mr. Dilberoglue, of Dilberoglue, Cavassy, & Co., Greek merchants, Threadneedle Street; Mr. Howes, of Cook, Son, & Co, St. Paul's Churchyard; Mr. Lycett, of Dent, Allcroft, Lycett, & Co., Wood Street, Cheapside; Mr. William Morley, of W. & R. Morley, Gutter Lane, Cheapside, Manchester warehouseman. The Secretary was Mr. Joseph Gibbs, a gentleman formerly at the Bar, now private secretary to the Lord Mayor. Messrs. Coleman, Turquand, & Co., the eminent accountants, generously undertook the periodical audit of the accounts. They had frequently performed that duty, and their last audit was to the 4th of April. The amount of money received was, in round numbers, £480,000, and the sum in hand was somewhere about £90,000.

ST. MARY'S ISLAND, CHATHAM.
QUESTION.

MR. DIGBY SEYMOUR said, he would beg to ask the noble Lord the Secretary to the Admiralty, Whether there is any foundation for the rumour, referred to in the recently published pamphlet entitled, "The Dockyards and the Private Shipyards of the Kingdom," to the effect that during the war with France the French prisoners of war, dying in London and the neighbourhood, were buried, to the number of several thousand, on St. Mary's Island, Chatham; and that the Admiralty works in progress require the removal of their remains; and that quick lime and other means had been employed to effect a rapid dissolution of the bodies, instead of providing them with decent sepulture elsewhere.

LORD CLARENCE PAGET said, he had, on seeing the notice of the hon. and learned Gentleman, sent a telegram on the subject to Chatham, addressed to an officer of works, but he had not learnt that anything of the kind had occurred. There was very great doubt if there was any foundation at all for the rumour.

EMPLOYMENT OF LANCASHIRE OPERATIVES.—QUESTION.

MR. HIBBERT said, he would beg to ask the First Lord of the Treasury, Whether, as the Grant made by Parliament in 1841 to meet the expense of forming Parks in the vicinity of large Towns has been wholly appropriated, he is prepared to recommend a further Grant for the same purpose; and, if so, whether, in consequence of the present state of the Cotton Districts, and having in view the employment of the distressed Factory Operatives in works of public utility and ornament, he will give such increased facilities to Corporate Bodies as will enable them to take advantage of the Grant.

VISCOUNT PALMERSTON replied, that the Government, as at present advised, had no intention of proposing a grant for the purpose suggested by the hon. Member; but no doubt, if the means afforded by loans from the Exchequer were found insufficient, more extended means might be considered.

ORDERS OF THE DAY.

Ordered, That the Orders of the Day be postponed till after the Notice of Motion relative to the Cotton Manufacturing Districts.

COTTON MANUFACTURING DISTRICTS.
RESOLUTION.

MR. FERRAND * rose to call attention to the distress prevailing in the cotton manufacturing districts, and said: In the first instance I wish to state the reasons which have led me to undertake so difficult and responsible a task. Immediately after my election I received numerous letters from factory operatives in the cotton districts, requesting me to bring under the notice of the House their grievances and their claims for redress. I was reminded by them of former battles which I had fought on their behalf, and of the advantages which had accrued to them. They also reminded me that they had no direct representatives in the House to whom they could appeal, and therefore they entreated me to bring under the notice of Parliament their claims and their grievances, and I thought I would have been unworthy of the position I occupy had I hesitated to comply with their request. Not, indeed, that I arrogate to myself an exclusive right of representing those persons in this House, because I am convinced that there are many Members on either side who would readily have assented to their request. Having agreed to undertake their case, I determined that I would not communicate my intention to any Member on either side of the House, lest hereafter it might be asserted that this great question had been brought forward in a party spirit. I formed my own opinion upon the course I should pursue, and placed a notice upon the paper. The hon. Member for Carlisle (Mr. Potter) has certainly kept a strict watch over my actions; for having given notice that on the 20th of March I would ask the noble Lord at the head of the Government, whether he would give a day after Easter for the discussion of this subject, upon that very day, the 20th, the hon. Member for Carlisle wrote a letter, setting forth the claims of the cotton trade. That letter appeared in very prominent type in *The Times* newspaper, and was circulated not only throughout England and Europe, but would, no doubt, be translated into many languages in India. Upon the 25th of March, I gave notice of a Motion, and the hon. Gentleman the Member for Carlisle then gave notice of an Amendment, which would have the effect of referring this grave question to a Committee upstairs—in fact, to bury it in a blue-book. Since, then, I have placed the terms of my Resolution on the paper, and the hon. Member for Carlisle has again given notice of an Amendment, which would be regarded with dismay by the operatives in the cotton districts, who would treat it as an attempt to delay, by means of a Royal Commission, any action such as I believe is necessary to preserve a great number of the working population from starvation. I do not now intend to address the House upon either of these Amendments, but wish to make a few observations upon the statements contained in the hon. Gentleman's letter published in *The Times*. That letter was important, and might be looked upon as the manifesto of the manufacturers, the hon. Member being now, I believe, chairman of the Manchester Chamber of Commerce [Mr. Potter: No!], or was so until very lately. [Mr. Potter assented.] That letter enunciated three propositions, which I shall read to the House, and leave the hon. Gentleman to correct me if I should be wrong on any point. The hon. Gentleman's propositions are—

> "That the American crisis being an exceptional occurrence, and no statesman having given warning, the masters are not liable, and that it is the duty of the Government and the House of Commons to grapple with the difficulty; that no trade has furnished such regular, healthy, and moral employment, and therefore the House of Commons ought to vote a large sum of money to keep half a million of people for one, two, or three years in idleness, and until the cotton trade revived; and that had there been no American outbreak, there would only have been a temporary glut of the markets; and he ventured to predict that after a year or two, when fresh supplies of cotton had been found, our exports would be forced into districts of India yet untravelled, for the benefit of the English manufacturer and the operative, provided India was tolerably well governed and kept quiet."

Having read those three propositions put forth by the hon. Member for Carlisle, I shall proceed to answer them by authorities and by proofs, which I conceive will induce the House to hesitate before it assents to them. The hon. Gentleman first declared, "that no statesman has ever given warning of the American crisis, and therefore the cotton manufacturers are not culpable for the present condition of affairs." If I were to search through the records of Parliament during the last twenty or thirty years, I have no doubt I could find that many statesmen have warned the manufacturers that eventually a frightful crisis must occur in America; that it was only a question of time; and that it would be worse than madness to rely solely upon America for a supply of cotton. In 1839, in the first debate upon the Corn Laws, which took place upon the Motion of the right hon. Gentleman the President of the Poor Law Board (Mr. C. P. Villiers), Mr. Poulet Thompson, then President of the Board of Trade and Member for Manchester, openly rejoiced in this House that the manufacturers of this country were solely dependent for cotton upon America. On that occasion the late Sir James Graham said, in answer to the President of the Board of Trade—

> "That, in his opinion, it was an evil to be dependent on any country for a supply of cotton; but if we were dependent on a foreign country for our bread also, we should be running greater risk than the Legislature seemed to contemplate, and in his conscience he believed that such a change would be fatal to our manufactures, and to the independence and prosperity of the country."

Unfortunately, the cotton manufacturers turned a deaf ear to this language. They persisted in remaining dependent upon America for their cotton, and they did not appear to wake from their dream, and to be startled by the danger which surrounded them, until 1850—three years after the repeal of the Corn Laws, when the cotton manufacturers declared that all they wanted "was to be let alone, and to buy and sell without impediment;" when they asserted "that they would thenceforth barter their cotton for the food of their workpeople." when they pledged themselves not only "to drag the world in their wake, but to unite all the nations upon earth in amity, unity, peace, and concord;" when they pledged themselves "to bridge the Atlantic and to make America and England one united happy family, by exchanging for the food of America the productions of the English looms, so that for a hundred years to come the cotton factory operatives of Lancashire and elsewhere should not know what it was to want plenty of American corn, beef, and pork." The cotton factory operatives would, indeed, rejoice to see a tithe of these solemn pledges redeemed. But in 1850 an hon. Gentleman came down to that House "whining" for protection to the cotton trade. The right hon. Gentleman (Mr. Villiers) would remember that expression often used by him in this House. The hon. Member for Manchester, who now represented Birmingham (Mr. Bright), appealed to the House of Commons only three years after the repeal of the Corn Laws, and asked them to be so kind as to send out a Commission to India at the public expense to inquire into the growth of cotton in India for the benefit of Lancashire. The hon. Member for Birmingham first presented a petition on this subject, the Member for Carlisle I believe (having signed it himself), and then lifted up a warning voice to this effect. Alluding to the production of cotton in the United States by slave labour, he said—

> "That by whatever means that system was to be abolished, whether by insurrection, which he should deplore [though the hon. Member did not seem to deplore it now], or by some great measure of justice from the Government, one thing was certain, that the production of cotton must be interfered with for a considerable time after such an event had taken place." He added "that the perils which surrounded the cotton trade were very great, and he assured the House that the opinion of those whom he represented were strongly in favour of his proposition, and that they believed it to be intimately connected with the prosperity, if not with the very existence, of the trade with which they were so much identified."

And after that the hon. Member advocated inland communication and railways in India. Before I sit down, I shall have to call the attention of the House to what is now going on in India with regard to "inland communication and railways," for the sole benefit of the cotton manufacturers of this country. I have now shown that the cotton manufacturers have had ample warning; but because this House would not put the country to the expense of sending out a Commission to India to promote the growth of cotton for them, they have, nearly up to the present hour, refused to spend one sixpence in order to secure a regular supply of cotton without relying on America. They have received ample warning, and therefore they are not only culpable, but responsible for their present position, and answerable to their workpeople for the sufferings which the latter are now enduring. Under these circumstances, I submit that the House would not be justified in voting the sum of money proposed, for the purpose of supporting this enormous number of operatives in idleness. I, at least, shall be no party to the vote of a sum of money for this purpose, although I believe that the people of this country would be ready to agree to give any amount which should rescue these poor operatives from the fearful sufferings which they are undergoing. In proof that the cotton manufacturers are responsible for the present state of things, I shall quote the hon. Member for Rochdale (Mr. Cobden). I am not going to revive any old political or party topics, and shall address the hon. Member with that respect which is his due from the high position which he occupies in this House and before the country. But the hon. Member must be called to account, seeing that he was, strictly speaking, the representative in this House of what was then considered the great interest of the country, and that he not only earnestly, but most sincerely, fought their battle in Parliament. On the 24th of September 1841, the hon. Member, addressing this House upon the distress of the country, said—

> "The people want bread, and you, who take upon yourselves the monopoly of feeding them, are called upon to administer to their necessity for food. All we ask for is the right, the inalienable right, of feeding ourselves."

Now, they had this inalienable right, but have ceased to exercise it, as far as the factory operatives are concerned, for the hon. Member himself lately attended a meeting at Manchester and appealed to the people of England for £1,000,000, to save those very workpeople from starvation. The hon. Member, in 1841, added—

> "The trading people had never yet come to the agriculturists to ask a favour of them—had never yet begged to be fed at the cost of those by whom food was produced. On the contrary, two years ago, when great distress was experienced, the delegates of the manufacturing districts put forward an unanimous declaration, addressed to the world at large, in which they stated, that all they wanted was the right to exchange the product of their labour for the food which was the product of other countries; and, at the same time, they prayed the House of Commons to remove all protection from themselves, and to give to the agriculturists as well as to themselves the free and unfettered liberty of exchanging the product of their labour how and where they pleased. That being refused, he had a right to lay at the door of the landowners all the distress and misery of those whom they had the privilege of feeding, but whom they would only consent to feed at a high and unnatural price. He told Her Majesty's Ministers that the manufacturing and commercial interests would feed the labourers if the laws would let them—that they would employ them at good wages if the Legislature would let them; but if laws were passed which said that they should not exchange the produce of their labour for the food which other lands would sup-

ply, then how were they either to employ or feed them."

Parliament did give leave and licence to these manufacturers in Manchester to redeem the whole of their pledges; and having failed to do that, while they proclaimed themselves responsible to those cotton operatives in the face of the whole world, I now hold them responsible for the sufferings which the people of Lancashire are enduring. I have other authorities to quote to the House on this point—one supporting my statement that the manufacturers, and they alone, are responsible for the present state of things. On the 8th of July 1842, a right hon. Gentleman now on the Treasury Bench (Mr. Villiers) said—

> "That the wretchedness of the condition of the people was acknowledged, but, instead of any remedy being attempted to be applied, they heard nothing but lackadaisical phrases of sympathy and meagre generalities and hopes of better times."

That language would apply to speeches made in Scotland recently by the noble Lord at the head of the Government. Sympathy was all very well so long as people are not starving; but, as the right hon. Gentleman had said, they wanted more than sympathy and vague generalities when they were placed in that unfortunate position. Last year they were told that better times would soon arrive for Lancashire; but, instead of such being the case, I believe they are now in a worse state than ever, notwithstanding that the manufacturers had made those enormous fortunes of which their own organs had boasted so much. I see no hope of better times for these people unless Parliament interfere in their behalf. There are half a million of people in Lancashire who are now on the verge of becoming paupers, and they have petitioned this House to relieve them from their degrading position. The right hon. Gentleman (Mr. C. P. Villiers) continued—

> "The people believed that their condition was solely attributable to the refusal of a free trade with America, and if the House would give them a free trade with the United States they would have no more complaints. . . . . He, by a reference to his own acquaintance with the working classes, knew that there was nothing in the world which they would not endure rather than become paupers."

The Amendment of the hon. Member for Carlisle would keep them in a state of pauperism for two or three years, and not even in the position of national paupers; for they are world-wide paupers, and relief is sent to them even from the antipodes. Do hon. Gentlemen suppose that half a million of working people will submit to continue in that degrading position? It must be recollected that faith has been broken with them. The manufacturers have made solemn pledges to adhere to and stand by them; but they have cast them off, and do they now imagine that the operatives would believe them, when they said that a Royal Commission would relieve them? The hon. Member for Carlisle will find he is labouring under a dangerous mistake, and the Government will also find that they are labouring under a dangerous mistake if they consent to his Amendment. If they do so, they will make themselves responsible henceforth for everything that may occur in Lancashire.

I will now go to the second proposition of the hon. Member, in which he states that no trade is so regular in this country as the cotton trade. I will read to the House an extract from a letter written by a gentleman who is now no more, but who was a Member of this House—a man, I believe, as truthful and as disinterested as any individual could be; who was himself an operative in early life, but by industry, and through the possession of great talent, he became one of the largest and most successful cotton manufacturers in Lancashire. He raised a warning voice against reckless trading and over-production in the cotton trade, and implored his brother manufacturers to manufacture less and more honestly. Mr. Fielden, the Member for Oldham, wrote—

> "The fact is, the manufacturers in the cotton trade have made their manufactures so plentiful by the increase of machinery, and the additional labour which they exact from their hands by the increased speed of the machinery, that their productions stink in the nostrils of all to whom they are offered; and though the manufacturers are again and again told by their customers that their productions are too abundant to secure a good profit, and by the economists that the distress they so often complain of is the result of manufacturing too much, yet, strange to say, there is the greatest unwillingness to do less, or to make their business respectable, and their workpeople comfortable, by making the supply of their manufacture so limited as not to exceed the demand."

With the permission of the House, I will give a brief sketch of the cotton trade of England. The cotton trade has existed for ninety years, and during the first half of that period it had the monopoly of the world. It has existed for three generations of the English race, and I believe I may safely say that during that period it has destroyed nine generations of factory operatives. The other day I attended a deputation of twenty-seven delegates in Manchester from the various cotton districts of Lancashire, and I asked them, "How it is that I do not see any of the old faces which I was accustomed to see from 1842 to 1846 during the Ten Hours' Bill agitation?" and they told me that "they had all disappeared;" there was not one among those who met me on that occasion. From 1815 to 1830 the English manufacturers contended against the whole cotton trade of Europe and the United States; in 1833 the China and India trade was opened; and now I unhesitatingly state, that during the past thirty years it has been extending itself in the East alone by the destruction of the human race. In 1790, when the first census of the United States slaves was taken, the number amounted to 697,000, and in 1861 the number was 3,500,000. I make no charge specially against the Confederate States of America, or England, or the Northern States, for all are equally guilty of encouraging slavery; all are equally interested in the gain connected with the cotton trade of this country; and no cotton manufacturer can hold up his hands and say they are clean. When the hon. Member for Birmingham, who presided the other evening at a meeting of the trades unions, was abusing the cotton manufacturers for upholding and supporting slavery, he (Mr. Bright) might have remembered how many years he had been identified with that trade, or if a protest were to proceed from the trades unions of this country, the hon. Member was not the person through whom it should have come. From 1815 to 1821 the cotton trade was depressed; in 1822 and 1823 there was a prosperous trade; in 1824 a repeal of the Combination Laws took place, strikes immediately followed, and the mills in Manchester and Glasgow were at a stand for five months; in 1825 there was a monetary crisis and a stoppage of trade; in 1826 there were great distress and rioting; in 1827 there was a slight improvement; in 1828 there was a great increase of power-looms and of exports; in 1829 the exports exceeded those of any previous year, especially to India; in 1830 there was great distress, and the markets were glutted. In 1831, 1832, and 1833 there was continued distress, and in the last year trade was thrown open to the East. In 1834 there was a great increase of mills and machinery in Lancashire, and every one was rushing into the cotton trade, on the supposition that through the trade of the East being thrown open there would be scarcely any limit to its extension; but after the mills were built and the machinery was placed in them, it was found that there was no population in the factory districts to work the mills. A proposition was made by the cotton manufacturers of Lancashire to the Poor Law Commissioners, offering to arrange with them, that if they would send down the surplus population, as they were called, of the agricultural districts into Lancashire, they would "absorb" and use them up. These were the words of the cotton manufacturers, and I can produce printed copies of the letters in which those words were used. Agents were appointed, with the consent of the Poor Law Commissioners, and with a full understanding with the cotton manufacturers. An office was set up in Manchester, to which lists were sent of those workpeople in the agricultural districts wanting employment, and their names were registered in books. The manufacturers attended at these offices and selected such persons as they chose; and when they had selected such persons as their "wants required," they gave instructions to have them forwarded to Manchester, and they were sent, ticketed like bales of goods, by canals, or with carriers, others tramping on the road, and many of them were found on the way lost and half-starved. This system had grown up in this country into a regular trade. The House will hardly believe it, but I tell them, that this traffic in human flesh was as well kept up—they were in effect as regularly sold to these manufacturers as slaves are sold to the cotton-grower in the United States, with the exception of not being sold by auction. In 1835 trade was again prosperous, and I may say that by this time the hand-loom weavers of the cotton districts in Lancashire were extinguished by the power-loom, great numbers having died of starvation. A Committee sat to inquire into their sufferings, and I believe it was proved that many were subsisting on $2\frac{1}{4}d.$ per day. In 1836 the King's speech announced that the state of the cotton manufacture was highly satisfactory. In 1837 trade was depressed, and the same was the case in 1838. And now I come to 1839—a memorable year, because then the right hon. Gentleman (Mr. C. P. Villiers) for the first time moved a Resolution for the total repeal of the Corn Laws, and also on account of the statement made by the Chairman of the Manchester Chamber of Commerce, Mr. E. W. Wood, the Member for Kendal, who seconded the Address, and who observed on that occasion that "for two years great depression had existed, but that state of things had passed away, and the commerce of England was then in a most satisfactory condition," and the hon. Member further said, "that he did not remember any time at which the return to a state of prosperity followed so rapidly on depression." In 1840 trade was greatly depressed, and riots were put down by the military. In 1841 there were dreadful sufferings in the country, the story of which was nightly related to the House of Commons. In 1842, again, there was dreadful suffering, and Mr. Greg, the cotton manufacturer, threatened, if the Corn Laws were not repealed, to let loose upon the agricultural districts half a million of factory operatives—the very number now left unemployed in Lancashire. The factory operatives were locked out of the mills, and told they might go and play for a month. They poured into Yorkshire in crowds, and were driven back again by the military. Several of the poor men were tried at the Lancaster Assizes, and when they were put on their trial and narrated their sufferings, the whole court was melted to tears, and Sir Frederick Pollock, who was then Attorney General, whose duty it was to prosecute them, appealed to the Judge to be merciful to them; and he was merciful. In 1843 there was great distress; in 1844 trade revived; in 1845 there was great prosperity; in 1846 the Corn Laws were repealed, and Ireland's trade was ruined. In 1847 the cotton trade was depressed, and wages were reduced, after a pledge had been given that they should be increased. In 1848 the cotton trade was again depressed, and Manchester was under the protection of the military. In 1849 the cotton trade greatly revived, and Dr. Bowring, poet-laureate to the Anti-Corn-Law League, was despatched to Hong Kong as governor general, he being also a member of the Peace Society. In 1850 there was a prosperous trade, and great alarm at the increased foreign cotton trade; and the hon. Member for Birmingham, who then represented Manchester, came down to the House to ask for a Commission to inquire into the best mode of supplying cotton from India for the manufacturers of Lancashire. 1851 was notoriously a year of declining prices and very low profits; wages were reduced, and strikes were very common. In 1852 trade improved, strikes continued, and a proposal was made by those connected with the cotton trade of Lancashire to bring over foreigners to work in the mills, and there was a serious riot at Stockport between the English and Irish. In 1853 Stockport was in a state of great excitement, between 30,000 and 40,000 power-loom weavers being on strike; and at Preston there was an eight months' strike to get back 10 per cent taken from their wages in 1847, the year after the repeal of the Corn Laws. In 1854 trade was slack and the markets were glutted. In 1855 there was a "reaction in the demand for cotton goods, after two years of glutted markets. Still continued failures were reported from time to time in the United States, Canada, and Australia; and the over-crowded state of the Bombay and Calcutta import markets tended to increase anxiety, and add to the gloom hanging over the Manchester markets," according to *The Times* report for April. In 1856 there was average commercial prosperity, and in the same year Dr. Bowring, a member of the Peace Society, and governor at Hong Kong, bombarded Canton. This was done without any authority from the Government at home, and entirely on his own authority; but he had gone to China, as he said, to open the ports, and to break down international barriers, and he not only burnt the suburbs, but he bombarded the Chinese Royal Commissioner out of his residence. In 1857 trade was depressed; Parliament met in December, many banks suspended payment, and the Bank of England charged 10 per cent discount. In 1858 the cotton trade slightly improved. In 1859 it was very prosperous, and there was a great increase of mills. In 1860 "the cotton trade was at its zenith," as the hon. Gentleman said in his letter; the Indian markets being glutted with cotton to such an extent as to cause apprehension of a ruinous loss. I do not know whether the hon. Member for Manchester (Mr. Bazley) is present, who attended a meeting at Willis's Rooms on Wednesday, on the subject of emigration, and who contradicted Lord Shaftesbury when he said that the present state of distress was caused by over-production. The hon. Gentleman denied that, and attributed the distress to the American crisis. I do not think the hon. Gentleman will venture to stand up and make that statement here, when it can be proved that it was the glut which commenced this depression of trade. In 1860 our cotton exports amounted to £41,148,505, and many manufacturers engaged in the foreign trade made large profits ; and many of those manufacturers, represented by the hon. Member for Carlisle (Mr. Potter), have been stopping their mills, locking out their work-people, and making large profits by the sale of the raw material for exportation, instead of working it up at home. If I represented —I will not say represented, but if I were identified with a body of men who had acted in this manner towards these poor work-people, I would never venture to raise my voice for a Royal Commission in the House of Commons. I have not yet done with 1860, for that was the year in which the French treaty became the law of the land. I wish to allude to it as the year in which there was an enormous increase in the mills and machinery of Lancashire. They sprang up on every side, and after the manufacturers had erected the mills and filled them with machinery, they again found that they were short of hands. What course did they pursue? They applied to "the flesh agents," as they are called. Those agents sent to the southern downs of England, to the pastures of Dorsetshire, to the glades of Devonshire, to the people tending kine in Wiltshire, but they sought in vain. The surplus population was "absorbed." The *Bury Guardian* said (on the completion of the French treaty)—

> "It is estimated that 10,000 additional hands could be absorbed by Lancashire at the present time, and that 30,000 or 40,000 will be needed. A Manchester agent says that he could find employment for 1,000 hands among his correspondents alone. In the west and midland counties there are hundreds of girls who toil over the sewed muslin work, for ten or twelve hours a day, for a wretched wage. Will no kind Samaritan help them to quadruple their earnings in a Lancashire factory?"

Is this a right state of things to exist in any trade in Christian England? Will any hon. Member justify it? Is this system to be acknowledged by this House? If you grant a Royal Commission, the workmen will view it in that light, and will consider that this House is placing the responsibility on its shoulders, which should be borne by the manufacturers. I come now to 1861, when trade was greatly depressed. This was the year in which the census of England was taken, and we find that "the surplus population" in the agricultural districts had ceased to exist. The census showed that the strictly agricultural population had not increased. Search history, and find, if you can, a nation that has long continued to retain its power and prosperity after its rural population has permanently declined. I know of none. I wish now to turn to the President of the Poor Law Board. In 1816 a Committee sat to take evidence with reference to the employment of children and of pauper apprentices in factories, and Mr. Horner, then a Member of this House, who sat on the Committee, subsequently referring to a sale of bankrupt's effects, observed, that when the machinery was sold, the wretched apprentices were sold as part of the same lot. In 1861 a deputation came up to London, and waited on the right hon. Gentleman (Mr. Villiers) with a view of obtaining poor children from certain union houses for the mills in Lancashire. The right hon. Gentleman said "he perfectly entered into the views of the deputation, and had no doubt that the proposals would be most beneficial to the poor children as well as the parishes." What has since happened may be regarded as a kind of retributive justice. Well, in 1862 the mills were running short time till autumn, when the great mass of workpeople were totally unemployed, 500,000 world-wide paupers! In 1863 there were riots, and a large number of mills were being erected. With the cotton trade ruined, they were erecting mills in various parts of Lancashire. Between 1770 and 1815 the cotton trade was depressed or stagnant five years, and revived and prosperous forty years. After 1815 it was depressed or stagnant twenty-eight years, and revived or prosperous twenty years. Some hon. Members opposite may ask what it was after 1846, when we had the repeal of the Corn Laws. The cotton trade from 1846 was depressed or stagnant nine years, and eight years revived or prosperous. This is the "steady" trade of the hon. Member for Carlisle, who is going to ask for a loan of £6,000,000 or £7,000,000 —which means a gift to that amount, of which a sixpence would not be returned— to hold up as with a crutch this "steady and regular" trade for one, two, or three years. The hon. Member boasted that there was no trade that gave such healthy and such moral employment. I hold in my hand a short statement taken from a paper which was presented to the House by the first Sir Robert Peel in

1816, giving the result of forty-five years of his experience. He laid it before a Committee appointed to inquire into the employment of children in the manufacturing districts of the North. He says—

> "Such indiscriminate and unlimited employment of the poor, consisting of a great proportion of the inhabitants of the trading districts, will be attended with effects to the rising generation so ruinous and alarming, that I cannot contemplate them without dismay; and thus the great effort of British ingenuity, whereby the machinery of our manufacturers has been brought to such perfection, instead of being a blessing to the nation, will be converted into the bitterest curse."

Thus, the first Sir Robert Peel, though dead, yet speaketh; for the state of the cotton trade, which he foretold in 1816, has at last arrived. This was the trade in which he accumulated an enormous fortune, and proved himself to be one of the best masters who ever employed a factory operative. I am anxious to avoid making any statement which shall excite, irritate, or wound the feelings of hon. Members. Sir James Kay Shuttleworth, who is now taking a most active part in Lancashire in connection with the relief committees, was formerly a practising physician in Manchester, and he published a pamphlet on the condition of the cotton operatives of Lancashire. I do not purpose giving you anything like the worst of his statements; but, if I am prompted by hon. Members opposite, I can give you far worse than any I now intend to read. Sir James Kay Shuttleworth says—

> "The standard of morality among the working classes in Manchester is exceedingly debased, religious observances neglected, filial and parental duties are uncultivated. The father is supported in idleness by his oppressed children, and when age has crippled the parents, the children abandon them to the scanty maintenance derived from parochial relief. More than one-half of the inhabitants of Manchester are either so destitute or degraded as to require the assistance of public charity in bringing their offspring into the world. The infant is the victim of the system; it has not lived long ere it is abandoned to the care of a hireling or neighbour while its mother pursues her accustomed toil. Sometimes a little girl has the care of the child, or even two or three collected from neighbouring houses. Thus abandoned, the child is ill-fed, dirty, ill-clothed, exposed to cold and neglect; and, in consequence, more than one-half of the offspring of the poor die before they have completed their fifth year. The strongest survive, but the same causes which destroy the weakest impair the vigour of the more robust."

This pamphlet was published about 1830. I admit that this was before the passing of the Ten Hours Factory Bill; but recollect that it was you (the hon. Members opposite) who opposed the Factory Bill with all your force, and that it was we who carried it, and who rescued the people from consequences that were appalling. And let me tell you that what I have read applies largely to Lancashire at the present day, and you know it to be true. Now, I will give you the opinion of one of the largest cotton manufacturers of Lancashire. In a pamphlet published in 1831 Mr. Rathbone Gregs says of the factory operative—

> "He has no time to be wise, no leisure to be good. He is sunken, debilitated, depressed, emasculated, unnerved for effort, incapable of virtue, unfit for anything but the regular, hopeless, desponding, degrading variety of laborious vegetation or shameless intemperance. Though averse from feeling or acting as alarmists, we are certain, in as far as reasoning from the past and the present can make us certain of the future, that unless some cordial, faithful, vigorous, and united effort is made on the part of the influential classes to stem the torrent of suffering and corruption which is fast sweeping away the comfort and the morals of so large a portion of our poorer countrymen, and which, if not checked, will soon send them forth upon the world desperate, reckless, ruined men—ruined both in their feelings and their fortunes—unless some such effort is made, and that speedily, there are silent but mighty instruments at work, like an evil that walketh in darkness, which ere long will undermine the system of social union, burst asunder the silken bonds of amity which unite men to their kind, and destroy the peace, the prosperity, and the virtue of the country."

The hon. Gentleman opposite seems to treat the present state of things and this Motion lightly; but I ask the noble Lord (Lord Palmerston) does not that describe the present state of Lancashire? Is there a man among you (the Treasury Bench) who does not feel the deepest anxiety on account of the present state of things? You are indebted to the noble conduct and to the magnanimous bearing of the factory operatives themselves for the peace of Lancashire. Recollect, you (the manufacturers) have no claim on them, because you have broken faith with them and violated your pledges. Instead of keeping them employed and the mills opened, you have locked up the mills, and they are unemployed. I say to the Government that this warning, given by Mr. Rathbone Greg thirty years ago, ought now to be taken into serious consideration. I am not here to praise the working classes of Lancashire beyond their deserts. I tell you they are the same men they were in 1841, 1842, and 1848. When the rebellion of the belly takes place, no living man can control it; and you know that this is on the verge of taking place now. I assert that, on the authority of a statement of twenty-seven men, given to me the other day with a simplicity, an earnestness, and a truthfulness which make them trustworthy; and I would add that it would have been well if the noble Lord at the head of the Government, in going to or returning from Scotland, had spent one day amongst the poor of Lancashire, in order that he might have heard and seen what their frightful sufferings are. He would then have been able to tell hon. Gentlemen who seem to sneer at the present state of things, that the condition of Lancashire is no trifling matter. The hon. Gentleman (Mr. Potter) asks for a loan to keep these people unemployed for one, two, or three years. Can he suppose it is possible to find regular out-door employment for one-half of the people of Lancashire? No doubt, you will find many who will be happy to work for a fair day's wages; but they will not be employed as paupers; they will not work four or six hours a day for a miserable pittance. Treat them as Englishmen, and I have no doubt you will find a large number who will be able to render great service. But there are a great number who cannot do so. You cannot expect overlookers and skilled workmen, who have been receiving high wages, to go and work at cleaning out rivers, canals, and drains. They entreat us to assist them to emigrate, and I trust the noble Lord will listen to their prayers and enable them to go abroad, where they can live respectably and earn steady wages, without suffering from constantly recurring stagnations and depressions of trade, and being either overworked or underworked as they are here.

I now come to the third proposition of the hon. Member (Mr. Potter), and it is the most startling of all. It is that "had there been no American out-break, there would only have been a temporary glut of the markets; and he ventures to predict that after a year or two, when supplies of cotton will be found, our exports will be forced into Indian districts yet untravelled, for the benefit of the English manufacturer and labourer—that is, if India is tolerably well governed and kept quiet." What does he mean by being "kept quiet?" Does he recollect what occurred when the Indian trade was opened? I have no doubt at all in my own mind, from the evidence I have in my possession—and the noble Lord at the head of the Government will remember the circumstances connected with the opening of the Indian and the China trade—that the cotton trade of Lancashire was responsible for all the suffering which took place in India. In 1850 the hon. Member for Birmingham (Mr. Bright), in moving for a Commission to go out to India to grow cotton, said, "There was reason to believe that within the limits of our Indian territory a quantity is grown which does not fall very far short of the whole produce of the States of America." If that is the case, what becomes of it? Why, it is used up in the native trade, by the native handloom weavers. Imagine what a number there must be to manufacture this great quantity of cotton. India has no representatives in this House. If she had, in 1833 the Indian trade would not have been thrown open to the Lancashire cotton manufacturers. It was thrown open, and with a terrible effect. In 1858, when the Queen was proclaimed Sovereign of India, that empire contained 180,000,000 of souls. In 1834, the public debt was £34,000,000; in 1858 it was £68,000,000; and in 1862 it amounted to £120,000,000. In 1861 the Government railway debt amounted to £40,000,000. In 1862 the Secretary of State for India allowed £7,000,000 more to be granted for the further extension of railways, and he entered into engagements for £17,000,000 more; thus making the railway debt £64,000,000. In addition to these, there are joint-stock banks and other mercantile speculations, the debt of which amounts to £26,000,000. We have thus, in India, a debt of £200,000,000, the greater portion of which has been contracted since 1858. In 1829 the House will remember that accounts were received from India of the injuries that our exports were beginning to inflict on the handloom weavers; and in 1830 the late Sir Robert Peel, in this House, in moving for a Commission to inquire into the East India charter, gave a patriotic warning with regard to the results of forcing our power loom-made goods into India. He entreated the House to recollect that there were other questions connected with this subject, of greater importance than the extension of trade. He added—

> "We shall, undoubtedly, feel ourselves called upon to consider what are the measures that may best tend to protect the natives of those distant regions from wrong—to secure them their personal liberty and the fruits of their industry; in a word, to endeavour, while we still keep them under British rule, to atone to them for the sufferings they endured, and the wrongs to which they were exposed in being reduced to that rule, and to afford them such advantages, and confer on

them such benefits, as may in some degree console them for the loss of their independence. These, Sir, are considerations which, whatever may be the anxiety to extend British conquest, and to maintain the rights of British subjects, must indisputably be entertained in a British Parliament."

Unfortunately, for the handloom weavers of India, Sir Robert Peel ceased to be Minister before the close of 1830, and Lord Grey came into power. A Committee in 1832 was appointed to inquire into the trade between Great Britain and the East Indies and China; and instructions were sent out to the Governor General of India to enter into a treaty with the native princes to open the Indus. The treaty sets forth—

> "That the British Government had requested a passage for merchants and traders of Hindostan by the river and roads of Scinde, by which they might transport their goods and merchandise from one country to another; that no English merchant should be allowed to settle in Scinde; and that no ammunition or material of war should be introduced."

In 1833 the East India and China trade was thrown open, but the English Government imposed duties of 150 per cent on Indian goods, whilst English goods were admitted into India at a nominal duty. I believe I am correct in stating that the duties on Indian goods even now range from 25 to 30 per cent. In 1834 and 1835 the distress among the Indian handloom weavers was frightful. Dr. Bowring, then Member for Bolton, said—

> "Terrible are the accounts of the wretchedness of the poor Indian weavers, reduced to absolute starvation; and what was the sole cause? The presence of the cheaper English manufactures—the production by the power-loom of the article which these unhappy Hindoos had been used for ages to make by their unimproved and hand-directed shuttles."

The Governor General, at that time, wrote home—

> "Cotton piece goods, for so many ages the staple manufacture of India, seems thus for ever lost; the Dacca muslins, celebrated over the whole world for their beauty and fineness, are also annihilated from the same cause; and the present suffering to numerous classes in India is scarcely to be paralleled in the history of commerce."

That was the result of what the Chancellor of the Exchequer called "the saving of human labour by the extension of machinery." The power-loom of Lancashire had destroyed the hand-loom weavers on the banks of the Ganges to that extent, that the Governor General said "their bones whitened the plains of Hindostan." In 1835, the hand-loom weavers having been destroyed on the banks of the Ganges, Lord Auckland was despatched to India, with instructions from the Government at home to open up the Indus, in order to force the sale of Manchester goods along its banks. In 1836 he despatched an agent to Cabool, "on a mission of a purely commercial character." In 1837 he was engaged in preparing an army to open the Indus, and the "untravelled parts" along its banks, to Manchester cotton goods. In 1838 he arrived at Simla, with "the army of the Indus," and published a manifesto, in which he referred to the Treaties of 1832, "the objects of which were to gain to the British nation the legitimate influence which such an interchange of benefits would naturally produce," and he called it "a peaceful and beneficent purpose." Sir Archibald Alison, in his history, alluding to the conduct of Lord Auckland, says—

> "Thus, in breach of treaties and open violence, commenced this ill-starred expedition, destined to bring a terrible retribution on the rulers who had originated it and on the nation that had permitted it."

And this retribution it has at last brought on Lancashire. On the 18th of November 1839 the campaign ended, and Lord Auckland, in a general order, said that—

> "The Ameers had acknowledged the supremacy of the British Government, and that the navigation of the Indus within their dominions, exempt from all duties, had been opened to commercial enterprise."

No commercial traveller could have written a more business-like general order. In 1840 Affghanistan rose in rebellion; in 1841 there was a total defeat of the British army; in 1842 all perished, except one man, of those who were concerned in this "rascally" attempt to open the Indus exempt from duties to Manchester cottons; in 1843 the siege of Scinde; in 1844 the Mahratta territory was invaded; in 1845 the Punjaub was invaded; in 1846 the Lahore was invaded, and the entire control of the river Sutlej was surrendered to the British. In 1847 India was pronounced "quiet;" in 1848 there were disturbances in the Punjaub; in 1849 the Punjaub was incorporated with the British Empire; in 1850 and 1851 India was pronounced "quiet;" in 1852 and 1853 there was the second Burmese war, which ended by Lord Dalhousie getting possession of the Irrawaddy River; in 1854 and 1855 India was pronounced "quiet;" in 1856 Lord Dalhousie annexed Oude, incorporated Sattara, returned home, and died; and in 1857-8 occurred the rebellion, when India was saved by a small band of heroes. On November 1, 1858, a Royal Proclamation was issued, in which Her Majesty declared Her "fixed determination that all classes of the people should be maintained in their rights and privileges in a spirit of just and uniform liberality." Well, Sir, to carry out this Proclamation of our gracious Sovereign, Mr. Wilson, the late editor of *The Economist*, and a great authority with the Manchester school, was sent out to India with instructions to place a 10 per cent. import duty upon Lancashire cotton goods. This act of Mr. Wilson had a most extraordinary effect, not only in reviving the cotton trade in India, but also in pacifying the people, and mills were erected in several places in India for the purpose of carrying on the cotton trade. No sooner were these mills being erected than the Manchester cotton manufacturers took alarm. They came to London, and they demanded from the noble Lord at the head of the Government and the Secretary for India (Sir Charles Wood), that this 10 per cent import duty on Lancashire cotton goods should be repealed. The deputation, before it waited upon the noble Lord and the Secretary for India, had a preliminary meeting, and Mr. Goadsby, the mayor of Manchester, declared—

> "It is not a question of this Government or that: it is simply that the cotton manufacturers had been unjustly treated, and that a continuance of that unfairness they would not submit to either from one Government or another."

Now, this statement was made early in 1862. Well, the Secretary for India reduced the import duty on cotton goods to the extent of 5 per cent, and at the same time that he reduced the duty he consented to lay out—I do not know whether or not in the presence of the deputation—but he came to an arrangement in that very year to lay out in India £24,000,000 extra in railways; and I find that the hon. Gentleman (Mr. Potter) himself alludes to the increased sale of cotton goods in India on account of the large sums of money which were now being invested in railways. Here we have £24,000,000 voted by the Secretary of State for India in the year 1862, to be laid out in making railways, when I believe that the whole of the railways in India, to the extent of 3,000 miles, are made in single lines, without reasonable probability that they will be found profitable. Well, Sir, I am anxious to show the cruel injustice of the Manchester manufacturers towards the Indian handloom weavers and manufacturers, in not allowing them to have this 10 per cent import duty on Manchester cotton goods to protect their trade. The hon. Member for Carlisle, alluding to the cotton trade, said—

> "It kept its place in competition with the whole world, not by forced, ill-regulated, and low-priced labour; on the contrary, it had to contend against Hindoo labour at a penny or twopence per day, and after bringing the cotton round the globe we could manufacture it cheaper than he could on the spot; while at the same time we could bring the cotton from the United States and manufacture it in successful competition with that shrewd and intelligent people, notwithstanding that our goods were weighted with import duties and charges varying from 30 to 40 per cent."

If they can compete with the Americans with an import duty of 30 or 40 per cent, why not allow the Indian hand-loo weaver the paltry protection of 10 per cent? Now, the hon. Gentleman the Member for Carlisle proposes, that whent here is a fresh supply of cotton, the Lancashire cotton goods "shall be forced into India in parts yet untravelled, if India is tolerably well governed and kept quiet." Why, Sir, India, has scarcely recovered from the fearful rebellion, and his proposition is to flood other parts of India with Manchester cotton goods to the same extent that they flooded the district on the banks of the Ganges, destroying the people in countless thousands whose products came into competition with these goods, and producing incalculable misery and the most frightful distress. My firm conviction is, Sir, that were not Her Majesty's Royal word pledged that these hand-loom weavers in India shall be protected, and were the proposal attempted to be carried out, we should have another rebellion in India. I shall not now trouble the House with giving an account of what has been our conduct in China towards the Chinese in attempting to force our goods upon that country. It is sufficient for me, on the present occasion, to state that in all probability ere long an opportunity will be given me to speak upon that subject—namely, when the hon. Member for Northumberland calls attention to the present state of affairs in China. I will merely say now that during the last thirty years we have waged fifteen years of war against the Chinese. That is to say, during one half the period we have been continually plundering, robbing, sacking, and burning the towns and cities of China; we have destroyed them in countless thousands, merely because the Emperor of China and his people would not consent to have the hand-loom weavers of that country destroyed in the same way that the hand-loom weavers of India have been; and now, if we look at the present state of affairs in China, we find a rebellion which has, to a very great extent, been caused by our own conduct—a rebellion which may drive the Emperor from his throne; and my firm conviction is, that ere long we shall find ourselves either compelled to take possession of that country, or be expelled from it. Sir, I ask, what are the manufacturers to do in the present state of affairs? and I must remark that it is certainly a most extraordinary thing that they should come to the House of Commons and beg Parliament to help them out of their difficulties, after they had set the House of Commons at defiance from 1842 to 1847, declaring that they would not be subject to legislative or Parliamentary control. But, Sir, the hon. Member for Carlisle, in his letter, says that "the Legislature has done very little." I really cannot understand what he means. What has the Legislature done? Why the Legislature has done, during the last thirty years, everything that the cotton manufacturers have asked them. What does the hon. Member mean by saying, "very little indeed." I consider myself that he is the last person who ought to taunt the House of Commons with doing "very little indeed." Why, in 1833, we opened the trade of the East to them; in 1834 the House of Commons passed the new Poor Law Act to supply Lancashire with the surplus population of the agricultural districts of England. In 1846 it repealed the Corn Laws; in 1848 it repealed the Navagation Laws; in 1860 it restored protection to the cotton trade by the French treaty; and it has, during the last thirty years, voted the whole of the money that has been required for forcing Lancashire cotton goods upon the Indian and Chinese markets. But, Sir, I ask the hon. Gentleman, what have the manufacturers done during this period? They have extended the cotton trade by the sacrifice of human life in India and China. They have ruined their trade by over-building, over-machining, over-producing, over-trading, and over-borrowing; for there is no doubt at the present time (so I am informed on what I believe to be reliable authority) that at least a quarter of the cotton manufactories of Lancashire — the buildings and the machinery—have been erected by borrowed capital. Well, Sir, instead of demanding the sacrifice of some trade every few years, for the purpose of giving the cotton trade elbow-room, I would recommend to the hon. Member that the manufacturers of Lancashire should return to the old motto of "live and let live," which guided the manufacturers of Lancashire from 1770 to 1815. During that period, when the trade was properly restricted and honestly conducted, we had none of these recurring stagnations—none of these frightful distresses in the country. Sir, I advise the cotton manufacturers of Lancashire to consent to an eight hours factory Bill. If they would adopt this policy, they would no doubt be able to open many manufactories which at the present time are closed. Then, after having agreed to an eight hours Bill for adults and young persons, I would advise a four hours Bill for children, for that is quite sufficient time for children to work in the heated atmosphere of a cotton factory. Sir, the cotton trade will always be a considerable industry in Lancashire; but that it will ever regain its late prosperity I do not believe. In fact, it is not advisable that it should do so, for we have such an enormous amount of machinery in Lancashire at the present time, that when kept in full employment, its owners can in two or three years glut the markets of the world. They know perfectly well that in 1860 they were blockaded out of their trading ports by their own bales of cotton. This being the case, if they would consent to an eight hours Bill, and only manufacture according to the demand, they would find that they would not have these long periods of depression of trade, closing mills sometimes for three or four months together, and then working their "hands" perhaps one or two years without the slightest cessation, except what is enforced by Act of Parliament. Sir, they say the country has no right to call upon them to sacrifice any portion of their capital, any portion of their mills, or any portion of their machinery. But they must remember this, that they have been calling upon Government to sacrifice different trades in this country for the last twenty years. And a great number of trades have been sacrificed for their benefit—the silk and ribbon trades, and many handicraft trades; and frightful sufferings have been inflicted upon tens of thousands by those sacrifices. If, then, there have been so many sacrifices for their benefit, let them sacrifice something themselves, curtail their trade for the future, and keep it within honest and honourable limits. I now come to the last part of my subject—the claims of the factory operatives; and in bringing them before the House I thank it for its kind indulgence, and promise that I will only occupy its attention a very short time longer. In bringing the claims of the factory operatives before you, I must again remind hon. Members that they have no direct representatives within these walls. By the Reform Bill they were deprived of the elective franchise which enabled them to return at least a hundred Members to the House of Commons. Since that period they have had no voice in the representative system, and therefore they have so much the greater claim upon the indulgence and kindness of this House upon the present trying occasion. Well, Sir, the factory operatives have been taught to place implicit confidence in the future of the cotton trade. They have been told that it would never cease to be prosperous—that they would never want employment; and they have been induced (if I may use the expression) by these falsehoods to go down into the cotton districts, where they now find themselves locked out of the mills and in a state of the greatest misery. I will read to you the promises which were made by the hon. Member for Rochdale to the operatives of Stockport before the repeal of the Corn Laws. He said—

> "In two months after the abolition of the Corn Laws you will have full employment at advanced wages; every spindle and every loom in Stockport will be set in motion; every shopkeeper will be prosperous; every house will be tenanted; your numbers will increase, and new mills, new churches, and new chapels will spring up among you. You will have cheap food, high wages, and three masters bidding for two men."

Then, in the House of Commons, on September 24, 1841, he read an extract from a petition presented to Congress in May, which stated—

> "If England would agree to a fixed and moderate duty upon corn, there would be a constant market for American corn, and the whole of the return would be required in British manufactured goods, generally of the kind which yield the highest profit. The consequence would be that every spindle, wheel, and hammer in the manufacturing districts of England would be immediately set in motion."

Mr. Cobden continued—

> "The Americans asked us only to consent to make this exchange, and for a hundred years England shall not know what it is to want plenty of wheat, plenty of pork, and plenty of beef."

Now, then, under these promises large numbers of factory operatives have been induced to leave their homes, and go down to be employed in the factories of Lancashire. On Easter Monday last I met twenty-seven delegates from different districts of Lancashire and Cheshire. They made their statements to me, and previous to doing so I asked them to be most carefu, to overstate nothing, and to keep within the mark, as they might depend upon it that there would be Gentlemen in the House of Commons connected with the cotton trade, who, if they did not tell me the truth, would be able to give their statement a contradiction. Under these circumstances, it was that the whole of their statements were placed before this meeting of delegates, each being fully discussed in its turn, so that there might be no cavilling, and no assertion that they were exaggerated. Now, Sir, these delegates told me that the operatives of the cotton districts had no steady work—that they are either worked to death or kept in idleness—that the labour is most seriously increased, and is continually increasing, by the improvements in machinery. When the power-looms were first introduced, one person tended two looms. Now, one person tends three looms without a helper, and four with, as a general rule. And it is not at all an unusual thing for one person to tend four looms. In 1825, there were eighty-five picks a minute in the power-looms, now there are 160 on an average. There has been an increase of fifty picks a minute since the Ten Hours Act. Twelve hours' work is now done in ten hours, in consequence of the increased speed of the machinery since 1847, to which I must add the extra half-hour which was stolen, as the operatives say, out of the Ten Hours Bill, that Act being made the subject of compromise two or three years after by the increase of half an hour, without the consent of the operatives. Well, they say also that the wages of a spinner of Surat cotton have been reduced from 30 to 40 per cent, and in some instances as much as 60 per cent, but I have taken the average. The wages of the power-loom weaver of Surat cotton have been reduced from 20 to 30 per cent, and the labour is greatly increased by the inferior quality of the cotton. Now, hon. Members may understand how tremendously the labour of factory operatives is increased since the year 1825. First of all they have doubled speed, and have therefore double the number of times to pass backward and forward tending the machinery. Then they have to work an inferior quality of cotton, and to piece it when it breaks, as it does very often. They go on to say that a spinner is an old man at forty, and I can vouch for the fact. Mr. Greg, whom I quoted a short time ago, in his pamphlet which he published to the world before machinery was increased to its present speed, asserts "that the work of spinners and stretchers is among the most laborious that exists, and is exceeded, perhaps, by mowing alone." The heat of the cotton factory is thirty or forty degrees higher than a worsted factory. I was told by a manufacturer the other day, "We have no business to manufacture cotton in this country. It is destructive to human life. India is the only country in which it ought to be manufactured. I believe it would have been a blessing if cotton had never been introduced into this country. I should rejoice to see the day when not a single cotton mill is in existence in England." Sir, they (the delegates) told me that increased speed does not raise their wages, but, more rapidly than the former system, destroys the health, strength, and life of the operative. Well, Sir, it is from this state of things that the factory operatives of Lancashire wish to flee; and they have asked this House to place within their power the means of doing so, or else that it will find some adequate means of employment where they exist.

Now, Sir, the hon. Member for Rochdale repeatedly stated in this House, during the discussion on the Corn Laws, that he claimed for the working man the right to take his labour where he pleased. He said, "You have no right to bind him down. He has as much right to have free trade in his labour as we have in our cotton manufactures." Very well, they ask now for free trade in their labour. They ask to be allowed to go away. They are too poor to go themselves, and you know it. They have no means of going away unless Parliament will intercede and take pity upon them. Sir, they deserve great consideration at the hands of this House. They have worked hard and done much to increase the prosperity of the country, and to produce the enormous amount of accumulated wealth to which the Chancellor of the Exchequer alluded lately so boastingly; but, Sir, he only took the consumer's side—the golden side; while I have taken the producer's side—the iron side. I have shown you what misery this extension of mechanical power has produced among the toiling multitudes. I admit to you it has been a great blessing and benefit to those who do not work for their living; but in the case of the working man, the producer, it has reduced his wages, and made him far poorer than he was before. Why send a Royal Commission to inquire into the cause of the distress? The cause has long been well known. I say again, then, look with pity on these poor men, and scout the idea of a Royal Commission. Lancashire! why such a Commission would have to go to Derbyshire, Leicestershire, Nottinghamshire, and into Scotland, for I am told that the distress in various parts of Scotland is even more frightful than it is in Lancashire. There are fifty Lancashires in the country. I tell the hon. Gentleman again that his Amendment is intended to keep the people idle round the mills until the cotton can be found to give employment to them. The working men want no Royal Commission, for they know that that would only postpone and delay justice. Therefore, they send their Petitions to this House—those Petitions which I had the privilege of laying on the table to-day. But the hon. Gentleman says in his letter that perhaps in twelve months there may be a supply of cotton, and a demand for cotton goods sufficient to employ the cotton operatives in Lancashire, if they can have the Indian markets forced open for them. What said the hon. Member for Manchester (Mr. Bazley) the other day at the Colonial Society's meeting? The hon. Gentleman said he was very much afraid that some years would elapse before we should again have the supply that we had been accustomed to. Now, if that be the case, I quote the hon. Member for Manchester against the hon. Member for Carlisle, and I take the hon. Member for Manchester's word as being a better authority even than the hon. Member for Carlisle, because the hon. Member for Carlisle has shown, by the statement he has made in *The Times* newspaper, that he is deeply interested in keeping these operatives in Lancashire. The hon. Member for Manchester has shown a more discriminating spirit, and he has admitted that it is necessary that a larger emigration should take place, and he attended that emigration meeting, and he openly declared his opinion that there is no probability of obtaining our former supply of cotton for some years. Sir, I hope the House of Commons will now see the evils that have been produced by the great employment of women and children of tender age in factories, and I trust that this cotton famine will lead to a great decrease of employment of married women. The factory operatives, as a body, are extremely anxious that married women should not be allowed to work in factories. I have heard them repeatedly declare that the present is a disgraceful state of things, for scarcely a factory operative's wife is able to perform the common duties of a wife at home. What is the case with regard to the children? Sir James Kay Shuttleworth has told you in his account of the fearful destruction of infantile life that occurs. There was one gratifying circumstance connected with the meeting of delegates at Manchester that I am anxious to state to the House. If, they said, they were enabled by the kind assistance of Parliament to emigrate, they hoped that they would be sent to some colony where they would still remain Queen Victoria's loyal subjects. They stated that all their sufferings had not decreased in the slightest degree their affection and love for our beloved Sovereign. They believed that there was not one person within these realms who had felt more acutely for their sufferings than the Queen. Sir, I thank the House most sincerely for the kind manner in which they have listened to me this evening at such considerable length. I have been suffering from severe illness lately, and nothing save this pressing necessity would have induced me to come down—in fact, I was advised not to do so, but after the noble Lord (Lord Palmerston) had so generously given up this evening to me, I was determined, whatever might be the consequences, to perform my duty. I can assure the noble Lord that his conduct on this occasion will never be forgotten by the factory operatives, and they will have the greatest regard and esteem for him, for having in such a friendly manner given me an opportunity of submitting my Resolution, which I now, Sir, beg leave to move.

Motion made, and Question proposed,

"That, in the opinion of this House, it is the duty of the Government to take into consideration, without delay, what measures may be necessary to relieve the distress which prevails in the Cotton Manufacturing Districts, so that the people may no longer continue unemployed."

MR. POTTER (who was imperfectly heard) said, he rose to move as an Amendment that an Address be presented to Her Majesty for the appointment of a Royal Commission. In May last he ventured to express an opinion that they would not have in the cotton districts more than half-work during the year, and on that occasion he asked for a Royal Commission to inquire into the state of those districts. The right hon. Gentleman refused a Commission, on the ground that the depression was merely temporary, and that the Poor Laws were sufficient to meet the difficulty. What, however, was the fact? Time had shown that the Poor Laws had not been able to cope with the distress. Lancashire, in fact, had been saved by charity alone, and all parties there were deeply indebted to the Central Relief Committee and the Mansion House Committee. Since the spring of last year two-thirds of the relief expenditure had been derived from charity. During the year charitable funds to the extent of £2,000,000 had been raised, while the poor rates for the same period came to about £700,000, making a total of £2,700,000 raised for the subsistence of the working classes. Of the £2,000,000 there had been contributed in Lancashire itself £870,000, and elsewhere £1,130,000. Lancashire had thus raised in all £1,570,000. He believed there remained a balance of about £500,000. Upon the ground that the public could not be expected to continue that enormous charity for another year, he again ventured to ask for a Royal Commission to inquire into the course to be pursued. It was important to see by whom the poor rates were paid. The cotton unions contained a population of 2,000,000, with an acreage of 1,000,000 and a rateable value of £5,500,000. Of that assessment, £1,000,000 fell on the labouring classes; £1,500,000 was paid on houses occupied by the classes above them; mills and manufacturing property paid £1,500,000, and land and other kinds of property £1,500,000. He believed that the land itself was not assessed at more than £1,000,000, and thus land which was worth from thirty to 100 years' purchase paid one-fifth, while other descriptions of property which were not worth twenty years' purchase paid four-fifths of the rates. Such an assessment was in complete contrast to the rating in other parts of the country. He thought they ought not to press so hardly upon the ratepayers who were not the property owners, but more heavily upon the owners of property. The year had, however, passed most mercifully as regarded the working classes. He regretted that Lancashire had had to come to the country for charity, and he had himself wished that they should pay their way by loans. However, the question was as to their prospects for the future. Lancashire could not and ought not to subsist much longer on charity. He thought power must be given by Parliament to raise money upon the rates. The moral aspects of the ensuing year were more serious than the financial. Nearly £2,000,000 had been expended on charity, and a population numbering nearly half the entire amount of paupers in England and Wales had subsisted on this charitable fund. No fewer than 80,000 able-bodied men were walking about in enforced idleness or doing some merely nominal work. He, for one, had no fear of their becoming riotous even under another year of pressure, but at the same time it was very important that the seeds of demoralization which had been sown should not be allowed to bear fruit. Something, therefore, ought to be done, and done at once. The Central Committee, in the course of the previous week, had passed a minute, recommending that Parliament should, in consideration of the gravity of the crisis, give greatly-increased powers to raise money at low rates of interest for long periods; that the municipalities should be empowered to contract loans of that kind, and thus to undertake works which would otherwise certainly be neglected. They also stated that they did not approve of any extensive system of emigration, on the ground that the colonies were not prepared to receive a large influx of labour; and, that on the other hand, the cotton labourers being unseasoned to such employment as they would be likely to obtain in the colonies, the consequences of sending them there would probably be dangerous, and attended with considerable loss of life. He believed that the town councils would willingly undertake the employment of many of these men, if they had sufficient powers to do so; but as they were isolated bodies, and as there was but little cohesion amongst them, it would be necessary that the Legislature should step in and inquire into the best means of carrying out the propositions. He asked, therefore, for a Commission on the subject. The first point to which inquiry ought to be directed was the means of obtaining immediate employment for the operatives. The House would agree with him that 80,000 able-bodied men should not be left a single week longer than necessary in enforced idleness. In fact, the Commission had been delayed much too long already. The Commission might also inquire into the nature of the works which it would be advisable to begin, the working power of the Poor Law in the cotton districts, the pressure upon the Poor Law system there, and the policy of emigration. There were also various moral and other aspects of the question which would naturally come before their consideration. What Parliament wanted was facts, and from the amount of materials which might be brought before them a Commission might soon form a clear and accurate conclusion on the points which it would be necessary to inquire into. He knew of no reason why the Government should shrink from making the inquiry. It would not create false hopes, but, on the other hand, it would impart much quietness and assurance to the inhabitants of the distressed districts to know that a number of gentlemen were engaged in making an independent and impartial inquiry into the best mode of remedying the evils which they now had to endure. There was a fear lest the difficulties which existed would become chronic unless they were checked, while he was satisfied that the effects of a Commission would be highly salutary—better than attempting to tide over the difficulty by temporary expedients. He had no fear of the ultimate revival of the cotton manufacture, but the great thing, in the mean time, was to keep up the moral standard of the operative classes. He did not ask the Government to lend itself to any system of public employment, but simply to give additional powers to the town councils to enable them to take up the question in a practical manner; and he was convinced, that if the proposition of his hon. Friend the Member for Rochdale — for giving unions the power of borrowing money on the security of their own property—had been agreed to last year, it would have worked extremely well. He would conclude by moving the Amendment of which he had given notice, remarking at the same time that he was not wedded to the terms of his notice, but would cheerfully accept such alteration as might be considered necessary to render it practically useful.

MR. COBDEN seconded the Amendment.

Amendment proposed,

To leave out from the first word "That" to the end of the Question, in order to add the words "an humble address be presented to Her Majesty, praying that She will be graciously pleased to appoint a Royal Commission to inquire into the present state of the Cotton Manufacturing

Districts, and to report on the best mode of relieving the distress existing therein,"

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. H. BAILLIE said, there was one point on which he entirely agreed with the hon. Gentleman who had just addressed the House, and that was, that the time had come when it was the duty of the House to consider whether some means might not be adopted to relieve the distress which prevailed in the manufacturing districts other than those merely temporary measures to which they had hitherto had recourse. He knew it had frequently been urged that the distress was only local, and that they ought, therefore, to leave it to be dealt with by the local authorities and by the ordinary operations of the Poor Law. But he believed that would be an unwise and impolitic course. The distress which prevailed was so vast and overwhelming, the population involved was so great, that they could not regard the case in any other light than as a great national calamity, and as such they ought to be prepared to meet it. It was a question, in the solution of which they were all deeply interested, no matter what part of the country they might represent. They had been told on good authority—the authority of the hon. Gentleman who had just spoken—that the master manufacturers of Lancashire were unwilling that any change should be effected in the present mode of administering relief. They thought it would be wise to continue the system of relief, such as it was, for some time longer, in the hope that the civil war in America might speedily be brought to a close, and the prosperity of the trade soon revive. That was, no doubt, a consummation devoutly to be wished; but he confessed he was surprised to find that the master manufacturers, reputed to be so shrewd and intelligent, should entertain such short-sighted views. They knew that that vast population of half a million of people had for eighteen months been eating the bread of idleness; they knew that the longer that state of things continued the more demoralized the people must become, the more disheartened, and the less capable of helping themselves. They were all ready to admit that the operatives had, for the most part, been well conducted; but they could hardly expect that that forbearance, if he might so call it, should last for ever. He knew that those people were impatient and dissatisfied, and, as the hon. Member had stated, might become mischievous, and then the most deplorable results would inevitably ensue. The question the House had to consider was, what they should do under these circumstances. Let them survey the position in which they were then placed. The money in the hands of the various relief committees would probably be sufficient to carry them on until the autumn. But before the beginning of winter the whole of the money subscribed by the public would be exhausted, and they could hardly expect that a new fund could be received from the same quarter. At the commencement of the winter, then, the people would have to depend entirely on parochial relief; and the question was, would the parochial authorities be able to feed and clothe so vast a population during the next winter as they had been fed and clothed during the last? If not, the people would be disappointed and dissatisfied, and violence, outrages, and the most deplorable calamities, and perhaps bloodshed, might follow. That was the prospect before them; and again he asked what was to be done to avert these evils? In the first place, the Government might give assistance to those who were anxious to emigrate; and, in the second place, they might find employment for those—and they would necessarily form the great bulk of the class—who were anxious to remain at home. That was not the first time, in the history of the country, that large bodies of the people in this country had been thrown out of employment. About twenty-five years ago, when the free trade policy was first adopted, a considerable reduction had been made in the duty on barilla, and the consequence was, that about 30,000 people engaged in the manufacture of kelp in the Hebrides and in the north of Scotland had been reduced to a state of great distress. There was at that time no Poor Law in Scotland, but a stringent law of that description had soon afterwards been passed. That remedy having proved to be insufficient, the proprietors did what they could to relieve the people. A famine, however, ensued, and the Government could not longer hold aloof. They not only sent assistance to the people in the shape of food, but fitted up a line-of-battle ship as a passenger ship to carry a number of them to Australia. He did not see why the same course should not be pursued in the present instance, and why the Government should not employ some of those men-of-war which were lying idle in their harbours in conveying a number of those distressed Lancashire operatives to Canada, Australia, and other colonies. That was not the only occasion on which such a policy had been adopted. In the year 1820, when there was great distress in the manufacturing districts of the west of Scotland, funds were granted from the Imperial treasury, and the people were assisted to emigrate to the Auckland Islands and other districts. But he might be asked the question—and it was a natural one — what was to become of the vast capital invested in buildings and machinery—what would be the case if cotton again became cheap and the masters wanted hands to work it? The answer was that the number which could be removed by emigration was so small that there could be no fear of their removal causing any want of labour for good wages. The question would be simply whether the cotton manufacturers could give better wages than were to be procured at other employments. If they could not, it would be better that the people should not be employed at the manufacture of cotton. The main object of emigration was the employment of the people, but there were other plans by means of which employment could be given to great numbers of them. They had placed large sums of money at the disposal of the Government for fortifications, but a very small portion of that had been laid out. They were told that £500,000 was the amount of the estimate for fortifications at the mouth of our great rivers. If those fortifications were to be erected, judging from the position of foreign affairs, the sooner they were built the better; and he saw no reason why the Government should not commence them at once, and select from the different parishes in Lancashire men to work at them. No doubt, those men might not do as much of that kind of work in the same period of time as navvies, but it would be very desirable to employ so many of the Lancashire people, and at the same time to be going on with the defences of the country. He should add, however, that he should protest against giving any such employment if the men were not to receive the whole of the usual amount of remuneration. He would next pass to the consideration of the Amendment; and he should say that he saw no necessity for its adoption. The hon. Member who had moved the Amendment seemed to think the Government had been asleep, but the fact was they had had their own Commissioner, who had reported once a week on the state of the distresed districts. They were perfectly well aware of the condition of those districts, and therefore he could not see that the services of a Royal Commission were necessary. His objection to the Amendment was, that what it proposed would cause delay. For emigration, one of the modes by which it was proposed to relieve the distress, the season would soon have passed over. If it were delayed for three months, emigration to Canada would be out of the question; because if people were sent there in the autumn, they would have to face the winter in the colony without a chance of finding employment. When the Irish famine was looming in the distance, Lord George Bentinck brought forward a Motion in that House, and developed a scheme for the employment of the Irish people in the construction of railways. He was opposed by the Government of the day, and he was one of those who voted against him. He must confess that he should always regret his vote on the occasion. He regretted it when he found the evils which had arisen from the inaction of the Government and from allowing things to take their course. It was true the Government did interfere; but their interference came too late. The people were so reduced through famine and disease that they perished in thousands. Millions sterling of the public money were wasted, and nearly 2,000,000 of the Irish people were swept away. Let them not have the horrors of the Irish famine revived. Up to the present time the Government had felt it their duty not to interfere directly for the relief of the distress in Lancashire. They had looked on. He did not blame them for having adopted that course. On the contrary, up to the present time, he believed it was the best course they could have pursued; but the time for inaction had ceased. A great calamity was looming in the distance, and it was the duty of Parliament and the Government not to waste time by making idle inquiries or seeking for information which they already possessed. A great responsibility must rest with the Government. If the Ministers of the Crown should shrink from the performance of their obligations with reference to the people of Lancashire, they would be disregarding what he held to be a first duty of a Government—namely, the duty of providing for the safety and well-being of the great body of the people.

MR. C. P. VILLIERS: Sir, I rise to make some observations upon the Motion and the Amendment which have been submitted to the House this evening upon this question, both because I wish to mark my respect for the hon. Gentlemen who respectively brought them forward, and because they have more or less reference to the Department over which I preside. But I own I have some little difficulty in discovering to what points I can address myself in reference to what has fallen from the hon. Gentleman who has made the Motion, or the hon. Gentleman who has moved the Amendment. The hon. Member who brought forward the Motion made a series of observations upon matters which have ceased to excite much interest in this House, or in the country. I presume the hon. Gentleman may have been induced to take that course, on returning to this House, after being absent for a very considerable period, from the impression that the same feeling existed, and the same Members were to be found here, that he saw when last he had a seat in this House; but the hon. Gentleman seems to have met with some disappointment, when he went into the manufacturing districts, and assembled persons around him whose position was the same as those whom he was wont to address in former times. He told us that he inquired how it was that none of those whom he was accustomed to meet were present, and that their answer was, that true it was all that generation had passed away; and though they were interested in meeting him, from his reputation, there were none present who knew him in connection with past services. I think that was somewhat the kind of reception which the hon. Gentleman met with this evening in this House. At all events, the style of the hon. Member's address was such that I do not know to what point in his Motion he addressed himself. I imagined he was about to propose something like a censure on the Government for having neglected its duty, up to this time, with respect to the distress existing in the cotton manufacturing districts; but, so far as I could follow him, he never referred to anything that the Government had done lately, and I understood him to end with something like a compliment to the noble Lord at the head of the Government. The greater part of the hon. Member's address, indeed, seemed to me to be in answer to a speech not yet delivered. He certainly reflected very severely on the manufacturers, and particularly on the hon. Member (Mr. Potter) for some letter which he has addressed to a newspaper, but I did not understand the hon. Member to cast any reproach on the Government. The hon. Gentleman, however, thinks it necessary that a Resolution should be passed calling on the Government to do its duty, but he has not shown that it has in any respect neglected its duty. I do not find fault with him for that. On the contrary, I feel rather grateful to him. No doubt, the speech of the hon. Gentleman was very interesting. It was refreshing. It reminded me how many years had passed since those same tones had been heard, and I may say, in the same mode of exaggeration. In passing, I may just allude to what he was so good as to refer to in regard to myself, and there I recognise the hon. Member again, because he rather imputes to me something that was inhuman or unworthy—a charge which, I think, was wholly unsupported by facts. I understood him to charge me with having assented to the views of a deputation which came to the Poor Law Board to suggest the deportation of orphans and of children, who were happy and joyous in this town, to be subjected to the degradation and misery which they invariably met with in the manufacturing districts. As far as I can tax my memory, the matter referred to me had relation to the construction of the Act of Parliament, and not to my feelings respecting the condition of those people. The question I had to decide was whether it was possible for the guardians of a union in London to give their sanction to the departure of the pauper children from London to be employed in the manufacturing districts. I have been reminded, since the hon. Member spoke, that my opinion was that the law did not sanction the removal of those children for that purpose. I understood the hon. Member for Devonport to speak chiefly of the manufacturers in Lancashire. The hon. Member complained of their conduct in past years, and says, that now he has returned to the House again, he finds the same reason to complain. He finds them selfish, and resorting to the same course they adopted before. His chief object seemed to be to impress the House with a sense of his indifferent opinion of that class. I do not understand what course he proposed the Government should take. He was not good enough to intimate to the Government how they were to adopt measures "to relieve the distress in the cotton districts, so that the people may no longer continue unemployed." Various suggestions have been made, and I thought the hon. Member would have named one of them, or would have suggested some plan of his own for giving employment to the weavers in Lancashire. I thought he might have proposed to release those who are bound to support them, and that the Government should undertake by public means to maintain them; but the hon. Member did not make that proposal. I do not know how the House will vote on this Motion, because he has not stated what he wants the Government to do or what they have not done.

The hon. Member for Carlisle likewise proposes that the Government should undertake to relieve the distress in the manufacturing districts, and he is desirous that the Government should issue a Royal Commission to inquire and report as to the best mode of giving that relief. I understand my hon. Friend to say that he wants information, though my impression was that my hon. Friend was in possession already of information that other persons had not obtained. If he does possess information, he would hardly do justice to himself if he does not disclose it to us. I am as anxious as any person to have all the information possible on the subject. I assure the House I desire to be thoroughly informed on the matter. I am sure nothing could be more interesting than all the information the Royal Commission would publish after a given time; but notwithstanding what the hon. Member said, from which it was rather to be assumed that there is considerable ignorance on the part of the Government, and especially on the part of the Poor Law Board, I cannot persuade myself, that if this Commission were to inquire, we should practically be in a better position to act than we are now. I believe there has never been an occasion when manufacturing depression could be traced to so simple and single a cause, and rare indeed have been the cases in which such universal interest has been expressed for the misfortune that has fallen upon the victims in the distressed districts. The consequence is, that there has been a demand for every kind of information on the subject, and never do I recollect an instance in which so much publicity has been given to every fact connected with the condition of the suffering people, I do not think any person is in ignorance either of the cause or the extent of the distress, or of the remedy for it; but it is unsatisfactory to admit that we do not know how soon that remedy may arrive. We can state in a few words the number of persons engaged in this cotton trade, the number depending upon relief of a charitable character, and those that we want to supply with the means of support in another way. That is all the information we want, and I do not know that we can get any more. We know the number engaged in the cotton manufacture, we know the number of persons destitute and suffering from the simple cause that the material on which their labour was employed cannot be obtained as cheaply as formerly; we know that upwards of 500,000 persons are connected with the manufacture, that 410,000 persons are depending upon charitable relief, and that the number of able-bodied men, representing that population of 410,000, and whom it is now wanted to employ, was 72,000. It is the object of every committee to give them relief that they may recover their independent position. That is the simple condition we are in. If the inquiry should last for a year, I do not see any result that can be obtained, except that about which there can be no doubt—the amount of destitution that exists, and the number of persons we want to relieve. I suppose, that if the hon. Member for Devonport had really stated what he intended, it would have been found that he wanted those 72,000 men to be taken charge of by the Government. I think the hon. Member for Carlisle urged the adoption of some scheme of which emigration would form a part, but I do not think it is the business of the Government to advance the public money to encourage emigration. I do not mean to say that the Government should discourage emigration. I think every information should be given by the Government to people wishing to emigrate, respecting the dependencies of the British Crown to which it would be desirable to proceed; but a country is in a bad state when the Government is called upon to assist the people to emigrate with public money. I do not think we are sunk to that yet. I can bear my testimony to the statement that has been made that a few years ago the capitalists of the country were seeking for labour in every direction. Applications have been made to me at the Poor Law Board for the purpose of learning whether any surplus labour was available. When we know the large amount of capital in the country and the great increase of it, and are also cognizant of the demand for labour a few years since, I do not think it would be wise of the Government to expend public money in the promotion of emigration. When we are doing everything we can to increase the growth of cotton in various places abroad with the view of supplying the raw material to the manufacturers here and keeping up that industry in the country, it would be inconsistent on our part to send the people connected with the manufacture out of the country, and thus part with their labour. Therefore, I am not disposed to assent to the proposition on which the hon. Members for Devonport and Carlisle are agreed, that the Government should give pecuniary support to emigration. I know the attractions of the Colonies, and I know what energy and what extraordinary resources are used by private means to induce people to emigrate, and I think that is quite sufficient without the Government undertaking it. Again, before hon. Members can call on the Government to undertake to employ and feed the people now in distress—before coming to that point and engaging in a business so little in keeping with the system prevailing in this country—there ought to be some account afforded of the means of employing them where they now dwell. If any persons could come and say to us, "We have exhausted all our means, and have no public works on which we can employ the people," I can well understand on what ground they could come to the State for assistance; but when the hon. Member for Devonport asks the Government to assist the distressed, and when the hon. Member for Carlisle desired to have an inquiry, they do not tell us that all the resources in the counties where distress exists have been exhausted, and that there are no means of employing the people. The Government never deserved the reproach of being regardless of the distress. We have been led to inquire respecting the resources of the country in which these people dwell, and if there be any chance of employing them there. If I had been attacked by the hon. Member for Devonport for neglecting my duty, I should have been able to vindicate myself by showing, that from the first time there was a question of this great distress, and even before its extension to its present limits was apprehended by those on the spot, I addressed myself to the task of providing means for the purpose of meeting the exigencies that might arise. I have referred to persons professionally engaged in agricultural improvements and public works in the county of Lancaster, and sought to learn from them if there be any means of employing, at remunerative wages, any large number of those unfortunate people who are now living upon alms. I was able to obtain the opinion and assistance of a gentleman eminent in that county as an engineer engaged in agricultural improvements. I asked him if it were possible to extend the works in that county and employ the cotton operatives, now lingering about the towns and supported by charity, and I will read the letter which Mr. Denton, the gentleman to whom I refer, addressed to me in reply. He says—

"Addressing myself to the subject of our recent conversation, I may reiterate that my experience is encouraging to the employment of the able-bodied cotton operatives in works of land improvement. 1. There exists in Lancashire and North Cheshire as large a proportion of land capable of improvement as in any part of Great Britain. By 'improvement' I mean such permanent works as are decidedly profitable to those who engage in them, such as underdraining, the reformation of fields by the grubbing of bad fences and the making of new ones, road making, planting, trenching, and levelling of irregular surfaces. The extent of undrained wet land in the immediate district most affected by the present distress (taking Lancashire on the north and Cheshire on the south) is sufficient to employ in underdraining alone 100,000 able-bodied men for two winters. This district contains upwards of 2,500 square miles, and in it there are at least 850,000 acres of wet land which may be profitably drained. Assuming that to effect this work one-third of the hands employed were skilled draining labourers and two thirds cotton operatives, every 100 men would complete on an average 20 acres per week. I mention underdraining first because the wet condition of Lancashire and Cheshire is manifest to every observer; but there are the other improvements I have referred to which are equally worth attention, and as they are lighter in character, they would, in conjunction with drainage, allow of an apportionment of the work to the physical powers of the men to be employed. Owing to the effect of factory smoke and chemical exhalations, the fences of the fields are generally bad in this district, and much good might be done in levelling them and substituting walls and other fences. A profitable work presents itself in the trenching of hill-sides too precipitous for cultivation, and planting them with larch and other trees used for mine props and repairs. Portions of the moors, too, might be advantageously planted after trenching; and the low, flat district lying on the western side of Lancashire, to the north of Liverpool, as far as Southport and Rufford, is a good field for the application of hand labour in various ways; and being more readily moved by the spade than heavier land, is better fitted for uninitiated workmen. 2. The properties in Lancashire are not as a rule large, but there are many exceptions which might become examples to the rest, were the owners so disposed. The Earl of Derby, Mr. Legh, M.P., and some other large proprietors are honourable exceptions to the general inaction, and their properties afford good instances of profitable agricultural enterprise. 3. The facilities of borrowing money for such operations as I have referred to are great. Sir Robert Peel's Act authorized the advance of public money. The subsequent Acts, which were passed to supply money to landowners after the public loan of four millions was exhausted, dealt, of course, with private capital. There is, practically, no difficulty in obtaining any amount of money on these terms. 4. Mr. Tollemache, the Member for Cheshire, influenced by the most benevolent intentions, has acted upon the considerations here stated, and he is now draining his estate at Mottram and Tintwistle, through the General Land Drainage Company, with a view of giving the unemployed cotton operatives of the locality a means of work. The number of operatives who have actually been tried have been comparatively few. Those few, nevertheless, have most effectually shown that the operatives of mills are not necessarily unfitted for field work; on the contrary, the work of their hands will bear comparison with that of agricultural labourers of equal experience. On these grounds, and upon the general experience I have gained in the control of men engaged in works of land improvement, I am enabled to state, with some degree of certainty, that if the effort were really supported by those most interested in the matter, there would be no practical difficulty in so employing them. These remarks apply only to the employment of the operatives in agricultural improvements. 5. There are, however, many suburban works which would greatly benefit the larger towns in the district, and which might be carried out, and the money required for the purpose borrowed in the way I have explained. For instance, there are public recreation grounds, cemeteries, public walks, and new roads, for which public money, if advanced at all, might be advanced with more justice than for the execution of agricultural improvements."

Sir, the gentleman who has submitted this memorandum is a man of great experience, and states that he is ready to state his opinions before any Committee of this House, and to submit to any examination on the subject. I have also a memorandum on this matter from the brother of the hon. Member for Leeds, who is, I believe, better acquainted with the history of agricultural improvements in Lancashire, and has written upon them more extensively, than any other man living. In that memorandum he says—

"In times of public distress, when large numbers of people of the labouring class have been suddenly thrown out of work, but when there was reason to hope that their ordinary means of employment would be restored before long, it has frequently been found advisable to employ them on useful works of such a kind as could be constructed or effected by men not possessed of any great skill in the kind of work to which their labour was applied. Among the instances which may be mentioned of this kind of employment in the manufacturing and trading districts of the north of England, may be mentioned a road several miles in length which was made across the largest swamp in Lancashire, named Chat Moss, by the unemployed handloom-weavers of the neighbourhood, about forty years ago. This was, for many years, the only road across that great swamp. Another instance is that of the gardens and the public grounds at St. James's Mount, Liverpool, which were formed on the site of an exhausted stone quarry by the unemployed labourers of that town during a period of great distress. The cotton district of Lancashire and Cheshire contains large portions of waste land, consisting of peat moss or bog, and also very extensive moors of a different quality of soil. During the last forty years large quantities of land of these descriptions, amounting in the whole to many thousand acres, have been reclaimed, either by the landholders of the district, or by tenants to whom they had let lands of that description at low rents and on long improving leases. There still, however, remain very large quantities of this land which are entirely waste, and which have never been touched with the spade. Supposing it to be decided to undertake the improvement of any of the waste lands in the manufacturing districts of Lancashire and Cheshire, it will be desirable to ascertain what quantities of land could be obtained in the immediate neighbourhood of the towns in which the greatest amount of distress exists, and also to ascertain what portions of it could be obtained on the most advantageous terms. This information might easily be obtained on the spot."

Such are the opinions of two independent persons of considerable experience, who have given great consideration to the means of employing persons in this way. But I find that the subject was taken up at the last meeting of the Central Relief Committee at Manchester, composed of persons of all opinions and all stations. In a report of the committee it is stated that it is an obvious fact that the cotton districts afford a large field for the profitable investment of capital in the improvement of land, and that a large portion of land below the level of 300 feet above the level of the sea, and a still larger portion below the level of 600 feet above the level of the sea might be profitably improved and might afford employment for large numbers of the cotton operatives. But there is another field of employment besides that of agricultural improvement which seems to be more open and available for the labour of these unemployed operatives, and that is the towns themselves. The Central Relief Committee at Manchester have stated their opinion that facilities ought to be afforded to Town Councils and other authorities to carry out improvements that are absolutely essential for convenience and health—such as water supply, parks, and other improvements of that nature. They state that it is very desirable to effect these improvements, and they give their most unqualified opinion that they might be made the means of employing all the unemployed population. This opinion is shared by the great leading organ in Manchester, which is identified with the manufacturing interests. It states that public works afford a promising source of employment for the operatives; so that streets might be improved, gardens laid out, public grounds cleared, and a hundred other things done by the hands out of work. It has been imputed to me by the hon. Member for Carlisle that I have not sufficient information on this question, but I have been fortunate enough to have been brought into contact with those who are informed, and who are willing to impart their information. I have met with inspectors who have collected information and made reports upon all the places which have adopted the Local Government Act. There are numbers of those places which have been reported to be in the condition referred to. They have adopted the Act, but many of them either have not raised the money, or, having raised it, have not executed the works. These works are drainage, sewerage, water supply, parks and recreation grounds, improved and new streets, highways and roads, new burial-grounds—all of which are much needed. If inquiry had been made some time ago why these works had not been executed, the answer, I believe, would have been that labour was so dear they had been postponed. If that be so, then, in the language of the *Manchester Guardian*, "This is the opportunity." There are many towns where public works are essential, but concerning which no reports have been sent in. But I find from the local authorities that in twenty-five places the works have been only partially executed, and that in eighteen nothing at all has been done. If hon. Gentlemen were to see the reports and the details of the deficiencies of the towns, they would be perfectly astonished, considering the wealth and power of those towns. I think, therefore, the House will be satisfied that there is, at the present time, an ample opportunity of carrying these improvements into effect. At the same time, there is one exception to which I cannot forbear alluding, and that is the town of Lancaster. In that town the operatives have been set to work on the improvements that are required, and upon that subject the following report has been made:—

> "The guardians and the relief committee, of which I am a member, act in entire accord. Every unemployed person in the receipt of relief is set to work, except for a very special reason. About 90 per cent of the men are employed in forming and repairing footpaths, removing hills from roads, &c. The quantity of work executed is not, of course, equal to that of experienced labourers, but several great improvements have been effected near Lancaster by the men. All work under superintendents employed by the guardians. The men have generally submitted to the regulations of the guardians without complaint. In addition to the work performed for the guardians and committee, a number of the men were employed for several weeks last winter by the Morecambe Board of Health in repairing a road which had been washed away by the stormy tide. They were paid 2*s*. per day each, and were conveyed by railway to and from work, a distance of four miles, at 3*d*. each, the charge being defrayed by the board of health and the relief committee, in equal proportions."

The Local Board of Health has given the following certificate:—

> "That the men employed in repairing the road on the sea shore at Morecambe have done a fair quantity of work in a proper manner, and conducted themselves to our entire satisfaction."

The report goes on to say—

> "Through the kindness of W. J. Garnett, Esq., M.P., trenching was provided during several winter months for a number of men on the Quernmore Park estate, near Lancaster."

Mr. Garnett's steward has given the following testimony as to the manner in which the work has been done:—

> "The men who were employed in trenching, &c., on the Quernmore Park estate for severa months last winter were very orderly, and attended diligently to their work. The men were not of course, equal to agricultural labourers, but they performed a fair quantity of work. The price paid by Mr. Garnett was liberal; the workmen averaged about 12*s*. per week each."

And, with regard to the health of the men who have been so employed, the report is very satisfactory. It says—

> "It is not known that any of the men have sustained bodily injury by their change of employment, in many cases a decided improvement is strikingly observable. Some of our men, after having been engaged in wheeling barrows and using the hack and spade for many months, have resumed their mill work. I am informed, by the millowner and managers, that the outdoor work has not unfitted such men for their ordinary work, and that after a short practice they perform it with unimpaired capacity."

Under those circumstances, it appears to the Government that there will be a waste of time and unnecessary delay in inquiring, by means of a Royal Commission, into the best means of employing the unemployed operatives. The course for the Government to adopt is, in my opinion, clear, and preferable to the inquiries proposed by the hon. Member for Carlisle. The Government, therefore, have determined to send down a gentleman who has been long employed under the Health of Towns Act and the Local Government Act; that he shall be accompanied by one or more professional men, engineers or surveyors; that they shall proceed at once to the districts and report what works may be instantly entered upon and accomplished as soon as possible. They will learn on the spot the difficulties which may stand in the way of carrying out the various improvements, the works that can be accomplished, the number of men that can be employed, and the way in which the works may be proceeded with at once. From the information I possess I cannot conceive that this inquiry will last more than three weeks. The gentleman who is to conduct the inquiry is conversant with his business, and I feel satisfied that within that time he will be able to lay before the Government and the House a complete report of the works which may afford employment to these persons. In a short time the town councils and other authorities in the towns who may be somewhat appalled by the calamity which has overtaken them, will be brought to give a ready assent, and to show activity in carrying out the works, and more than 70,000 men will find employment in the public works of the towns to which they belong. In such works will be found the most healthy and proper employment for the men, and the most advantageous to the community at large. It has been stated that between 40,000 and 50,000 men will be sufficient for the works, but I am sure far more will find useful employment in them. I think, therefore, the Government has decided rightly in proceeding to action at once. And I have no doubt, when the report is received, it will be seen that there is no reason to suppose that those men will remain long unemployed.

COLONEL WILSON PATTEN said, the right hon. Gentleman had finished his speech in a manner so entirely in accordance with his views of the duty of the Government at that crisis, that he should only trouble the House with a few words upon one or two expressions which had been made use of by him in the course of it. He must first be allowed to say that he quite agreed with the right hon. Gentleman in his remarks upon the speech of the hon. Member for Devonport. He knew the zeal of the hon. Member, and, in common with the right hon. Gentleman, it was with some disappointment that he found the hon. Member's address contained only one practical suggestion—namely, emigration, which, carried to its fullest extent, would only afford the requisite relief to a very small portion of the operatives. He agreed also in the right hon. Gentleman's remarks upon the speech of the hon. Member for Carlisle, and he had reason to know, that if he could have avoided putting the Amendment into the Speaker's hands, his hon. Friend the Member for Carlisle would have limited himself to directing the immediate attention of the Government to the means of affording additional employment for the labouring classes in Lancashire. He could not support the Amendment as it stood. They had now arrived at nearly the end of the first year of the distress. They knew the amount of it. They knew the cause of it. They knew that for some time to come there was no prospect of its cessation, and no Commission could afford any more information than they already possessed. At the same time, the proposition which the Amendment embodied, as to considering forthwith in what way additional work could be found, was extremely useful, as far as it went, and there could be no greater proof of its utility than that Her Majesty's Government had acceded to that portion of it. They had on their hands 420,000 persons to provide for, and the different relief committees were issuing £24,600 a week, in addition to £13,100 from the Poor Law Guardians. But it was plain that no resources which they could have were likely to enable them to go on supporting 420,000 people for any lengthened period, if the existing state of circumstances were to continue. It might be interesting to the House if he were to state, from careful compilations, in which the figures were within the mark, what their resources had been, and what they were. In making those compilations he had been greatly assisted by Mr. Farnall, the Government Commissioner, and Mr. M'Clure, the hon. Secretary to the Central Relief Fund at

Manchester. The amount received from the commencement of the distress up to that time, from every source, was made up as follows:—The Central Relief Committee, £959,000; in clothing and provisions, £108,000; subscriptions from the different localities, £306,000; private charity, £200,000; Mansion House Committee, £482,000; and Poor Law Board, £680,000: total, £2,735,000. He would explain how much they had expended, and how much remained. The expenditure was made up as follows:—Relief Committees, £920,319; ditto in clothing, £108,000; guardians, £625,000; and private charity £200,000: total, £1,853,319. Many remarks had been made which assumed that the county of Lancaster had shown a want of zeal and energy in the relief of the unemployed operatives. Of the £2,735,000, however, raised for the relief of the distress not less than £1,400,000 had been provided by the county of Lancaster alone. Whatever might be said, therefore, with regard to the wealth of Lancashire, and however true it might be that individuals had held back, he thought the fact, that during eight months the people of Lancashire had raised £1,400,000 for that object, would be a sufficient answer to any imputation that they had not done their duty. The balance now remaining in hand was as follows:—Central Fund, £486,000; the Bridgewater House Committee and Liverpool Committee, £123,000; the Relief Committees, £90,000; the Poor Law Guardians, £56,000: total, £755,000. The Mansion House Committee had also a balance of £90,000, making altogether £845,000. That was the whole sum the committees had to depend upon; and although it might seem a large amount, yet it was clear, that while they had to provide £37,700 a week for relief, it would not carry the operatives through a very long period. The importance of providing some new mode of employment had been borne in mind by the Central Committee for some time past, who were anxious to prevent anything like demoralization ensuing among those who had become the recipients of relief. But they had felt that great difficulty stood in the way of carrying out their views. The subject had never been out of their minds. There had never been a meeting at which they had not considered the question of employment, but difficulties stood in their way which had proved insurmountable hitherto. The Central Committee found that they had not sufficient control in the manufacturing districts to enable them to carry out their plans. At the same time, he would remind the House that the members of the Central Committee were, for the most part, men engaged in business in the country. They were headed by the Earl of Derby, who had devoted an amount of time and attention to this subject which would, were it generally known, make him even more esteemed than hitherto by his fellow-countrymen. The Earl of Derby, assisted by Sir James Kay-Shuttleworth, had considered the subject in common with the Committee; but, as he had said, they had not found themselves enabled to carry out their wishes. The Central Committee worked through 180 sub-committees in the manufacturing districts. These were volunteers, who laboured without remuneration to carry out relief to their poorer neighbours. But the new duty of providing employment for them would be one which, with all their goodwill, they would be unable to carry out. He was glad to hear that the Government had determined to send down persons charged with the especial object of finding employment for the operatives. The Central Committee were aware that there were numerous modes of employing the operatives. In the parish in which he lived some work was found capable of employing the people for some time to come. The intention was, however, abandoned on account of the difficulties in the way. His right hon. Friend was, however, wrong, he thought, in supposing that three weeks would be sufficient to enable those whom he might send down to find work for the unemployed people. They would have not only to point out where the work was to be found, but how it was to be carried out. Another subject for the consideration of the Government was, how the money was to be raised for draining the fields, and other kinds of employment. His hon. Friend the Member for Blackburn would tell the House that the inhabitants of that town had given employment in public and other works, but they had almost got to the end of their powers, and they and the inhabitants of other towns would be much obliged to any one who would point out how the labour of the unemployed operatives could be rendered useful. He did not doubt that much useful information would be obtained from the officers of the Poor Law Board, although it might take a longer time than that mentioned by his right hon. Friend. He could promise him that the Central Relief Committee would give him all the assistance possible. The Central Committee had not entertained the subject of emigration, because to carry it out would require for each person a larger sum than could be given with strict justice to those who remained at home. At the same time, they offered no opposition to emigration, and many of them were individually assisting the working classes to emigrate, and affording information on this subject. After the speech of the right hon. Gentleman the President of the Poor Law Board, he would suggest to the hon. Member for Carlisle to withdraw his Amendment. He did not know whether he might also ask his hon. Friend (Mr. Ferrand) to withdraw his Motion. He believed that the greatest good would result from the proposal of his right hon. Friend. As one of the Members for the county of Lancashire, he must express his own gratification; and he thought he could say for the Central Relief Committee that they would be satisfied when they heard the intentions of Her Majesty's Government.

Mr. HIBBERT said, he had been prepared to support the Amendment; but, after the speech of the right hon. Gentleman the President of the Poor Law Board, he trusted that his hon. Friend would withdraw it, as the proposal of the Government removed the necessity for the Royal Commission. He agreed with the hon. Member (Colonel W. Patten) that the measures to be taken in finding employment in the distressed districts would require much longer time for consideration than the right hon. Gentleman had supposed. As one means of employing the operatives, he would suggest that something might be done by enabling corporate bodies to provide public parks. In 1841, Sir Robert Peel proposed a grant of public money towards public parks in England and Scotland. If another grant were made, the town councils might be enabled to employ the operatives in that way. By an Act of Parliament brought in by Mr. Slaney corporate bodies were enabled to levy a rate of not more than 6*d.* in the pound towards public parks, with the proviso that whatever amount might be raised in that manner an equal sum should be contributed by public subscription. That, however, was not a time when money could be raised from the public for such purposes; and if the Government would assist by a grant in aid, and enable corporations to borrow money on the security of the rates for public parks, some employment might be found for the operatives in that way. He thought it somewhat unjust and unfair that the hon. Gentleman opposite should put himself forward as the representative of the operatives of Lancashire. In his animadversions upon the manufacturers the hon. Gentleman would, he thought, have done well to bear in mind the lines—

> "Be to their virtues rather kind,
> Be to their faults a little blind."

He felt bound to contravert some of the assertions put forward by the hon. Gentleman; for, having attended several of the workmen's meetings during the Easter recess, the unemployed whom he then saw presented a healthy and cheerful appearance. The opinion of the operatives themselves as a body was by no means favourable to emigration; they looked forward to better times, and preferred remaining on the spot, where they hoped for manufactures to revive, rather than being sent out of the country. He would offer no impediment to their going, or to the subscriptions raised in London or elsewhere to facilitate that object; but he thought the Government had rightly decided not to aid emigration by a public grant. That the use of Indian cotton had not depressed wages to the extent that had been represented might be gathered from the experience of one firm, employing 1,000 hands. The establishment worked half-time, and a middling quality of Surat was used. The carders, whose ordinary wage for full time was 12*s.* 7*d.*, received in the two half-weeks 12*s.* 8*d.* The spinners absolutely made more by the Indian than they did by the American cotton, receiving £1 8*s.* 10*d.* for the two half-weeks, their ordinary weekly earnings being £1 7*s.* 2*d.* The weavers, who before were earning 12*s.* 2*d.* a week, received 11*s.* 8*d.* for the two half-weeks. This was perhaps an extreme case, but it resulted mainly from the increased attention of the hands whilst working short time. Remembering the great patience and forbearance which had been shown by the operatives, they hardly deserved the term "demoralized." Except in one or two instances, they had not created any undue excitement; they had not held meetings calling for changes in the law, or for intervention in the American contest. As regarded their homes, the workmen of Lancashire could vie with those in any other part of the country, while a portion of their earnings was usually set apart for the promotion of their moral and religious progress. Letters written from Lincoln's Inn, by two gentlemen, to all appearance most accurate in their statements, had recently appeared in *The Times*. They did not criticise any body of men whatever, but said—

> "We do not doubt that the relief funds have been as a whole administered with energy and care, and, allowing for the difficulty of the task, with very decided success.

As regards the working men, the writers no doubt corroborated the view of the hon. Member opposite—

> "Everywhere we found how — their savings being used up, their stock of clothes worn out, debt become general, their clubs and societies bankrupt and suspended, their social life checked, their intellectual opportunities cut off, their humanizing institutions and habits denied them—the real life of the Lancashire workman is being lost."

But the authors of these letters did justice, at the same time, to the spirit by which the working classes were actuated—

> "These factory operatives, for the most part, are eager for employment. The concurrent testimony of all who know them confirms it. They do not need to be driven into work:"

He thanked the Government for what they had already done for the distress in Lancashire, and also for what they proposed to do. He trusted their delegates would not be afraid to make inquiries from all the parties interested in the question. By that means they would obtain the information they required, and would be able to do general good, both to Lancashire and to the country. With many of the views which had been expressed in debate he was unable to agree; for if, unhappily, the cotton trade were to cease in England, and if the skill, the energy, and the wealth of Lancashire were to be transferred to some other country, they ought to pause a little before helping forward the work of their own destruction.

Colonel EDWARDS said, he could not concur in the proposition of the hon. Member for Carlisle. In the present state of affairs nothing could be more mischievous than the issue of a Royal Commission, as the question admitted of no delay. Such Commissions frequently required a year, or even longer, to arrive at a decision and make a Report; and this was a matter of vital importance affecting the existence of more than half a million of people, who at this moment were crying out for bread. Although he did not entirely coincide with everything that had fallen from his hon. Friend the Member for Devonport, he concurred with him in the main. The question which he had brought forward at this particular juncture was one most creditable to himself, and entitled him fairly to the thanks of the House, of the country generally, and more especially of the unfortunate operatives of Lancashire, craving for honest employment, and clamouring for food in their last extremity at the hands of their fellow-countrymen! The county of Lancashire, as they all knew, had been for a considerable period in a state of terrible distress and depression; and the county, in common gratitude, would unite in the expression of thanks to his hon. Friend for calling attention to the fact with a view of obtaining something like a remedy for the fearful evil. The general sympathy felt throughout the land for the distress in Lancashire, and not only felt but evidenced by contributions to the Relief Fund, had been unexampled in history, and it had been felt nowhere more than in the adjacent woollen district of the West Riding. The sympathy there was enhanced by the grateful feeling of not depending on a foreign and precarious staple like cotton, but on the sure, unfailing supply of its home-grown staple, its wool—the basis of the prosperity of the West Riding and the country at large. As soon as it was found they wanted a further supply in aid of their home growth, they took special care not to make themselves dependent on foreign jealousy or opposition, but laid out vast sheep walks in their Australian colonies, which had proved amply sufficient to supply any deficiency occasioned at home by a scarcity of that invaluable commodity. Would that they were enabled effectually to relieve the sufferings of their distressed and sorrowing fellow-countrymen! He begged to suggest that the Government should borrow a leaf out of the book of the wool-growing interest, and take advantage of many of the vast dependencies of the British Empire, which by climate and soil were thoroughly adapted to the growth of the finest cotton in any quantity, and of rendering our manufacturing districts wholly independent of the Southern States of America for that precious article. The subject had been so ably treated by the hon. Member for Devonport, that he had left little to add either as to the awful extent of the calamity, or as to the remedial suggestions, which he trusted would make a deep impression upon the Government. But there-was one inquiry which had so forcibly struck him that he would not neglect the present opportunity of mentioning it. Lancashire had been peculiarly blessed with some eminent and distinguished patriots, who had devoted immense talent and unwearied energy to the welfare of the masses—at least, so they themselves repeatedly assured the operatives. He was the last man that would seek to set class against class, and he wished to see this question argued in a calm and temperate spirit by every one who took part in the discussion. He could not sufficiently condemn the conduct of the so-called patriots who had been busily agitating in Lancashire, and setting up before the eyes of the people the Republic of the United States as a model Government deserving their highest admiration. These agitators instilled into the poor deluded workpeople the notion that all their difficulties were brought upon them by our not following the example of the great Republic—the land of liberty and happiness; free from aristocracy, from kings, from standing armies and navies, from national debt and taxation, and ascribing every calamity suffered by Englishmen to the influence of this incubi; that America possessed within herself everything that could be desired, and that she was the only country worth living in. He (Colonel Edwards) thanked God they did not live in such a country. How changed was the scene now? Since the Republic was dissolved they had heard no more of the trash of these agitators; their voices were silent as the grave. Where was then their model Government? Since the disunion of the States, since the avowed tyranny of the majority over the minority, since great armies and enormous debt and heavy taxation had become the order of the day, the admirers of those mischievous agitators now began to inquire, what had they really done to alleviate the distress or assuage the pangs of hunger of their fellow-countrymen? As to the aristocracy of this country, whom they had reviled, and against whom these wicked men had long been in the habit of directing their attacks, the people had discovered that their greatest benefactors were to be found in their ranks. They had subscribed their thousands and tens of thousands to the Relief Fund for the benefit of the distressed operatives and their starving families. And if they looked to the other side of the question, how many of the names of these patriots were to be found upon the roll of those who contributed to that fund? When those poor suffering wretches supplicated for alms, they were told by those men that they should have voted for extension of the suffrage. When they asked for bread, they offered them a stone. The great body of the manufacturers in Yorkshire and Lancashire, however, came forward nobly in aid of their suffering workpeople, presenting a fine contrast to those selfish demagogues who mischievously endeavoured to set class against class, and by their political agitation aggravated considerably the difficulties that existed in the northern counties of England. They had heard much of emigration as a remedy for the evils complained of, and so far as it went it met his approval. He confessed he could not see his way clearly through this supposed panacea unless the Government proposed a very large grant for the purpose. It was all very well to talk of a Royal Commission; but so long as the people were in immediate want of bread, they would continue to cry out to the Government for relief in their necessities, and their representatives in that House should insist upon immediate action on the part of the Executive. The hon. and gallant Member, in conclusion, again thanked his hon. Friend the Member for Devonport for the able and opportune manner in which he had brought forward this question.

Mr. ALGERNON EGERTON said, he rose to thank the Government for the manner in which they had received the proposition of the hon. Member for Devonport, and he hoped, under the circumstances, that the hon. Gentleman would withdraw it. Whilst expressing his thanks to the hon. Member for Devonport for having brought this question before the House, he could not concur with him in the terms of his Motion. With 420,000 workpeople out of employment, and a relief expenditure of £120,000 a month, no apology could be needed for bringing the subject before the House of Commons; but he did not think that many hon. Members would accept the doctrine that the Government was bound, in cases of exceptional distress, to find the operatives both work and wages. If such a principle were carried out to its legitimate extent, it could result in nothing but the establishment of national workshops. In 1848 a system of a similar character had been tried in France, when the *atéliers nationaux* were established, but with little success. If a Commission went down to the distressed districts, he had no doubt they would find that large works might be initiated, and with great success. It would be very desirable that the Government should lend money to be expended on public works on good security and at a low rate of interest; but to any system of public works undertaken by the Government itself he entirely objected, because it would check private enterprise, prevent the operatives from making exertions to improve their own condition, and lead to an enormous amount of jobbery. Those were his objections to the original Motion. In reference to the Amendment he need not say a word, so completely had his views been anticipated by his hon. and gallant Friend the Member for North Lancashire. He did not see what information a Royal Commission could obtain. They knew that the gentlemen sent down by the Poor Law Board had performed their duty fully and ably. Their exertions in the cause must render the inquiries of a Royal Commission wholly unnecessary. The real difficulty was not the magnitude of the distress, but the duration of that distress, and on that point no Commission except one of prophets could be productive of much information.

Lord EDWARD HOWARD said, he could not allow one remark which had fallen from the hon. Member for Devonport, to pass without comment. That hon. Gentleman seemed to imply that the cotton operatives had been deserted by the landlords of Lancashire. They certainly had not been deserted by those who had raised the very liberal subscription, the amount of which had been stated by the hon. Member for North Lancashire, nor by that numerous and able body of men who had, night after night, sat upon the local committees and discharged their onerous and delicate duties in such a manner as to entitle them to the thanks not only of the operatives, but of the country at large. The hon. Gentleman was also quite wrong in identifying the hon. Member for Carlisle with those manufacturers, who, as he had said, had locked up their mills against their workpeople. He knew no man who was a greater friend of the operatives, who had done more to employ them during the last winter, or who had contributed more handsomely to the fund for their relief, than his hon. Friend the Member for Carlisle. He thanked the Government for having come to the resolution to send down persons to the distressed districts to inquire into the state of the work done, and as to how far it was likely to prove beneficial to the labouring classes. He quite concurred, he might add, with his hon. relative the Member for South Lancashire in what had fallen from him with respect to the ability and energy displayed by Mr. Farnall; but he, nevertheless, was of opinion that the right hon. Gentleman at the head of the Poor Law Board should engage persons well acquainted with the mode of employing workmen, in order that the best possible result might be obtained. There were two great difficulties in the way. The one was how to find the funds sufficient to employ labour, and the other was the means of directing the labour in the most efficient manner. The House should bear in mind that it was not in that instance dealing with those who were termed the navigators of the country. It was, on the contrary, dealing with men who would have to be trained, as it were, to a new profession, and who would have to be satisfied with a lower rate of wages. He doubted very much whether any of those men wished to live on charity. They were becoming tired of the schools, and were anxious to obtain honest employment. The great difficulty was as to how loans were to be afforded and the rate of interest to be met. He could understand the comparative facility in corporate towns, where there were acknowledged local bodies, of raising money by loans; but there was a large portion of the distressed districts where there was no local body of greater influence than cemetary boards, lighting boards, or superintendents of police. Now, how would any of those bodies be empowered to manage loans in times of such distress? It was idle to suppose that gentlemen would charge their estates by borrowing money, or that they would employ anything like the large amount of labour it would be necessary to relieve, particularly when the poor rates might reach the large sum of 9*s*. or 10*s*. in the pound. There was also another class of sufferers. It was well known that there was a certain number of poor ratepayers who, during the pressure of the calamity, were written off as excused. They were, however, only excused for a time; and when prosperity returned to the country, the tax collector would come upon them for the arrears, and they would find themselves in greater embarrassment than ever. The gentleman who happened to be sent down to inquire into the state of labour in the manufacturing districts would have, he might add, to take care to whom money was lent, so that a job might not be perpetrated. He trusted, therefore, that the works in those districts might be carried on in some measure under the authority of the Government. At any rate, he begged leave to thank the Government for what they had done, and he hoped that they would continue to use their best endeavours to probe the evil to the bottom and to provide a remedy for the existing state of things.

Mr GARNETT said, he had listened to the concluding portion of the speech of the President of the Poor Law Board with great satisfaction, inasmuch as he was pleased to refer to what had been done in the borough which he (Mr. Garnett) represented. The relief committee and the board of guardians in that borough had acted most harmoniously and simultaneously all through this distress. From the first they had made it a rule to have, wherever it was practicable, some return in the shape of labour for the money they expended. It was true the case of Lancaster was very different from that of districts in the south of the country; but if they had found support for a hundred men in that borough, he thought there were localities where they might employ a thousand, and so the burden would be more equally distributed. By the Return laid before the House on the Motion of the hon. Member for the Tower Hamlets it appeared that no less a sum than £254,682 was the amount of poor rates in arrear for the three-quarters ending at Christmas, and he had no doubt in the last quarter of the present year that sum would be considerably increased. That was a fearful fact to contemplate. He thanked the right hon. Gentleman for declaring his intention to take so important a step in this matter. If, however, the Government expected that the landed proprietors would lay out a considerable sum of money to employ the people in drainage or other works it was possible they would find that some difficulties would have to be encountered. Having been referred to by name in the Report which the right hon. Gentleman had read as one of those who had endeavoured to employ the people, he begged to bear his testimony to their ability to work, and their cheerfulness and readiness to do their best. Moreover, as they were continued to be employed, their strength and capacity to execute the work increased. Three-fourths of the men to whom the right hon. Gentleman had referred would be able on fair trial to perform the work to which they were set. He sincerely hoped that the House and the Government would support the attempt made to employ these people, for that was the real solution of the present difficulty.

Mr. NEWDEGATE said, it seemed to him that unless Lancashire had, as he was afraid it had not, the immediate prospect of a supply of cotton, it was inevitable that the operatives should verge into the condition of the ribbon weavers of North Warwickshire, now in the third year of their distress. Lancashire began to look beyond the period during which she could maintain her population by alms, and the real difficulty now arose, and that was how their employment should be provided for? He thought the House owed a debt of gratitude to the hon. Member for Devonport for having brought this subject forward. It might be that he had painted the history of some of those who formerly conducted the cotton trade in rather dark colours; but even the manufacturers of the present day confined themselves so exclusively to the one pursuit in which they were engaged, that they were not so well fitted to meet an emergency when it arose as they otherwise might be. This had been his own experience in North Warwickshire, where he had been struck with the absence of that fertility of resource which at such times was so desirable. But, after all, the Government was doing what the hon. Member for Devonport had suggested, and they seemed to be doing it in the very best manner. When they had the practical information which would be gained by the Commission, the question must arise, what would they do? He would venture to suggest that they should consider all the various Acts that had been alluded to for making improvements of various kinds, for creating pleasure grounds and opening new roads, and the improvement of landed property, and see whether they could not frame some Act that would enable them to bring into practical use the provisions of the different Acts in the distressed districts. If money was to be raised, the Government, through the Poor Law Board, might say, "We will facilitate your borrowing money for the purposes contemplated under this general Act, if you will allow us to assist you in the direction of the labour you are about to employ." He would answer for it that such a course would be attended with very great economy, and very great advantage to the community affected.

There were local jealousies and all sorts of obstructions to be overcome—a result which might be attained by such an interposition on the part of the Government. In places where there were no municipal authorities there was always a parochial machinery to fall back upon; and in ribbon weaving districts he had seen some parishes using their parochial machinery to the best possible advantage. Therefore, he would again suggest that borrowing powers should be granted to parishes as well as unions, because in a parish there were often principles of union and cooperation combined with local knowledge and means of direction that were totally wanting to boards of guardians for such works as were contemplated. Another subject had been passed over too lightly—that of emigration, to which they must look if the distress continued. In the district to which he belonged they were assisting emigration; the circumstances of the district rendered it absolutely necessary. By assisting even a few families to find a livelihood in the colonies not only was the condition of the distressed families who left this country improved, but another good effect was produced, in breaking through a kind of obstinate lassitude on the part of employers, who, when they saw a portion of the workpeople leaving, bestirred themselves to find some employment for the rest. The right hon. Gentleman would find that that would be a useful stimulus in some cases. He next came to an important question of policy. They were now subscribing for the exportation of honest labour, because the labour market of this country was overstocked. Would it not be common sense to relieve the country of criminal labour, instead of honest labour, by providing for the reformation of our criminals in the colonies? He looked with jealousy on the vast employment of convict labour on the fortifications. He trusted that the Commission on Transportation would not protract its inquiries *ad infinitum*, but would inform the House at once whether there was not, in Western Australia, Columbia, or some colony, a place to which they could deport those criminals who were supplanting in the labour market of this country the labour of honest men, and were crowding the goals only to become a terror on their release to the rest of the community.

MR. MAGUIRE: Sir, though an Irish Member, I am glad that the Government has taken up this subject in so serious a spirit. The distress in the Lancashire districts has, from the very first, excited my sympathy, and that of my countrymen; and, so far as I personally could, I did not fail to excite that sympathy in my own locality. But, Sir, I wish to take this opportunity of saying that there is another part of the United Kingdom, the circumstances of which ought to excite as deep an interest in this House, and as active an interposition on the part of the Executive. That portion of the United Kingdom is Ireland. An hon. Member has said that there are many Lancashires in Scotland, in which the same distress is experienced as in England; but I deeply regret to be compelled to assert that nearly all Ireland is now one Lancashire. I am convinced that there is more actual and terrible distress in many counties in Ireland than in all England put together. There are, alas! many districts in Ireland in which the people are literally starving—yes, literally starving. With them it is not distress because of having three meals a day, or two meals a day; it is distress because of not having one regular meal in the four-and-twenty hours. That is what I call terrible distress, and that distress, I confidently assert, exists in Ireland. If the right hon. Gentleman the Chief Secretary for Ireland were in his place, he could corroborate me, when I state that it was only a few days ago since a clergyman from the district of Skibbereen spent the last pound he had in his possession in the purchase of a return ticket to London, and rushed over here to entreat the Chief Secretary, in God's name, to do something for his famishing people, who had not more than one miserable meal in the twenty-four hours, ay — some of them — in thirty hours. In many districts of Cork and Kerry, in the South, and of Galway, Sligo, Mayo, and other counties in the west, the same tale of distress could be told. Even in the very heart of the rich counties of Limerick and Tipperary, the same description will hold good of many districts. The Government are right in instituting an inquiry into the condition and prospects of the cotton districts of England; but they are bound as fully, and by the same solemn obligation, to institute an inquiry into the condition and prospects of Ireland. The hon. Member for North Warwickshire (Mr. Newdegate) has spoken of the necessity for emigration from England, and of the wisdom of encouraging it. So far as the congested condition of the cotton districts is regarded that is perfectly true. But in Ireland it is quite another thing. There, there is too great a desire to emigrate; and, instead of desiring to promote additional emigration from that country, it would be a wise and sound policy to check it, if it possibly can be checked. No policy can be more fatal than that which seeks to promote a further drain of the people from a country which is fast losing the very strength of its population. Should peace be once established in America, the rush of the people from their own country would be something fearful; and I have long held the opinion—an opinion shared in by many in the country—that in a few years—half-a-dozen, perhaps—there would not be left more than half the population in Ireland which there was when the last census was taken. That, Sir, in my mind, would be a most deplorable state of things; for once let the people go to enrich and strengthen other countries by their labour and their industry, and what will be the result? Why, there will not be sufficient labour left in Ireland to till its soil; and when the Americans again turn the sword into the ploughshare, they will be able to undersell the Irish producers in the markets of England. If, unhappily, there should be another bad harvest in Ireland—which may God, in his mercy, forbid!—the horrors of the famine year will be repeated in that unhappy land. Sir, the condition of Ireland at this moment is such as to excite—as ought to excite—the liveliest sympathy of this House; and, in the name of justice and humanity, I have a right to demand that sympathy should be manifested towards its people by the Parliament and the Government of this Empire. The Chancellor of the Exchequer admitted, in his speech on the Budget, that the subject of Irish distress had not been sufficiently brought under the consideration of the Legislature; and I can only earnestly hope, Sir, that when that subject may be brought forward by my hon. Friends or by myself, Parliament will not prove insensible to the demands made in behalf of that afflicted portion of the United Kingdom.

Mr. FERRAND said, he desired to say a very few words in explanation. The noble Lord the Member for Arundel was under a mistake when he attributed to him the use of the expression that the operatives were deserted. What he said was, that the operatives had certain pledges and promises made to them, but these they found broken and themselves deserted. He did not say that the hon. Member for Carlisle had locked his mill, for he knew perfectly well he had none. The noble Lord, therefore, was also mistaken in that. The object he had in view in bringing forward this subject had been perfectly met. He wished that the Government should take steps, without delay, to provide some means of employment for the working classes, and that they had agreed to do. He had no intention whatever to make any attack on the Government. He begged to withdraw the Motion.

Amendment and Motion, by leave, *withdrawn.*

WAYS AND MEANS—EXCISE DUTIES.

Ways and Means *considered* in Committee.

(In the Committee.)

The CHANCELLOR of the EXCHEQUER said, that the first Resolutions which should be taken were those relating to railway passengers, which stood 10th and 11th on the Notice paper; but the Gentlemen with whom he had communicated respecting them were not now in the House, and they might in the mean time stand over. He should begin with the 12th Resolution — that relating to Club Licences. He would move the Resolution—

"That, towards raising the Supply granted to Her Majesty, there shall be charged and paid for a Licence to be taken out, yearly, by or on behalf of any Club or Association, occupying a House of the rent or value of £100 a year, to authorize the selling and supplying by retail to the Members of such Club or Association, of Beer, Wine, Spirits, and all other Liquors, for the selling whereof an Excise Licence is required by Law to be taken out, and also Tobacco, the Excise Duty of . . . . . . £17 1*s.* 0*d.*

And 5 per cent thereon.

And for every such Licence to authorize the selling and supplying as aforesaid, Beer and Tobacco only . . . . . £3 10*s.* 0*d.*

And 5 per cent thereon."

Sir WILLIAM JOLLIFFE said, he could not see the justice of the principle on which the Chancellor of the Excequer proposed to tax clubs. He took it to be that the tax was one on the retail profits of the spirit-dealer. In the case of clubs there was no profit whatever; there was no more profit on the consumption of a club than of a private house. The liquors were provided for the use of those who consumed them, and who banded together for the purpose of purchasing them for their own use. The Chancellor of the

Exchequer might as well tax the machinery of consumption in private houses. Certainly, the right hon. the Chancellor of the Exchequer had confined the Resolution to houses worth £100 a year, but he was at a loss to see how they were to distinguish under the Resolution between a club and a regimental mess, for the mess-room at Woolwich could scarcely be distinguished from a first-class club, and would certainly come within one of the two terms, club or association. Moreover, in many cases the messman was allowed to make a profit; the reverse was the case with regard to clubs. He hoped the right hon. Gentleman would reconsider the Resolution.

THE CHANCELLOR OF THE EXCHEQUER said, he could not accede to the wish of the right hon. Gentleman. The question was not a large one, and he hoped they might be able to dispose of it summarily. The principle on which his proposal was made was, that it was an act of justice and equity between class and class. The co-operative principle had been adopted by the upper classes, and applied by them to furnish them with strong liquors. He was perfectly certain, if the co-operative principle, which had assumed a very curious and remarkable development, had been applied by the lower classes to strong liquors, menacing the revenue derived from that source, they would very soon have found a way to bring it under taxation. That, as he had stated, had been done by the upper classes; and he thought it would be an ungracious act on their part if they declined to place the machinery whereby they were supplied with those liquors under the same amount of taxation as they applied to the machinery by which the lower classes were supplied. The hon. Baronet said truly that there was no profit in clubs, the profit was that of individual members; but what he stood on was this:—That the consumption of strong liquors by the richer class in places essentially of general resort should bear taxation equally with the consumption of strong liquors by the poorer classes. That was not so at present, and the inequality would be redressed by the very simple and just measure proposed in this Resolution. He was asked why he had fixed the value of the premises of the club at £100 a year. He did so because there were certain cases of clubs consisting of a very small number of members, and it would not be well to institute an inquisition, so as to be able to prove that a dozen gentlemen who met in a room, and had a stock of wine, were a club. That would be carrying the thing to an undesirable extreme. But wherever there was an establishment of a club occuping premises to the value of £100 a year, an inquisition would be unnecessary. In Scotland there had been some remarkable indications of a disposition to apply the co-operative principle to the supply of strong liquors to the lower classes, and it was very likely, indeed, that that question might come before the House before many years elapsed, for legislation; and when it did come before them, it would not only be in the fiscal but in the police aspect. He thought that the £100 a year test would separate the fiscal from the police question.

MR. HENLEY said, he wished to know what were to be the police arrangements under the new licence. He presumed, from what the right hon. Gentleman had said when making his financial statement, that it was intended to protect clubs from police visitation; but when they came to deal with the Bill, there must be some nice definition of what was a club. There were a good many houses in London frequented for purposes which he need not further indicate which were worth above £100 a year. Did the right hon. Gentleman mean to shut those houses against the police? Because, by paying £17 and £3 10*s.* for a beer licence every house would become a club as soon as the Bill passed, and no doubt the right hon. Gentleman would be elected an honorary member of all of them. As far as the tax was concerned, he did not care either way, but he thought the question of police visitation ought to be settled. He did not know whether the term "club" would extend to common rooms and messes, some of which permanently occupied buildings worth much more than £100 a year.

THE CHANCELLOR OF THE EXCHEQUER said, he was not aware that there would be any difficulty about common rooms or messes; because, although the building in which they were held might be worth more than £100 a year, yet they were not ratable, and would not come within the operation of the Resolution. As to the other associations to which the right hon. Gentleman had alluded, and upon which he had sought information, the right hon. Gentleman was much better informed than he was. The enigmatical language he used and the honorary distinction he promised him excited his (the Chancellor of the Exchequer's) curiosity, but he was not aware of any class of buildings now subject to the supervision of the police which would be able to escape from it under the operation of his Resolution. It was intended that no house or place should be liable to the visitation of the police in consequence of taking out a licence under the Resolution. With respect to the places which would be permitted to be licensed under it, the Excise Department would decide upon that.

Mr. HENLEY remarked that the right hon. Gentleman had altered his Resolution by introducing a new qualification, that of rating. He would like to know whether the Excise Department—that was the Government—were to decide arbitrarily that A should have a licence, but that B should not.

The CHANCELLOR of the EXCHEQUER said, the Board of Inland Revenue could not be said to have an arbitrary power in the matter, as it must proceed according to law, and would be liable to be called to account in Courts of Law. An appeal would also lie from their decision to the executive Government, and from the executive Government to Parliament. A license would not convey an exemption from police visitation, but it was intended that no place should be liable to visitation merely on account of such licence having been taken out. In the case of a gambling-house or other illegal association it would be the duty of the Board of Inland Revenue to refuse a licence; but if one were granted, it would not exempt such a place from police visitation. As to the other matter to which the right hon. Gentleman had referred, he had to say that he did not wish to import into the law any new qualification, but he adopted the ratable value; and if the Resolution would not include the buildings to which the right hon. Gentleman referred, it would not be difficult to insert a more perfect definition.

Mr. HENLEY said, that the police had power to go into certain houses solely by reason of their being licensed; and if these houses would be enabled to sell liquors under the new licence, they would be excluded from police inspection. He was desirous that the Chancellor of the Exchequer should reconsider what actually constituted a club. The right hon. Gentleman the Member for Oxford (Mr. Cardwell) would probably recollect what pressure was brought to bear upon magistrates ten years ago in one instance in reference to licences as to dancing; and if he did, he might be able to give his right hon. Friend near him some information as to what might be clubs for particular purposes.

Mr. CARDWELL said, he understood the nature of the proposition of his right hon. Friend the Chancellor of the Exchequer to be this—that it was his intention to insert provisions in the Bill which shall take care that clubs should not on account of the licence be subject to the visitation of the police, and also to guard against any attempt which might be made to obtain that exemption by establishments now under the surveillance of the police.

Mr. CLAY said, he objected to the Resolution on other grounds than those so graphically stated by the right hon. Member for Oxfordshire. It was proposed that a club should pay a licence for the sale of wine. His first answer was, that a club did not sell wine at all in the sense in which that article was sold and for which a licence was required. The wine in a club was consumed by its owners at cost price, and where there was a small addition made to the charge it represented the trouble of keeping and serving the article. He might be told that the question of profit had nothing to do with the matter. In his opinion it made all the difference, for no person would be asked to pay a licence, or, if he were, he would never dream of acceding to the demand, for the sale of a thing on which he got no profit. No doubt, if the Resolution were passed, clubs would grumble and pay; but probably the next proposal of the Chancellor of the Exchequer would be that gentlemen should take out a licence if they invited a few friends to dinner and gave them a bottle wine in their own houses. Clubs, moreover, fulfilled social duties of great advantage to society, and on that ground alone it was inexpedient to discourage them. Some country clubs, consisting of very few members, had at present great difficulty in making both ends meet; and the Resolution would literally crush them. Another objection was one of feeling. He should not like to see such societies of gentlemen assimilated, as the Resolution would assimilate them, to pot-houses. A Bill was before the House for shutting up public-houses on Sunday. Care might be taken to prevent clubs coming under that regulation; but if so, then so much the worse, for a very invidious distinction would thereby be created between the poor man's house of refreshment and the gentleman's club.

Colonel DICKSON said, he wished to mention, in corroboration of the remarks of the last speaker, that within the last few days he had been asked to allow his name to be put over the door of a yacht club on one of the finest rivers in the kingdom. He wished to know whether, if two or three families associated together to take a house and eat their meals in company—no uncommon case—they would come under the designation of a "club or association." To such an association a tax of £17 a year would be a most serious charge. Another objection to the measure was, that although the police would not have the power of interfering, the Excise would have to ascertain whether a house was a club or not before they granted a licence. That would be an infraction of the liberties of the people living in the way he had described. Considering the smallness of the tax to be gathered, and the great difficulty in raising it, he would oppose the Resolution.

THE CHANCELLOR OF THE EXCHEQUER admitted that the case of country clubs was, if substantiated, one of importance, but neither in the House nor out of it had any instance of grievance been brought forward so as to enable him to consider the subject. There was not the slightest idea of bringing the case mentioned, of two or three families having a common table, under the operation of the new law; and if there were country clubs to which the payment would be wholly out of proportion to their means, they no doubt ought to be taken into consideration. What he said was this:—That under the present arrangement the supply of strong liquors to the upper classes in their associations and social meetings was conducted free from the pressure of the tax which attached to a similar supply to the lower classes when they went to meet their friends in the only places open to them. This inequality was a small matter, but it became greater when defended; and if this measure passed, it would be removed.

MR. LIDDELL said, he wished to remark upon one phrase used by the right hon. Gentleman—"at the discretion of the Board of Inland Revenue." Now, he had no faith in the Board of Inland Revenue; and in that opinion many others concurred with him. County magistrates, as a rule, had no more troublesome duty to perform than that of deciding who were to keep public-houses. They were often compelled to refuse licences on the ground of character, but the same parties had no difficulty in obtaining beer licences from the Board of Inland Revenue, and very frequently their houses became the resorts of the most depraved people in the neighbourhood. By passing the Resolution before the Bill was submitted to them, the House to that extent would be supposed to agree to the principle; and on that ground he should be prepared to vote against the Resolution. All taxation ought to proceed upon a defined and intelligible principle, and the Resolution contained a new mode of taxation, based on no such principle.

MR. WALTER said, he would heartily second the proposal to negative a Resolution embodying another of those petty and vexatious taxes for which the reign of his right hon. Friend the Chancellor of the Exchequer had been so remarkable. He remembered reading a maxim of Lord Bacon, that when it was necessary to economize it was better to look after petty savings than to descend to petty gettings; and that was a maxim which applied to public as well as to private finance. His right hon. Friend had used what might be called an *argumentum ad invidiam* when he told them that they were laying down one rule for the rich and another for the poor—one rule for the places of entertainment frequented by the poor, and another for those of the rich. But there was all the difference in the world in the nature of the two cases. The public-house was a place to which every poor man had free access; a club was a private assembly of a very exclusive character; and if his right hon. Friend wanted to be consistent, he should provide that every member who blackballed a person applying for admission should be liable to a penalty; because, if clubs were turned into public-houses, the practice of blackballing must be put a stop to. In point of fact, his right hon. Friend, if he taxed the clubs, might just as well tax any private gentleman for drinking his own wine in his own house. A club was a place in which, from the necessity of the case, and for the accommodation of members, it was necessary to charge a certain price for the consumption of wine beyond what the wine cost; but when a gentleman laid down a pipe of port in his own cellars and drank it twenty years afterwards, he, in reality, paid for it a very much higher price and charged himself for it much more than its original cost. According to the reasoning of the Chancellor of the Exchequer, that gentleman might just as well be called upon to pay a licence duty for drinking his own port wine in his own house. He did think that such a petty and trumpery tax should be withdrawn.

Mr. MONTAGUE SMITH said, that the Resolution was founded on a false analogy. Nothing like a sale took place at the club. To constitute a sale you must have sellers as well as buyers; but at the club there were only consumers, who drank their own wine. The manager of the club did not sell. The Chancellor of the Exchequer might as well licence the servant of any private gentleman. He could not understand upon what principle the Resolution had been altered so as to apply only to houses worth £100 a year or more. Whatever the rent, the houses were of precisely the same character; and it was very invidious legislation to say that those who kept good houses should be taxed, and those whose houses were not so good should be exempt. The present proposition seemed to him to be utterly at variance with the principle, that in levying taxation they should get the greatest amount of revenue with the least amount of annoyance. If the right hon. Gentleman thought that from their wealth it was right to tax these establishments, it would be better that he should put a direct tax on clubs.

Mr. Serjeant PIGOTT said, he trusted the Committee would not lay themselves open to the invidious observation, that when a tax was proposed which would press upon themselves, they were unwilling to bear a small burden lest they should be classed as publicans. Clubs were certainly originally intended to prevent gentlemen being obliged to resort to hotels. He thought the proposition was an equitable one, founded upon equitable principles, and as such he should support it, though he was inclined to think that no question of ratable value should have been introduced.

Lord ALFRED CHURCHILL observed, that he should oppose the Resolution, upon the ground that the tax would press heavily upon small clubs.

Sir PATRICK O'BRIEN said, he considered that they should not give colour to the opinion, whether true or false, that they were disinclined to tax themselves. There was one suggestion, however, which he would make. Clubs paid a house duty of 9*d.* in the pound, whilst licensed victuallers paid only 6*d.* in the pound, and perhaps the Chancellor of the Exchequer would consider whether the tax should not be 6*d.* in both cases.

Mr. LONGFIELD said, he wished to draw attention to the fact that the lower classes were exempt from income tax; and as that was so, it could not be said that the rich were attempting to impose taxation upon the poor and to exempt themselves.

10. Motion made, and Question put,

"That, towards raising the Supply granted to Her Majesty, there shall be charged and paid for a Licence to be taken out, yearly, by or on behalf of any Club or Association, occupying a House of the rent or value of £100 a year, to authorize the selling and supplying by retail to the Members of such Club or Association, of Beer, Wine, Spirits, and all other Liquors, for the selling whereof an Excise Licence is required by Law to be taken out, and also Tobacco, the Excise Duty of . . . . . . £17 1*s.* 0*d.*

And 5 per cent thereon.

And for every such Licence to authorize the selling and supplying as aforesaid, Beer and Tobacco only . . . . . £3 10*s.* 0*d.*

And 5 per cent thereon."

The Committee *divided:*—Ayes 143; Noes 111: Majority 32.

Resolution *agreed to.*

AYES.

Agar-Ellis, hn. L. G. F.
Angerstein, W.
Atherton, Sir W.
Ayrton, A. S.
Bagwell, J.
Baines, E.
Baring, T. G.
Barnes, T.
Bazley, T.
Beamish, F. B.
Beaumont, W. B.
Beaumont, S. A.
Berkeley, hon. C. P. F.
Blake, J.
Blencowe, J. G.
Bouverie, rt. hon. E. P.
Brown, J.
Bruce, H. A.
Buckley, General
Butler-Johnstone, H. A.
Butt, I.
Buxton, C.
Caird, J.
Cardwell, rt. hon. E.
Cavendish, Lord G.
Clifton, Sir R. J.
Colebrooke, Sir T. E.
Cowper, rt. hon. W. F.
Cox, W.
Crawford, R. W.
Dalglish, R.
Davey, R.
Dillwyn, L. L.
Dodson, J. G.
Doulton, F.
Duff, R. W.
Dunbar, Sir W.
Enfield, Viscount
Evans, T. W.
Ewart, W.
Ewing, H. E. Crum-
Fitzroy, Lord F. J.
Foljambe, F. J. S.
Forster, C.
Forster, W. E.
Gavin, Major
Gibson, rt. hon. T. M.
Gilpin, C.
Gladstone, rt. hon. W.
Glyn, G. G.
Goldsmid, Sir F. H.
Gower, hon. F. L.
Gower, G. W. G. L.
Greenwood, J.
Gregson, S.
Grenfell, H. R.
Grey, rt. hon. Sir G.
Grosvenor, Earl
Grosvenor, Lord R.
Gurdon, B.
Hanbury, R.
Handley, J.
Hanmer, Sir J.
Hartington, Marq. of
Hassard, M.
Headlam, rt. hon. T. E.
Herbert, rt. hon. H. A.
Hibbert, J. T.
Hodgkinson, G.
Howard, hon. C. W. G.
Hutt, rt. hon. W.
Ingham, R.
Jervoise, Sir J. C.
Kinglake, A. W.
Kingscote, Colonel
Layard, A. H.
Legh, Major C.
Lewis, H.
Locke, J.
Lowe, rt. hon. R.

M'Cann, J.
Mackie, J.
M'Mahon, P.
Maguire, J. F.
Mainwaring, T.
Marjoribanks, D. C.
Martin, P. W.
Martin, J.
Milnes, R. M.
Moffatt, G.
Moncreiff, rt. hon. J.
Morris, D.
Morrison, W.
North, F.
O'Brien, Sir P.
Onslow, G.
Osborne, R. B.
Paget, C.
Paget, Lord A.
Paget, Lord C.
Palmerston, Viscount
Pease, H.
Peel, rt. hon. Sir R.
Peel, rt. hon. F.
Pender, J.
Peto, Sir S. M.
Pigott, Sergeant
Pilkington, J.
Pollard-Urquhart, W.
Ponsonby, hon. A.
Potter, E.
Powell, J. J.
Pritchard, J.
Pugh, D.
Puller, C. W. G.
Ramsden, Sir J. W.
Ricardo, O.
Rothschild, Baron M. de
Russell, H.
Russell, A.
Russell, F. W.
Salomons, Mr. Ald.
Smith, M. T.
Steel, J.
Stuart, Colonel
Sykes, Colonel W. H.
Thornhill, W. P.
Turner, J. A.
Vernon, H. F.
Villiers, rt. hon. C. P.
Waldron, L.
Warner, E.
Watkins, Colonel L.
Weguelin, T. M.
Westhead, J. P. Brown-
White, J.
White, L.
Williams, W.
Winnington, Sir T. E.
Wood, rt. hon. Sir C.
Wood, W.
Woods, H.
Wyld, J.

TELLERS.

Mr. Brand
Mr. Knatchbull-Hugessen

NOES.

Adam, W. P.
Annesley, hon. Col. H.
Barttelot, Colonel
Beecroft, G. S.
Beresford, D. W. P.
Bernard, hon. Col.
Brooks, R.
Bruce, Sir H. H.
Bruen, H.
Burghley, Lord
Burrell, Sir P.
Cartwright, Colonel
Cave, S.
Chapman, J.
Churchill, Lord A. S.
Clay, J.
Cobbold, J. C.
Cochrane, A. D. R. W. B.
Cole, hon. H.
Collins, T.
Cubitt, G.
Damer, S. D.
Dickson, Colonel
Disraeli, rt. hon. B.
Du Cane, C.
Dunne, Colonel
Du Pre, C. G.
Edwards, Major
Egerton, Sir P. G.
Egerton, E. C.
Egerton, hon. W.
Fellowes, E.
Fenwick, H.
Ferrand, W.
Franklyn, G. W.
Gard, R. S.
Garnett, W. J.
George, J.
Gore, J. R. O.
Greenall, G.
Griffith, C. D.
Grogan, Sir E.
Hamilton, Major
Hankey, T.
Hardy, G.
Hardy, J.
Hay, Sir J. C. D.
Hesketh, Sir T. G.
Hornby, W. H.
Horsfall, T. B.
Howes, E.
Hubbard, J. G.
Hunt, G. W.
Ingestre, Viscount
Jolliffe, right hon. Sir W. G. H.
Kendall, N.
Ker, D. S.
Knatchbull, W. F.
Laird, J.
Lawson, W.
Leader, N. P.
Lennox, Lord G. G.
Lindsay, hon. Gen.
Long, R. P.
Longfield, R.
Lyall, G.
Lygon, hon. F.
Macdonogh, F.
Malins, R.
Manners, rt. hon. Ld. J.
Morritt, W. J. S.
Mundy, W.
Naas, Lord
Nicol, W.
North, Colonel
Northcote, Sir S. H.
O'Conor Don, The
O'Ferrall, rt. hn. R. M.
Pakington, rt. hn. Sir J.
Parker, Major W.
Peacocke, G. M. W.
Phillips, G. L.
Pinney, Colonel
Potts, G.
Powell, F. S.
Quinn, P.
Redmond, J. E.
Repton, G. W. J.
Ridley, Sir M. W.
Sclater-Booth, G.
Scourfield, J. H.
Selwyn, C. J.
Smith, M.
Smith, Abel
Somes, J.
Stacpoole, W.
Stirling, W.
Stracey, Sir H.
Taylor, Colonel
Tomline, G.
Trollope, rt. hon. Sir J.
Turner, C.
Vance, J.
Vandeleur, Colonel
Walpole, rt. hon. S. H.
Watlington, J. W. P.
Whiteside, rt. hon. J.
Whitmore, H.
Wyndham, hon. H.
Wyndham, hon. P.
Wynne, W. W. E.

TELLERS.

Mr. Liddell
Mr. Walter

Resolution 11,

That, towards raising the Supply granted to Her Majesty, there shall be charged and paid for and upon every Excise Licence to be taken out by any person who shall be duly authorized by Justices of the Peace to keep a common Inn, Alehouse or Victualling-house, and who shall sell Beer, Cyder, or Perry by retail, to be drunk or consumed in his, her, or their house or premises, and who shall not take out a Licence to retail Spirits, the Duty of . . . £3 3*s*. 0*d*.

And 5 per cent thereon.

In lieu of the Duty now payable on such Licence to retail Beer.

MR. DARBY GRIFFITH said, he wished to know why the additional 5 per cent was retained in the present satisfactory state of the revenue. That system of adding 5 per cent to the taxes originated, many years ago, with a Chancellor of the Exchequer who was not celebrated as a successful financier.

THE CHANCELLOR OF THE EXCHEQUER said, that the additional 5 per cent was very little objected to at the time it was proposed. The case before them, however, was not a case where a new duty was created, but where an existing duty was imposed on a class who ought to pay, and in such cases it was usual to impose the additional duty. He might add that it was a common practice to take out a spirit licence, and then, after having obtained a beer licence, to go on with the latter and to drop the former. In that way a beer licence could be obtained much more cheaply than when taken by itself. The Resolution was intended to meet that case.

Resolution *agreed to.*

Resolution 12,

"That, towards raising the Supply granted to Her Majesty, where any person shall be duly licensed to sell strong Beer in casks containing not less than four and a half gallons, or in not less than two dozen reputed quart bottles at one time, there shall be charged and paid for every additional Excise Licence which may be taken out to authorize such person to sell Beer in any less quantity and in any other manner than as aforesaid, but not to be drunk or consumed on the premises where sold, the Duty of . £1 1*s*. 0*d*.

And 5 per cent thereon,"

—*agreed to.*

Resolution 13,

"That, towards raising the Supply granted to Her Majesty, the Duties of Excise on Sugar made in the United Kingdom, specified in Schedule (B) of the Act passed in the 20th and 21st years of Her Majesty's reign, chapter 61, shall be continued and be levied and charged until the 1st day of August 1864,"

—*agreed to.*

Resolution 14.

THE CHANCELLOR OF THE EXCHEQUER said, that as he had modified his arrangement relating to constant licences for stage carriages, and it would now involve no imposition of a new charge, but, on the contrary, a mitigation of charge in respect to particular carriages not carrying more than a certain number of passengers, it would not be necessary to move a Resolution on the subject. The reduction of duty to the particular class of vehicles to which he referred could be included in the Bill without any preliminary Resolution. Under these circumstances, he hoped the hon. Member for the Tower Hamlets would not persevere with his Amendment to the Resolution having reference to occasional licences. There were occasions on which an additional supply of public vehicles was required for, perhaps, one day. To meet such cases, occasional licences had been granted under an original system. If the Resolution which he was about to propose should be defeated, the only effect of that would be to continue an irregularity.

Motion made, and Question proposed,

"That, towards raising the Supply granted to Her Majesty, there shall be charged and paid for and upon every Occasional Licence to be taken out under this Act by any person to use a Carriage for the conveyance of Passengers at separate Fares, the Duties of Excise following:—

For a Licence for any Carriage drawn by one horse, for one day . . . . £0 3*s*. 0*d*.

For any Carriage drawn by two horses, for one day . . . . £0 5*s*. 0*d*.

For any Carriage drawn by more than two horses, for one day . . . . £0 10*s*. 0*d*.

And where such Licence shall be required for a longer period than one day, the further Duty of one-half the above-mentioned rates for each day after the first day.

15. *Resolved,* "That it is expedient to amend the Laws relating to the Inland Revenue."

House *resumed.*

Resolutions to be reported *To-morrow;* Committee to sit again on *Wednesday.*

MR. AYRTON said, he could not but think that the case of the proprietors of stage carriages had not been sufficiently considered by the Chancellor of the Exchequer. Under the Resolution proposed, the charge for an occasional licence for a day where extraordinary profit was to be expected by the proprietor would be only truly what was charged per day for a constant licence; but after the intimation given by the Chancellor of the Exchequer it would be useless for him to propose his Amendment.

In reply to Mr. HUBBARD,

THE CHANCELLOR OF THE EXCHEQUER said, he had omitted to mention, in his general financial statement, that a part of his plan in reference to stage carriages was to reduce the duty on a class that did not hold more than a certain number of passengers. He should bring his scheme forward in the Bill.

Resolution *agreed to.*

SAVINGS BANKS BILL

[MR. CHANCELLOR OF THE EXCHEQUER]—[BILL 79.]

SECOND READING.

Order for Second Reading read.

MR. HUBBARD said, he had already expressed his objections to certain provisions in the measure, and he wished to give notice that in Committee on the Bill he should move the exclusion of the clauses converting permanent into terminable annuities.

Bill read 2°, and *committed* for *Monday* next.

CUSTOMS AND INLAND REVENUE BILL.

[BILL 91.] SECOND READING.

Order for Second Reading read.

MR. HUBBARD said, he trusted, as it was only a few minutes from midnight, that the right hon. Gentleman would not proceed with the Bill at that advanced hour. Many of the provisions of the Bill were very important.

THE CHANCELLOR OF THE EXCHEQUER said, that the novelty in the Bill had reference to charities, and that by all means ought to be fully discussed. He thought the most convenient course would be to take the second reading that evening and discuss the details in the Committee on the Bill, which would be fixed for half past four o'clock on Thursday.

Lord ROBERT CECIL said, he objected to proceeding with the second reading, as the print of the Bill had not been sufficiently long in the hands of Members.

The CHANCELLOR of the EXCHEQUER expressed his readiness to postpone the second reading until the following day.

Mr. LYGON said, he objected to the Government putting down their Bills on nights devoted to private Members. The course which the Chancellor of the Exchequer, from some theoretical sense of propriety, had taken of late, of putting all these financial propositions into one Bill, had very much limited the opportunities of the House for discussing them on the most important stage, the second reading. He protested, too, against the practice of the right hon. Gentleman of taking an important stage on his Bills *pro formâ*, and fixing the real discussion for some future night, when the opportunity for discussion again faded away in the distance.

Viscount PALMERSTON said, the hon. Gentleman seemed to forget the old saying, "give and take." That night had been given up by the Government to a private Member on the other side of the House, and all his right hon. Friend proposed to do was to take the remainder of the following evening after the business of private Members had been disposed of. He did not at all propose to take precedence of other business.

Lord JOHN MANNERS said, he wished to point out, that in addition to the Notices of Motion, there were five Orders of the Day down for the following day. The first was the Writs Prohibition Bill, to which an Amendment had been moved to read it a second time that day six months, and the probability was, that about the same time on the ensuing night they would be going through the same scene.

Mr. HUNT said, that the charities clause was not the only one on which there would be some discussion. The clause relating to the income tax would also be discussed, and the course which he should take on that clause would depend very much on the information which the right hon. Gentleman would bring forward on the second reading as to the details of his proposition.

Second reading *deferred* till *To morrow.*

The Chancellor of the Exchequer

SALMON FISHERIES (IRELAND) BILL.

[BILL 1.] COMMITTEE.

(Progress 26th March.)

Bill *considered* in Committee.

(In the Committee.)

Mr. BAGWELL said, he should move that the Chairman do report Progress.

Mr. VANCE urged the postponement of the measure, as it was too late an hour to proceed with it.

Mr. M'MAHON said, he hoped that the Committee would not oppose the further progress of the measure. He would divide the Committee if the opposition were persisted in.

Colonel DUNNE said, he hoped that if the Bill was to be postponed, the Government would give them a day for its discussion.

Sir ROBERT PEEL said, that although the Amendments were in his name, he had not put them on the paper without the fullest consultation with authorities in Ireland.

Mr. M'MAHON said, that the right hon. Baronet's Amendments might be discussed at a future day.

Mr. BUTT said, that the Bill was drawn, utterly ignoring every Act of Parliament which had been passed on the subject.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."

The Committee *divided* :—Ayes 38 ; Noes 53 : Majority 15.

Colonel VANDELEUR said, he objected to the principle of the Bill, and he should move that the Chairman do leave the chair.

Sir PATRICK O'BRIEN deprecated what he characterized as an improper opposition to the consideration of the Bill tonight. He should deal with the matter as a salmon question, irrespective of both bag-nets and latch-weirs.

Mr. LONGFIELD said, that the abolition of all fixed engines and the opening of latch-weirs were the two objects of the Bill; and if the clauses did not succeed in accomplishing those objects, the supporters of the Bill would consent to all necessary Amendments. They were not met by fair arguments, but by Motions for delay.

Mr. H. A. HERBERT said, he had already expressed his conviction, that unless there was some compromise of extreme opinions, the prospect of carrying the Bill during the Session would be very small. The hon. and learned Member for Wexford emphatically refused to accede to any compromise, but he advised him to reconsider that determination.

Sir **ROBERT PEEL** said, he would recommend the hon. and learned Member to postpone the Bill till Wednesday, May the 27th.

Mr. **M'MAHON** said, that the day named by the right hon. Baronet was the Wednesday in Whitsun week. He did not oppose all compromise, but only wished to get to a stage at which the questions could be discussed.

Mr. **HASSARD** said, that it was the duty of the Government to propose some compromise between the conflicting interests.

Viscount **PALMERSTON**: Suppose we fix Wednesday the 3rd of June for the further progress of the Bill, with the understanding that if it should not be proceeded with, there should be a day sitting on the following Tuesday.

Mr. **M'MAHON** thanked the noble Lord for his offer, but he thought that the 3rd of June was too distant a day to give him a chance of carrying his Bill that Session. He preferred to take the chance of going on night after night.

Colonel **WHITE** said, as long as the hon. and learned Member for Wexford continued to hold such language, the opponents of the Bill would resist his proposals to the utmost of their power.

Mr. **M'MAHON** submitted to the Committee whether the language of the hon. and gallant Gentleman was becoming, considering that it came from a Lord of the Treasury, and of course a Member of the Government. He (Mr. M'Mahon) was prepared to meet the hon. and gallant Officer, and to fight him on this question. He would certainly make the hon. and gallant Officer swallow the leek.

Major **GAVIN** said, he too was prepared to fight when it became necessary to do so; but he had come there that night to vote. The stake-nets were not injurious to the salmon, but they affected the navigation of the Shannon. The Board of Trade, the Admiralty, and the Board of Works had all in turn been applied to, and all had excused themselves on the ground that it formed no part of their duty to abate the nuisance. The only hope of amendment, therefore, lay in legislation by the House.

House *resumed.*

Committee report Progress; to sit again *To-morrow.*

ANCHORS AND CHAIN CABLES BILL.

On Motion of Mr. Laird,

Resolved, That the Chairman be directed to move the House, That leave be given to bring in a Bill for regulating the proving and sale of Anchors and Chain Cables.

NAVAL MEDICAL SUPPLEMENTAL FUND SOCIETY WINDING-UP ACT (1861) AMENDMENT BILL.

Bill to amend the Naval Medical Supplemental Fund Society Winding-up Act (1861), *presented,* and read 1°. [Bill 93.]

CONSOLIDATED FUND (£20,000,000) BILL.

Bill to apply a sum, out of the Consolidated Fund, to the Service of the year one thousand eight hundred and sixty-three, *presented,* and read 1°.

EXCHEQUER BONDS (£1,000,000) BILL.

Bill for raising a sum of money, by Exchequer Bonds, for the Service of the year one thousand eight hundred and sixty-three, *presented,* and read 1°.

House adjourned at half after One o'clock.

* * *

HOUSE OF LORDS,

Tuesday, April 28, 1863.

MINUTES.]—Public Bills—*Third Reading*—Alkali Works Regulation [h.l.] (No. 81); Local Government Act (1858) Amendment (No. 78); New Zealand Boundaries [h.l.] (No. 73); Offences (South Africa) [h.l.] (No. 74), and *passed.*

THE GALWAY CONTRACT.—QUESTION.

The Earl of **HARDWICKE** said, the public was naturally very anxious to know the particulars of the new Contract which had been formed for the conveyance of Her Majesty's mails between Galway and America, and had a right to expect that information would be given on that subject. He therefore asked the noble Lord the Postmaster General, Whether the Contract was to be simply a Resumption of the old Contract, or whether it was intended to introduce any and what Modifications therein; whether the Rate of Speed originally stipulated was still to be exacted; and also whether a Copy of the Contract would be laid upon the table of the House of Commons before the introduction of the Estimate for the Mail Packet Service?

LORD STANLEY OF ALDERLEY said, the matter was in the same position as when a question was put with reference to it on a previous occasion. The terms of the new contract would be the same as the previous one in regard to the speed and capabilities of the vessels engaged in the service. He agreed with the noble Earl that the public had a right to full information on the subject, and a copy of the contract would be submitted before the Vote was taken in the other House.

METROPOLITAN RAILWAY COMMUNICATION.

EARL GRANVILLE said, he desired to point out to the noble Lord (Lord Campbell) who had given notice of a Motion for an address for a Commission with respect to Metropolitan Railway Communication, that as that subject was under the consideration of a Select Committee of their Lordships, and as many noble Lords who were well informed on the matter, being Members of that Committee, were precluded from taking part in the discussion, it would be very inconvenient, if not against the rules of the House, for the noble Lord to proceed with his Motion.

THE EARL OF DERBY said, he thought that the subject of the noble Lord's Motion had been disposed of by the reference of the subject to a Select Committee. He would not say that to bring forward the subject again would be contrary to the rules of the House of Lords; but it was certainly inconsistent with their practice that a subject already disposed of by the House should be discussed again during the same Session. Such a proceeding in the House of Commons would be contrary alike to practice and rule.

LORD CAMPBELL denied that the question now proposed to be raised was identical with that to which his noble Friend had referred. As the sense of the House appeared to be against his proceeding with the Motion, he should not persevere with it; but he certainly thought it would be desirable that some discussion should take place on the subject, in order that there might be a more general and clear understanding than at present existed, and that the great mass of these schemes might not be permitted to make their way before the Committee had reported on the subject.

THE MARQUESS OF CLANRICARDE said, that had the noble Lord proceeded with his Motion, he would have moved that Dublin should be included in it; for a Bill had been recently introduced for the formation of a railway that was to enter into that city, to the great disturbance of its beauty and convenience, and which had received no other attention from the Government than the usual Report of the Board of Trade. It would only be just to the inhabitants of Dublin and to the people of Ireland, that before any irrevocable step were taken, there should be an inquiry by competent persons on the part of the Government to see whether it was proper that the present schemes should be adopted, or whether some general system ought not rather to be entertained.

EARL GRANVILLE said, that in suggesting to the noble Lord that it was not desirable that the Motion should be proceeded with, he had expressed no opinion adverse to an inquiry by a Commission. The noble Earl on the other side of the House had intimated an opinion, the other evening, that a Commission was better than a Committee; but their Lordships concurred with the Government in thinking it desirable that the matter should be referred to a Committee, the question being reserved whether or not there should be afterwards a Commission, to consider certain points at all events. The Committee had, however, come to no Resolution as yet, and therefore it was impossible to say how they would report. With regard to what had fallen from the noble Marquess, he must say that he had no wish at all to undervalue the City of Dublin, but in respect to railways he believed there where only a few schemes affecting Dublin, while with regard to London there were something like thirty-three. There were, moreover, other considerations, all of degree, which made an essential difference between Dublin and London in questions of this sort. At the same time, if the issue of a Commission should be recommended by their Lordships' Committee, the noble Marquess would then have an opportunity of suggesting that the inquiries of the Commissioners should embrace Dublin.

House adjourned at a quarter before
Six o'clock, to Thursday next, a
quarter before Five o'clock.

HOUSE OF COMMONS,

Tuesday, April 28, 1863.

MINUTES.]—Ways and Means—*Resolutions* [April] *reported,* and Bills *ordered.*

Public Bills—*Resolution in Committee*—Stock Certificates to Bearer (Remuneration).

First Reading—Anchors and Chain Cables [Bill 95]; Poor Removal [Bill 96]; Inland Revenue [Bill 97].

Second Reading—Exchequer Bonds (£1,000,000); Consolidated Fund (£20,000,000).

Report of Select Committee—Thames Embankment (North Side) [Bill 94, *P.P.* 219].

Report—Van Diemen's Land Company (*Lords*).

Considered as amended—Bakehouses Regulation [Bill 54]; Elections during Recess [Bill 48].

MEDICAL OFFICERS OF THE INDIAN ARMY.—QUESTION.

Mr. BAZLEY said, he would beg to ask the Secretary of State for India, When the Medical Officers of Her Majesty's Indian Army will be placed upon a perfect footing of equality with the Medical Officers of Her Majesty's British Army, and the reason why the important paragraphs in the Royal Warrant of October 1858, which regulates the substantive pay of British Army Surgeons, and insures to them all the advantages and precedence attaching to their rank, and regulates quarters, rates of lodging money, forage, sick, and retiring allowances, and many other substantial advantages, have been omitted in the Indian Army Medical Warrant of January 1860; and the reason why Indian Army Medical Officers of ten and fifteen, and in the Madras Army of eighteen years' service in the Tropics, only receive a Subaltern's allowance of six shillings and sixpence per diem when on sick leave, or about £100 a year, and are expected to provide themselves with a return passage to India, when Medical Officers of the British Army receive, under similar circumstances when on sick leave, more than double and treble the above sum, and are furnished with a Government passage when rejoining their corps in any part of Her Majesty's dominions; and when these distinctions will be remedied?

Sir CHARLES WOOD said, in answer to the Question of his hon. Friend, that he could only say that the Warrant of 1860 did not profess, and was not intended, to make the position of the Medical Officers of the two Services perfectly identical. Their position was different in many respects; but what was done in 1860 was to place the Medical Officers of Her Majesty's Indian Army on as improved a footing as possible, though still differing in some respects from that of the Medical Officers of the British army. The whole medical establishment of the Indian army was under consideration at this moment. He had mentioned, on a former occasion, that some difference of opinion prevailed on the subject in India, and a scheme was sent home, which he had approved, with the general assent of the Medical Commission in this country, but it had not yet received the sanction of the Secretary of State for War.

CUPOLA AND BROADSIDE SHIPS. QUESTION.

Mr. ADDINGTON said, he would beg to ask the Secretary to the Admiralty, Whether his attention has been directed to a pamphlet, published by Captain Cowper Coles, R.N., purporting to contain a correct statement of the comparative expense of building Iron Ships of War to carry broadside guns, and Ships of War with the same weight of mettle fitted on the Cupola system, and whether the statement therein contained is accepted by him as correct?

Lord CLARENCE PAGET said, he had had the pleasure of reading Captain Coles's pamphlet, and he had found it very interesting. But he should be sorry to guarantee the correctness of any estimate of a comparative cost of iron ships and Cupola ships. He had no doubt that Captain Coles had taken great pains in forming his estimate, but they had reason to know that no estimate of the cost of iron-cased ships that had yet been made had turned out to be correct.

ASYLUM FOR CRIMINAL LUNATICS. QUESTION.

General BUCKLEY said, he would beg to ask the Secretary of State for the Home Department, Whether the Building intended for Criminal Lunatics is ready; and whether those Criminal Lunatics now confined at the Private Asylum at Fisherton, near Salisbury, amounting to the number of 284, are likely shortly to be removed to the new Asylum?

Sir GEORGE GREY, in reply, said, he was informed that a large portion of the building referred to by the hon. and gallant Member was now nearly ready, so that about 100 patients might shortly be removed to it. He did not know at what time a larger number could be received. He understood that the first hundred patients to be placed in the Asylum would be females.

IONIAN ISLANDS EXPENSES.

QUESTION.

Lord ROBERT CECIL said, he rose to ask the Under Secretary of State for War, When certain Returns, ordered at the beginning of the Session, concerning expenses incurred at the Ionian Islands, will be laid upon the table?

The Marquess of HARTINGTON, in reply, said, the Returns would be furnished by the Colonial Office. The War Office had furnished the Colonial Office with all the information in their power, and had written on the 27th of March to the General commanding at Corfu to give to the Lord High Commissioner information with reference to military expense, to be transmitted to the Colonial Office. The answers were expected in about a fortnight, and the Returns would then shortly be ready.

THE LICENSING SYSTEM.—QUESTION.

Mr. LAWSON said, he would beg to ask the Secretary of State for the Home Department, Whether Her Majesty's Government have abandoned the intention of introducing a Bill for the Amendment of the Licensing System during the present Session?

Sir GEORGE GREY said, in reply, that he had been in communication with parties interested in that question, and the result of that communication was that he had no hope of being able to pass a satisfactory Bill upon the subject in the course of the present Session. It was not, therefore, his intention to introduce such a measure.

SLAVE TRADE PAPERS.—QUESTION.

In reply to Mr. W. E. Forster,

Mr. LAYARD said, the Papers relating to the Slave Trade, which were promised early in the Session, had not been laid upon the table, in consequence of there having been so much business at the Foreign Office. He hoped, however, that the Papers would be ready in the course of a few days.

Sir George Grey

ARMY—(DISTINGUISHED SERVICE COLONELS).

ADDRESS FOR A ROYAL COMMISSION.

General LINDSAY said, he rose to bring forward the subject of which he had given notice relating to Distinguished Service Colonels. He might state at the outset that it was not his intention to ask for any expression of opinion on the part of the House; his only desire was that the subject to which his Motion referred might be thoroughly investigated by persons of high character and competent authority. Much misapprehension prevailed on the matter both in and out of the House. The case was somewhat complicated and difficult to explain, but the misapprehension in relation to it had arisen more from the appearance than the reality of its complication. He regretted to be obliged to bring forward this Motion. He had endeavoured, as far as he could, to get it settled outside the House; but he felt that he brought it forward with considerable moral influence, for he found his views were supported by no less than three Secretaries of State and a considerable number of prominent officers. The facts of the case were these:—A Royal Commission was appointed in 1854 which recommended the abolition of general periodical promotion, and the establishment of a new system of promotion from the rank of lieutenant colonel to colonel after three years' service, the interests of those who were then lieutenant colonels being protected. If the recommendation of the Commission had been carried out, it would not have been necessary for him to bring forward his case. A warrant was issued which left out the protection recommended. Lieutenant colonels were promoted who had completed three years in command, passing over existing lieutenant colonels who had not. In 1855, while the Russian war was going on, it pleased Her Majesty, under the advice of the Secretary of State for War and the Commander-in-Chief, and acting on her own Royal prerogative, to select for promotion as aides-de-camp to the Queen a certain number of officers serving in the rank of lieutenant colonels for good service in front of the enemy; and these officers, by the recommendation of the Royal Commission, had been deprived to an undue extent of the position they attained by the promotion which had been conferred upon them. In 1858 the grievance was found to be so great that General Peel, then Secretary of State for War, had appointed another Royal Commission, who recommended that the whole of those lieutenant colonels passed over should be reinstated above those who passed over them by the three years rule. In carrying out that recommendation they thought it would be least invidious to the officers who had been promoted under the three years rule if the commissions of the other officers were antedated four years. That was done, and the effect was that those aides-de-camp who had been promoted for service in the field fell at once, some to the bottom of the list; and some of them, who had been colonels before June 1854, lost all the promotions they had gained by service in the field, and, indeed, might as well have been in bed instead of in the Crimea. No complaint was made that the ninety officers who had been superseded by the three years colonels were restored to their position, which was but a just proceeding; but there were other officers, about sixty in number, who were in no way entitled to take rank above the Queen's aides-de-camp. The question was no new question; for as soon as the Commission of 1858 had reported, he applied upon the subject to the gallant General who was then Secretary for War; but he shortly afterwards went out of office and was succeeded by Lord Herbert, who, upon the case being stated to him, admitted that the case of those officers had been overlooked by the Commission of 1858, and immediately proposed their restoration to their rightful position. Lord Herbert, however, proposed to restore them in a manner which was not approved by the Commander-in-Chief—namely, by antedating their appointments to November 28, 1854; but Sir Charles Yorke wrote that the Commission had assumed that all lieutenant colonels who held that rank before June 1854 had claims in the nature of vested interests not to be passed over in any promotions made in consequence of any regulations not then existing. But the Commission of 1858 had made no such assumption, as they were fully aware that the right to promote Queen's aides-de-camp existed. He afterwards moved in that House an Address to the Crown, which was acceded to by the Under Secretary for War, in consequence of which a Committee of general officers was appointed to investigate the subject. He could not but think that that Committee was not quite fairly constituted, and that some other person than Sir Charles Yorke, who had expressed a decided opinion on the case, should have been placed at its head. That Committee made a Report, which did not touch upon the merits or the justice of the case, but came to the conclusion that it was inexpedient to disturb the existing arrangement. As a Member of the Committee, he dissented from the Report, and made a counter Report. Sir George Lewis, whose loss he, in common with the whole House, deeply lamented, put aside Sir Charles Yorke's Report, and adopted a portion of his (General Lindsay's) counter Report. He had suggested, as one mode of meeting the difficulty, that these officers should be made, as their turns came, supernumerary generals, and that the Treasury should be requested to allow them to remain so until they should be absorbed. Sir George Lewis adopted that suggestion, and proposed to the Treasury to pay £11,000 to enable justice to be done to these officers. Lord Herbert, in a letter to the Military Secretary, expressed his opinion that the plan he proposed would be least detrimental to the colonels in the army generally, and at the same time would be fair and equitable to the general service officers. That suggestion, however, found no favour with the Commander-in-Chief, who thought it objectionable that the commissions of these officers should be antedated to a period when the service for which they were promoted had not been performed. Lord Herbert again returned to the charge. He stated in 1860 that these officers appeared to be entitled to some remedial measure, and he suggested that his Royal Highness should reconsider the subject; but the answer of the Military Secretary referred Lord Herbert to the concluding paragraph of his former letter on the subject. The next proceeding was taken by Sir George Lewis. Sir Edward Lugard, writing by his direction, reminded the Treasury of Lord Herbert's opinion, in which Sir George Lewis fully concurred that these officers were justly entitled to some relief, and suggested that the distinguished service officers should be made supernumerary major-generals. That was followed by a minute signed by Mr. Frederick Peel, writing on behalf of the Treasury, who appeared to recommend that these officers should stand next in the list to the three years qualified colonel who was promoted immediately before the Queen's aides-de-camp were selected. Sir George Lewis adopted that suggestion, and wrote to the Military Secretary to say, that if it were inexpedient to antedate the commissions of these officers, they should be promoted to the vacancies on the regular establishment of general officers next after officers who had qualified by the three years rule. The Military Secretary, writing on behalf of the Commander-in-Chief, said that his Royal Highness would not object to the course proposed by the Treasury. Accordingly, in January 1863, Colonel Gordon, of the Royal Engineers, was informed that the case was decided in his favour, and that the Commander-in-Chief would promote these officers to vacancies in the regular establishment. Among those who had appeared before the Commission, to remonstrate against any alteration in favour of the Queen's aides-de-camp, were Colonels George and O'Halloran. He did not ask the House to express any opinion upon the merits of any of these officers. They had to deal with facts, and not with feelings. It had pleased Her Majesty, under responsible advice, to select certain officers as her aides-de-camp with the rank of colonel. He deeply regretted to say, that as Colonels George and O'Halloran had not served in the Crimea, they could not be selected, and others were chosen who, serving as lieutenant colonels at the time, were placed before them. These two officers, having no claim in June 1855 to be colonels at all, either upon the old or the new system, had no right whatever to be placed above those officers promoted to be aides-de-camp of the Queen. Then there was the case of Colonel Brownrigg, who was one of the distinguished service officers, and who, being an officer in the Guards, said that his promotion in the Crimea was withheld because he was in the Guards. The facts were these:—That Colonel Brownrigg was promoted in November 1855 for distinguished services, and that others had been promoted in June who were his junior officers. The Commander-in-Chief had recommended him to be promoted in November; and unless he could show that he was a colonel before those officers, he had no right to complain. Colonel Brownrigg was opposing his own class, because service staff offificers were promoted before them. If they had any right, he ought not to take his place before those other Queen's aides-decamp who were promoted before them. There was another case which he wished to mention to the House—that of Colonel Gordon, of the Engineers, who by his conduct at Sebastopol had won a world-wide fame. He was promoted to a colonelcy, but for the rank of general he had been twice passed over. He ought to have been a general a year ago, but in consequence of the proceedings consequent on the Warrant of 1858 he might not have a chance of promotion for four or five years to come if something were not done to remedy the existing evil. Lord Herbert had not known that the interests of those officers would be affected by the Commission of 1858, and he had the authority of General Peel for saying, that if he had known it before he took the warrant of the Queen, he would have referred back to that Commission the case of those officers. He had also the right hon. and gallant General's authority for saying, that if he did not ask the House of Commons to decide on the merits of the question, he would support him in asking for an inquiry. He regretted that a domestic calamity, of which the House were aware, prevented the right hon. and gallant Gentleman from being present to give him his valuable support. The opinion of the noble Lord the present Secretary of State for War was well known, and other distinguished authorities had also pronounced a strong opinion on the subject. He only asked for an inquiry of such a character as would set the question at rest, and do justice between competing claims; and it was important to bear in mind that the inquiry would be a limited one. No court of inquiry would be more fitting to investigate the matter, or to do justice to all parties than a Royal Commission; and to show how strongly it was felt in the army that injustice had been done, he would conclude by quoting a letter from one of the veterans of the Peninsular war—an officer of the highest character and of unblemished honour—which showed what a noble soldier thought of the case. Sir William Napier, writing to one of the officers on the 10th of December 1858, who had brought his case before him, said that he had never heard of such flagrant injustice or shameful treatment, and he recommended his correspondent to address an earnest and respectful memorial to the authorities, stating all the particulars of the case. He thought he had shown sufficient reasons why there should be such an inquiry as he demanded, and he hoped the House would agree with him in addressing the Crown for the Commission he asked for.

COLONEL NORTH seconded the Motion.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to appoint a Royal Commission to inquire into the claims of twenty-one Officers of the Army, who were promoted to the rank of Colonel in 1855 and 1856, as Aides de Camp to the Queen, and for distinguished service in the Crimean War, who, by a recommendation of the Royal Commission of 1858, which had reference to another class of Officers, have been deprived, to an undue extent, of the position they attained by the promotion conferred upon them; and to report to Her Majesty whether they are entitled to any redress; and, if so, to recommend in what form such redress should be accorded to them."

THE MARQUESS OF HARTINGTON said, that although it was his duty to ask the House not to agree to the Motion which had just been made by the hon. and gallant Gentleman, he hoped both he and the House would acquit him, in the very few remarks with which he should have to trouble them, of any intention either to depreciate the services which had been rendered by the officers in question—which services he begged to assure the hon. and gallant Gentleman he fully appreciated—or for one moment to deny that those officers had a claim to their most attentive consideration for certain injuries and losses which they had sustained. He had little to object to in the statement of facts made by the hon. and gallant Gentleman, though at the same time he must remind him that the terms of his Motion did not altogether bear out what he had said at the outset—that he did not wish the House to come to any decision on the matter on that occasion. The Motion towards the end referred to these officers as having been "deprived, to an undue extent, of the position they had obtained by the promotion conferred on them;" and if the House affirmed that statement, the Commission which would have to be appointed would be one not to inquire simply, but it would be directed to inquire with a particular object and intention. Though he had little difference with the hon. and gallant Gentleman as to the facts which he had stated, some of them might certainly be viewed in a different light, and he hoped the House would excuse him if he travelled briefly over them. The hon. and gallant Gentleman said that the Commission of 1858 did not take the case of these officers into their consideration. It was true that no mention of them was made in the Report of the Commission, but on referring to the Minutes of Evidence it would be seen that the hon. and gallant Gentleman himself was examined on their case before the Committee, and the following was the Report of the most important part of his examination:—

> "CHAIRMAN.—Do you consider that by that arrangement you will get all those officers to stand in the same relation to one another, just as if the warrant had never been in operation?—No doubt of it. But there is one class of officers who intersect them, and those are officers who have been promoted for distinguished service, and they will occasionally intersect their dates.
>
> "But if an officer, being a lieutenant colonel, is promoted to colonel for distinguished conduct in the field, he would not carry anybody up with him; would you not consider that an exceptional case?—Yes, in this way; if what we are calling justice was given to those officers who are passed over, they would have been promoted to colonel before the officers who were promoted for distinguished conduct in the field; and therefore they would be above them. In that way the officers who are promoted from lieutenant colonel to colonel will be affected, and in no other way."

Therefore, though the case of these distinguished service officers was not mentioned in the Report, the Commissioners did take it into their consideration, and the fact of their having omitted all mention of it in their Report was as completely decisive as if they had devoted a special paragraph of it. The Commission was composed of His Royal Highness the Commander-in-Chief, six ex-Secretaries of State, and six distinguished officers of every branch of the service, and it must be admitted that no Commission could have been more competent to inquire into a complicated question like promotion by service or otherwise. It was scarcely possible for the House to conclude that such a Commission would altogether overlook the case of twenty-two distinguished officers, not obscure men, but well known to every Member of the Commission. The next circumstance in the case was the letter of Mr. Sidney Herbert, written on the 24th of September 1859, when it was found that the Commission had taken no action upon it. In that letter Mr. Herbert stated that in his opinion these distinguished officers had a grievance, and proposed to the Commander-in-Chief a mode of redressing that grievance. Sir Charles Yorke replied on the 26th, and in his letter were contained some of the principal and most material arguments against proceeding further in the matter. Sir Charles said—

> "It is, of course, to be assumed that what was then done should have been done in 1854; and if it had, the officers then promoted, being full colonels before the promotion of any of the lieutenant colonels promoted for distinguished service, could not have been passed over by any of them. Their claim having been thus admitted, and deemed

strong enough to justify so extraordinary a measure as that which was adopted, in order to remedy what was considered to have been an injury done them, it is difficult to reconcile with justice to them the placing subsequently any officers over them whose claim to promotion did not exist before the following year."

He then proceeded to state a material objection to the plan which Mr. Herbert had proposed—

> "Nine of them were lieutenant colonels prior to the 20th of June 1854, and would therefore have been promoted with the other lieutenant colonels in the brevet given in that year, standing exactly in the places that they now do; and being full colonels previous to the war, could have obtained no further promotion, unless their services should have been of that distinguished character as would have justified their advancement to the rank of major general from a very low position in the list of colonels. Five others were not lieutenant colonels on the 28th of November 1854, and four more were not at that time majors. The plan therefore proposes to antedate the commissions of lieutenant colonel of the first five, and of major and lieutenant colonel of the four last, in order to make it possible to antedate their colonel's commission to the 28th of November 1854."

Mr. Herbert again called the attention of the Horse Guards to the subject on the 25th of July 1860, and on the 7th of August a reply was received stating that His Royal Highness the Commander-in-Chief was not satisfied with the convenience of the proposed change. The next important step was the Committee of 1861, appointed by the War Office, chiefly on the suggestion of the hon. and gallant Gentleman. The gallant General had objected to the constitution of the Committee. He said that Sir Charles Yorke, having given a strong opinion against the claims of these officers, ought not to have been a Member of the Committee; but surely if that were a reason against his appointment, the hon. and gallant Gentleman himself, who had given quite as strong an opinion in favour of their claim, ought not to have been appointed on it. It was natural, that if the hon. and gallant Gentleman was appointed as an advocate of these officers, Sir Charles Yorke was equally eligible as an advocate of the views of the Horse Guards. The hon. and gallant Gentleman said the Committee in their Report did not go into the merits of the case. That, however, was entirely a matter of opinion. The Committee had all the evidence before them. They had the letter of Sir Charles Yorke before them, and they stated very clearly the reasons of the decision to which they came. On the 22nd of May Sir George Lewis wrote a letter to the Treasury, making a proposal, which was rejected by the Treasury, who were not willing to sanction an expenditure of some £11,000. They suggested another mode by which the same object might be obtained. The Commander-in-Chief then gave an unwilling assent to the proposal made by the Treasury, and threw the responsibility of it on the War Office. His Royal Highness showed that he was not prejudiced against these officers, but that he was willing to relieve them, if he could consistently with his public duty. The assent of the Commander-in-Chief was followed by many interviews between his Royal Highness and the Secretary of State, the result of which was that on the 7th of February General Foster wrote to the Secretary of State, stating that the Commander-in-Chief could not entertain the proposal. The hon. and gallant Gentleman had referred to the case of Colonel Gordon, as having been taken into consideration, but no sort of promise whatever had been made in that case. Sir Edward Lugard's letter contained no promise to Colonel Gordon that anything would be done for him, and therefore it was perfectly open to the Secretary of State and Commander-in-Chief to subsequently alter their decision. Within the last few days papers had been laid on the table of the House which were before the Secretary of State and Commander-in-Chief during those conferences, which had a large share in influencing them in the decision to which they came. The hon. and gallant Gentleman had referred to one or two of them, and he would entreat the patience of the House while he read one at length. The letter was from Colonel Yorke—

> "11, Gloucester Terrace, St. George's Road,
> Pimlico, Jan. 17th, 1863.
>
> "Sir,—Hearing a rumour that I am in danger of being superseded by twelve junior officers, may I be permitted to compare my case with that of the senior officer who thus claims precedence over me?
>
> "I find I am the senior officer in the army disabled during the Crimean War, and beg to state that I was lieutenant colonel in command of my (late) regiment for a considerable period prior to the war. On the 25th of October 1854 I was disabled at the head of my regiment, and ten days subsequently the officer I allude to was likewise disabled, but as junior major of his. We were therefore both incapacitated from further active service in the field. The officer I allude to, however, was specially promoted three times since he was disabled, whereas I received no promotion beyond my just claims on the Royal Warrant of the 6th of October 1854.
>
> "May I therefore beg the favour of your consideration in my behalf with his Royal Highness

the Field-Marshal Commanding-in-Chief to spare me from being thus superseded?—I have, &c.,

"John Yorke,
Colonel, late 1st Dragoons.
"The Military Secretary, Horse Guards,
Whitehall, S. W."

Another letter, from Colonel Brownrigg, was too long to read; but that letter and others received in the interval between the decision and the reconsideration by the War Office were such as to show the Commander-in-Chief and the Secretary of State that such a change would create widespread dissatisfaction in the army. It seemed to him that the hon. and gallant Member wished the House to understand that the distinguished service officers had derived no benefit from their promotion. [General Lindsay said he never wished to lead the House to understand anything of the kind.] He certainly understood the hon. and gallant Member to say that they might as well have been in bed. [General Lindsay: Hear, hear!] Sir T. Troubridge gained 109 steps. He was a major when wounded. He was made lieutenant colonel on the 9th of March 1855, and in ordinary course he would not have been lieutenant colonel until the 9th of March 1858. Colonel Gordon gained 499 steps. He was made lieutenant colonel on the 1st of August 1856, whereas in ordinary course he would not have been lieutenant colonel until the 1st of August 1861. Although the rewards had not been so great as it was intended these distinguished service officers should receive, they had not been wholly neglected, and there was a difference of opinion among themselves whether the change desired by the hon. and gallant Gentleman would be of unmixed advantage. It was not worth while for an ambiguous benefit to disturb the *Army List*, which had now been undisturbed for five years, and to introduce a feeling of uncertainty and confusion. For these reasons he submitted that it would be better not to reopen the question, although, on the part of the Secretary of State and on the part of the Commander-in-Chief, he was authorized to say that they had no objection to a Commission to re-investigate that which had been already very fully investigated, if it were the desire of the House of Commons that a Commission should be appointed.

Sir JOHN PAKINGTON: Sir, as I had the honour to be a Member of the Commission which sat in 1854, and as my right hon. and gallant Friend the Member for Huntingdonshire (General Peel) is prevented from being present by a domestic affliction, I hope the House will allow me to intrude upon it for a few minutes. I am sure I need not say that it was not the intention of the Commission to do injustice to any class of officers. Nor, indeed, would any injustice have been done if the recommendations of the Commission had been carried out. But the warrant which was drawn up was not in accordance with the views of the Commission. The result was that some officers found that injustice was done to them, and their claims were submitted to a Commission in 1858, which sat when my right hon. and gallant Friend the Member for Huntingdonshire was Secretary for War. I think the noble Lord was incorrect in saying the Commission was quite aware of the claims of these distinguished service officers, whose claims have been brought forward with such perseverance and ability by my hon. and gallant Friend. The noble Lord admits that the Report of the Commission does not touch the case of these officers, and my right hon. and gallant Friend who was then Secretary of State for War, if he was here, would tell you, that had he been conscious that such would have been the effect of the Report of the Commission, he would have referred the subject back again to the Commission for further consideration. The noble Lord has made no answer to this case. His speech has not touched it, and I appeal to the House whether it is a light consideration, that officers who have gallantly served their country with such distinction as to receive rewards and honours, should feel aggrieved by the conduct of the War Department. And who are those officers? I will mention only two of them. The first is a most gallant officer, who some time since was a distinguished Member of this House—I mean Colonel Percy Herbert. He left this House because, though but a young man, his services have been so conspicuous that he has been called on for employment by the Horse Guards. He has served his country with the greatest distinction in Africa, in the Crimea, and in India. Colonel Percy Herbert gave evidence before the Commission which took these complaints into consideration, that a number of officers, over whom he had been promoted in the field, were afterwards put over his head. Another officer has been already mentioned—that very distinguished man, who has been mutilated in the service of his country, Sir Thomas Troubridge. Many hon. Members will remember seeing Sir Thomas Troubridge pass in his wheeled chair before Her Majesty, when she distributed the Crimean medals at the back of the Horse Guards. He passed in that way because both his feet had been shot off. Now, it is no light matter that such men should labour under a sense of injustice. All they ask for at the hands of the Government is inquiry. But if these men are suffering under a sense of injustice, the question will immediately arise whether that feeling is well founded or not. Have they any good reason for thinking so? What is the answer to that question? And let me again remind the noble Lord that it is a question which he has passed over. The answer to that is, that their case has been recognised by three successive Secretaries of State. General Peel not only says that the case is a case of injustice, but that he never would have taken that warrant to the Queen if he had known its effect. And who are the other two? They are men whose memory Her Majesty's Government would not wish to treat with disrespect. The one is the late Lord Herbert; the other is that distinguished man whom, I am sorry to say, we have just lost. Was Lord Herbert a man likely to arrive at an unsound conclusion on this point? Was Sir George Lewis likely to be led into an erroneous opinion about it? What were the opinions of Lord Herbert and of Sir George Lewis? In a letter written by Sir Edward Lugard, in the name of Sir George Lewis, he says—

> "It was the opinion of Lord Herbert—in which Sir George Lewis fully concurs—that these officers had reasonable grounds of complaint."

And immediately afterwards General Lugard says that Sir George Lewis, though fully alive to the inconvenience which might be occasioned, is nevertheless of opinion that these officers are justly entitled to some relief. Well, what is the answer of the noble Lord? That it would be inconvenient to disturb the Army List. That is the only answer that we get in the case of men who have bled for their country. Now, I repudiate such an idea, and I tell the noble Lord I do not believe that there are a dozen men to be found in the army who would not rather have the Army List disturbed than that injustice should be done to these officers. This may be a complicated matter, but the issue before the House is a simple one. There are twenty-one distinguished men who say, "You have done us injustice," and there are three successive Secretaries of State all acknowledging the justice of the plea; but all the answer the Government can give is that it would be inconvenient to disturb the Army List.

Mr. BUXTON said, he had looked very carefully into the case; and while there could be no question whatever as to the grievance, the only question was whether the injustice could be properly remedied. There were upwards of twenty officers in the Crimean War who by their bravery and skill had obtained great distinction, and the Queen was advised to make them colonels. Two years afterwards a very large body of officers were also made colonels, but their commissions were antedated by four years, and the consequence was that the men who had been first made colonels found themselves planted at the bottom of the list. It was easy to understand what a blow that must have been to their professional prospects. In a case of such extreme importance as that those who had distinguished themselves, and had been promoted for merit, should not be deprived of the advantages of the promotion which the Queen had given them, there were grave public considerations which ought to induce the Government to consent to the Motion.

Sir FREDERIC SMITH said, he happened to have been a Member of the Royal Commission of 1858, and he felt bound to state that in the investigation, which was presided over by Lord Herbert, and was carried on with great care, the question of these officers he believed never came before the Commission, and they were lost sight of in the Report. He hoped, therefore, the inquiry which was asked for would be granted, as, if the decision of the Commission of 1858 were right, it might be re-affirmed; and if wrong, it might very properly be set aside. Those distinguished officers were very deserving of the rewards which had been given them, but they were deprived of those rewards by having a vast number of officers put over their heads. The least the Government could do was to have the matter reconsidered by a subsequent Commission, and then no one would have grounds of complaint.

Mr. KINGLAKE, said, he was rejoiced to observe that the noble Lord the Under Secretary for War (the Marquess of Hartington) was too honest to undertake very seriously the task of making the worse appear the better cause. He (Mr. Kinglake) had made it his duty to look a little into the question, and he could honestly say, the moment the mass of technicality which covered it was removed, no one could doubt for an instant the justice of the claim. The clearness of the case might be seen in this way. It would have been possible to describe the effect of what was done by the Warrant of 1858 in two ways. It might have been said either that the 140 colonels who were then placed over the 21 should have been raised in the *Army List;* or the 21 colonels—to use a public school phrase—should be "turned down." The form of expression that was used referred to the exalting of the 140 officers, and therefore the objectionable character of the transaction did not appear. But had the other form of expression been used, had it been proposed that Sir Thomas Troubridge and the other officers in the same position should be degraded in the *Army List,* he would venture to affirm that not a man in the country would be found to support the proposal. They must not be told that it was a case of military technicality. It was not. It was true his Royal Highness the Commander-in-Chief had been consulted, but the wrong had been done by a Secretary of State, who had admitted that he had done it. Under the circumstances, he trusted that the Government would act according to the all but complete concession which was afforded by the noble Marquess the Under Secretary for War, and assent to the Motion, with the omission of the three objectionable words, which, as being argumentative only, were not necessary to give effect to the gallant Officer's intention. He admitted that there was a good deal of difficulty in repairing errors of the kind, but that was a difficulty which must be met by the Royal Commission. He believed that there was one simple mode of rectifying it, without endangering the position of any other officer—namely, by granting so small a sum of money as £11,000; and he was told that the only objection which the Treasury had felt to asking the House to grant that sum was, that the injustice was so obvious that it ought to have been remedied in the other way.

VISCOUNT PALMERSTON: Sir, there are two things which I think it desirable to avoid, if possible. One is, the habitual interference of this House with the detailed management of the army, because that is no part of the constitutional functions of the House of Commons, and, if continued, must naturally lead step by step to very objectionable results; and the other is, the presence in the public mind of any circumstances which give rise to the opinion that injustice has been done to any class of deserving public servants. I will not enter into the details of the question. I think that what was stated by my noble Friend shows, that when the matter was last looked into by a Committee of officers in 1861, the majority—I believe all the Members, with the exception of the hon. and gallant Member—were of opinion that it was not advisable to disturb the existing arrangement. At the same time, I can quite understand that the parties concerned and their numerous friends, interested in regard to all that concerns them, and impressed with the distinguished services which they have rendered, may leave, not only upon the minds of hon. Members of this House, but also of the public, the impression that some wrong has unintentionally been done which will admit of a remedy. The course which I should venture to suggest to the hon. and gallant Member opposite, would, in my opinion, meet both objections. I should propose to him to withdraw his Motion, thereby avoiding committing this House to an interference with the detailed military administration of the army; and, if he adopts that course, I will, on the part of Her Majesty's Government, engage that a Commission shall be issued. I trust that that will show that Her Majesty's Government have no desire to avoid inquiry, and have no wish to resist any suggestion which is founded upon a sense of injustice, whether rightly or wrongly entertained. Whatever that Commission may recommend will probably meet the merits of the case, as regards these officers, on the one hand, without doing injustice to the corresponding claims of other officers on the other.

MR. DISRAELI: If I understand the speech of the noble Lord, in substance the Motion of my hon. and gallant Friend is conceded, and I am sure I never heard a case recommended to the consideration of Parliament on a clearer principle of justice, or one which so completely enlisted the sympathies of both sides of the House. I should not have risen had it not appeared to me that the advice given by the noble Lord might really place the House in an inconvenient and almost ridiculous position, and I must say to a certain extent even the Government itself. The constitutional practice, entirely recognised, that it is not the business of Parliament to interefere with the Government of the army—is one which I am sure no one will dispute; but surely the noble Lord does not lay it down as a principle that Parliament, and especially the House of Commons, which is called upon yearly to consider the Army Estimates and to Vote large sums for the maintenance of the army, cannot exercise its privilege in a constitutional manner of expressing its opinions upon any point connected with the management and organization of the army. It is necessary, and the practice of this House has provided, that this privilege of Parliament should be exercised with a due deference to the prerogative of the Crown. And how has it made that salutary provision? In this way. If it be the opinion of the House of Commons that some arrangement with respect to the management of the army is faulty, it cannot, and it does not, presume to pronounce a decision to that effect by a Resolution of this House, but it humbly approaches the Throne with a respectful and loyal Address praying Her Majesty to exercise her prerogative, and to take those steps which may bring about the result which the House desires. There is therefore nothing unconstitutional in proposing an Address to the Crown on the subject of military affairs, and requesting Her Majesty to deign to interfere to bring about the result which the wisdom of Parliament suggests. But it is not constitutional, when the House of Commons unanimously agrees that a grievance exists in the management of the army, that it has not been redressed, and that it ought to be redressed, and at the same time confesses and announces, under the advice of the leader of the House and the chief adviser of the Crown, that this House has not the power of redressing the grievance, that they should be silent, with the secret understanding that the Government is to take some step behind the scene that will accomplish the redress which the House has acknowledged to be absolutely necessary. The advice which the noble Lord has given to the House to my mind is erroneous. The course which my hon. and gallant Friend has adopted is a constitutional course; it is the only decorous mode in which the result which every Member on both sides of the House

wishes to be accomplished can be really effected. The feeling of the House having been evidenced by the discussion which has taken place, the Government have conceded the object of the Motion; and I should not have interfered had I not thought that the House was taking a course which they might regret hereafter, and that the Government was adopting a step which I do not think wise or dignified. I think that Her Majesty's Government will upon second thoughts feel, that if redress is to be given, there is only one constitutional manner in which this House can act, and that is by humbly placing ourselves at the foot of the Throne, and begging Her Majesty to exercise her prerogative, and redress those grievances which Her Majesty's subjects have experienced, and which Her Majesty's Government have acknowledged.

General LINDSAY said, in bringing forward his Motion, he considered he had adopted the most constitutional form of procedure. He had not asked the House to decide the question, but he had moved an Address to the Crown, the legitimate authority, from whence sprang command in the army. With regard to the offer made by the noble Lord, he had had the pleasure of sitting opposite to him for seventeen years, and during that time he did not think he had ever seen anything in the noble Lord's conduct which could at all warrant him in declining the pledge the noble Lord had offered. Therefore, in faith that the noble Lord would, on his own authority, appoint a Commission, he would be most happy to withdraw his Motion.

Motion, by leave, *withdrawn.*

COLONIES—(MILITARY DEFENCE).

CORRESPONDENCE MOVED FOR.

Mr. ARTHUR MILLS said, he rose to call attention to the correspondence which had recently been laid before Parliament between Her Majesty's Government and the Governors of Canada and of New Zealand respectively, concerning the military defences of those Colonies. In the course of the discussions which had taken place on the Army Estimates he (Mr. Arthur Mills) had been requested by several hon. Members to originate a debate in which the general question of the relations between Great Britain and her Colonies, in respect to the defence of the Empire might fairly be raised. He wished to disclaim any desire to alienate the allegiance of any of the Colonies, or to precipitate the dismemberment of the Empire; while, on the other hand, he did not desire to retain them in subjection one hour longer than they chose. Nor had he any wish to enter into the question of colonial party politics, which more particularly belonged to the colonists themselves. He would briefly state the facts of the case to which he wished to call attention. During the last year a commission had been appointed in Canada, consisting of eight members, seven of whom, he believed, were Canadians, to inquire into the defences of Canada. They recommended to the local Parliament that a militia force of 50,000 men should be raised and trained, together with a reserve force of the same number. He believed that the recommendation of the Commissioners was unanimous. A Bill was brought in to carry it out, but the Canadian Parliament did not adopt it. And instead of a local force of 50,000 men they embodied and trained only 15,000—not much more than one-fourth of the force recommended by their own Commission as absolutely essential for the defence of the Colony. At the present moment there were little more than the above-named number of Volunteers and militia-men armed with Enfield rifles in Canada. In addition to the local force of 15,000 there were about 10,000 or 12,000 Imperial troops in Canada. The Canadians justified themselves for their apparent shortcomings in self-defence, on the ground that they were in no danger, and did not think they ought to submit to the inconvenience and expense of raising a large force when they were in no peril. He admitted that the Canadians were the best judges as to whether they were in peril or not. But he would put the case thus. They were either in peril or they were not. If they were in peril, then they ought to have raised a larger force for the defence of the province; for if Canada were really in danger of invasion, it was worse than ridiculous to suppose that a frontier of 1,000 miles, assailable by land or water at every point, could be adequately protected against the incursions of a hostile army by ten or a dozen British regiments. If they were not in peril, then they did not require 10,000 or 12,000 Imperial troops in Canada, whose expense was defrayed by the taxpayers of this country. It might be said that to advocate the withdrawal of the troops from Canada would, on grounds of Imperial policy, be to make a monstrous proposition; but when the House of Commons accepted, by a formal Resolution last year, the liability of England for the protection of her Colonies from perils occasioned by "Imperial policy," could it be contended for a moment that Canada was thereby released from all responsibility for her own defence. If England had bombarded New York or Portland, or any city on the American seaboard, and had thereby provoked an attack on Canada, England would undoubtedly be bound to bear the brunt of such an invasion as her own policy had invited; but he should wish to know in what estimation the loyalty of the Canadians was to be held, if they showed no sympathy with us in such cases, for example, as that of the *Trent*, and upon what grounds they would be justified in casting upon the mother country the whole of the responsibility which she was willing to share with them? The relations which ought to subsist between this country and Canada in respect to the question of her defence had, he thought, been very well laid down in a despatch of the Duke of Newcastle, in which he stated that the main security against aggression which the latter enjoyed consisted in the fact that a war with Canada meant a war with England; but that it did not therefore follow that England could afford to maintain there an unlimited number of troops, while it still remained true that the defence of Canadian territory must mainly depend on the Canadians themselves. In bringing the subject forward he was not actuated by any spirit of hostility to Canada; on the contrary, he introduced it because he believed the executive Government of this country needed the support of Parliament in carrying on a correspondence in which it appeared from the papers Canada acted the part rather of a hostile Power than of an integral portion of the empire. The total sum paid by the Parliament and people of Canada in 1862, for the various purposes to which he had referred, was only between £60,000 and £70,000, as against a sum (exclusive of extras) paid by this country of little less than a million sterling. He did not think that they ought to be carrying on protracted negotiations on the subject with the Government of Canada. He considered that the time was come for taking a more decisive attitude, and for putting an end to the undignified and unsatisfactory wrangling between the Secretary of State and the Parliament of Canada, whether by the Canadians increasing their militia force or the Government of England withdrawing the troops from Canada he did not pretend to say; but one of those two courses ought to be adopted.

Passing from Canada to New Zealand, he might observe, that though the case of the latter colony was widely different from that of Canada, they were almost similar in that both were nearly independent. The colony of New Zealand had possessed a constitution for ten years. When that constitution was granted, the Crown thought proper to make a reservation with reference to the right of dealing with the native races—not in the spirit of interference with the Powers of the local Parliament, but in obedience to the principles which had always actuated this country in dealing with those portions of the empire which were inhabited by warlike tribes. Whether that reservation was wisely made or otherwise he would not discuss, but its effect had been from that time forward to throw nearly every expense incurred for the defence of the colony upon the Imperial Government. Was the claim on the part of the people or the Legislature of New Zealand well founded? They said, "You, the Crown of England, by your representatives have been meddling in colonial affairs, so you must bear all the responsibility of conflicts with the natives." But to what extent, as compared with the Colonial Legislature, had the Crown of England interfered? In 1858 alone, no less than four Acts dealing with the natives were passed in the Colonial Legislature, none of which were disallowed or interfered with, but received the Royal assent. The Imperial Parliament, during the same period, had only passed two principal Acts—one by which the Queen relinquished any scintilla of power that might previously have been reserved, and the other guaranteeing a loan of half a million to New Zealand. In the mean time, the war expenditure, occasioned by settling disputes in which we as a nation had not the minutest interest, had been almost entirely borne by Great Britain. For five years negotiations had been carried on between successive Secretaries of State in England and the New Zealand Government, with the object of inducing the colony to pay the moderate sum of £5 a man for the soldiers employed in its defence. Every one of those soldiers cost England £100 per man per annum,

and it was sought to make New Zealand bear one-twentieth of their cost. Sanguine economists hoped that such an arrangement had been effected; but it would appear from the latest accounts, that of the proportion of £35,000 to be sustained for the year 1862 by the colony £25,000 were swept away by various deductions, leaving only £10,000 to be contributed by the colony towards the vast military expenditure of which Sir George Grey spoke in the following terms:—

> "The rate of military expenditure now going on, allowing nothing for the cost of operations in the field, amounts to nearly £400,000 a year, and to this a sum of £260,000 will have to be added for each six months' operation in the field, or a sum of £520,000 a year, making a total of £920,000 a year if operations are continued; and I concur with the Lieutenant General in thinking that the sum actually expended would be more likely to exceed than to fall short of this sum. When to this amount are added the sums due to the services not included in the Estimates, the total military expenditure will be very largely increased."

The Colonial Treasurer, moreover, gravely suggested that no present attempt should be made to meet these liabilities; but after the Native difficulty was at an end, and the respective proportions to be borne by the Imperial Government and the colony had been ascertained, that a loan should be raised to cover the latter. The practical inference to be drawn from the correspondence was, in his mind, that the time had come, not for negotiation, not for despatch writing, but for distinct and definite action. That action need not involve any hardship upon the people of New Zealand. The case was argued as if England was leaving the colonists to their fate, or, still worse, leaving the colonists to murder the Maoris, a supposition which was shocking to those philanthropists who before contended for the granting of representative institutions and for absolute rights of self-government. Surely, if men were capable of managing their own affairs, they ought to know how to behave in face of a warlike race like the Maoris. He did not say that England would be able to retire altogether from these contests; but if the colonists, without being deserted, were taught to lean more on themselves, there would be fewer disturbances, and they would behave with greater circumspection towards the native race, knowing that they would no longer be backed up in all their unrighteous claims. Accusations of injustice might be levelled against the parent State for such a course, but it must be remembered that the relations of England towards her Colonies had entirely changed. She could no longer legislate for them; she could not recall the days when they were bound to her by exclusive commercial treaties, or when they were compelled to receive her criminal population. The question in the present day was no longer whether Great Britain should tax her Colonies, but to what extent the Colonies should be permitted to tax Great Britain. Men were now asking, very naturally, whether at this time especially of severe commercial distress at home, the distant Colonies of our Empire were to be permitted permanently to garrison their frontiers with our troops while they excluded our manufactures from their markets. He believed that Great Britain had it in her power to retain her Colonies not in inglorious and unlovely subjugation, like the colonies of ancient Rome, but in an affectionate and far more enduring allegiance. If the Home Government were really about to inaugurate a better system, he believed, that so far from the days of their colonial empire being numbered, the affections of the Colonies for the mother country would be more closely cemented than if they continued to be alternately dandled and overawed. The Colonies had shown the most generous feelings towards the mother country by their benevolent contributions during the Russian war, the Indian mutiny, and now during the distress in the cotton districts. What they had now to be taught by a resolute and decisive policy on the part of that House was that communities must share in the burdens and responsibilities if they would participate in the privileges of free men. The hon. Member concluded by moving an Address for the Correspondence.

MR. W. WILLIAMS said, he rose to second the Motion. The facts brought before the House were most important, and he should like to be informed by the hon. Gentleman the Under Secretary for the Colonies what were the advantages they derived from the two dependencies to which his hon. Friend had referred, as a counterbalance. The Canadians levied a duty of 20 per cent on some of their most important manufactures. Yet Canada looked to England to keep up a large military force for her protection, and there were about 5,000 British troops in that Colony. The last Returns gave an annual expenditure on the Colonies of about £4,250,000, of which, he doubted not, about £3,000,000 might be saved. It was said that "the sun never set upon the British dominions," but that was a large sum to pay for the vainglorious boast. Whenever they had any dispute with the United States, they always threatened to take Canada, just as though Canada was of any advantage to England. Of course, it would be extremely unpleasant to have Canada wrested from them by force of arms; but he thought that the people of Canada should, to a greater extent, undertake the duty of their own defence, especially as they were better able to bear taxation than the people of this country.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Copy of all Communications which have passed since the commencement of the year 1862 between the Secretary of State for the Colonies and the Representatives of the Crown in the British Dependencies respecting the mode and cost of their Military Defence."

MR. CHICHESTER FORTESCUE said, he was glad to find that his hon. Friend (Mr. A. Mills) looked with a favourable eye upon the correspondence which had taken place between Her Majesty's Government and the Governments of Canada and New Zealand. He (Mr. C. Fortescue) quite agreed in much which had been said by his hon. Friend as to the course that should be pursued by Her Majesty's Government; and, indeed, it was evident from the papers before the House that Her Majesty's Government thought that the Canadian Government had performed but a very slight portion of their duty in reference to the defence of the province against any dangers that might arise, and that opinion had been very frankly conveyed by the Colonial Office to the Canadian Government. The Governor General of Canada (Lord Monck) had expressed a similar opinion in a despatch which did him great credit for frankness and honesty of tone; and the Home Government, agreeing in the opinion expressed by Lord Monck, had stated that they thought that the Governor General of Canada had consulted the real interests of the Colony in the language he had adopted, and thus had, with all courtesy, but with perfect frankness, conveyed that opinion to the Canadian Government. In his opinion, the Home Government was under an obligation to protect the distant provinces of the Empire against such dangers as they could do but little themselves to avert or incur, so far as the policy which they maintained towards other Powers was concerned. So far as regarded her internal affairs, however, a colony such as Canada might do much either to incur or avert any blow to which she might be liable, according as she maintained towards other Powers a resolute and well-prepared attitude, or exhibited a posture of indifference and unreadiness, trusting to chance or the strong arm of the mother country to protect her. While he fully agreed with his hon. Friend that it was the duty of the Home Government to impress these opinions on the Government of Canada, he would not have the House underrate the exertions which the Canadian Government and people had made under the existing circumstances. Too little, it was true, had been done; yet something had been accomplished, and still more was in progress. According to the last accounts they had from Canada, the Volunteer system was carried on there with considerable activity and spirit. At the beginning of the year there were some 25,000 Volunteers actually organized and under training, and that number was rapidly increasing. In addition to that, attempts, and apparently successful attempts, had been made to render the rural militia of Canada fit for service in any emergency which might arise. The real difficulty connected with military organization in Canada occurred in the rural districts. As might to a great degree be expected, the Volunteers were found in the towns. The rural districts were thinly peopled, with great intervals between them; and it was far less easy to draw any large bodies of men together from their farms for any length of time to undergo training than was the case in this country. Yet that difficulty ought to be encountered and overcome. But the officers and non-commissioned officers of militia throughout the rural districts of Canada were forming themselves into drill associations, and no officer was allowed to remain on the list of the militia without qualifying himself as such. [*A laugh.*] The hon. Gentleman might laugh, but that was a great improvement on the previous state of things, and he could tell his hon. Friend that the highest military authorities in Canada were of opinion that the rural population—a hardy race, accustomed to field sport, the use of fire-arms, and an active self-reliant life—would, under the command of trained officers and non-commissioned officers, who were being provided, easily and in a short time be formed into a most efficient body of troops for the defence of their country. That was not merely the sanguine hope of the Home Government, but the deliberate conviction of military critics in the Colony. He was far from saying that enough was done to meet the requirements of the case, or that the Canadian Government and Legislature had proved themselves equal to their duties. Still, there could be no doubt that the people of Canada were in this matter in advance of their political leaders; that there was among them the strongest feeling of loyalty and attachment to their institutions and to their connection with the mother country; and that, in the event of danger arising, there would in a very short time be a large and valuable force raised by the people of Canada, who would be as ready as on any previous occasion to sacrifice life and property in defence of their liberty and of the British connection.

There had been very considerable difference of views between the Home Government and that of Canada upon some points, and one of these points was a very important one. His noble Friend at the head of the Colonial Office had, in reference to taxes, expressed his opinion to the Governor General that the finances and credit of Canada would never stand upon the footing that they ought to occupy until the Canadian Government made up its mind to incur the unpopularity of proposing a measure of direct taxation. Her Majesty's Government, however, could do nothing in the matter but use their moral influence, and they had freely expressed their opinion that nothing would tend so much to raise the credit of Canada as a measure for direct taxation, which would enable her to lower her duties upon imports. He must, however, observe, that in his opinion those duties had been misrepresented as duties for protection. He was convinced that they were not imposed for that purpose, although, no doubt, the duties were higher than the manufacturers and the importers of this country had a right to expect. The greatest part of the correspondence which had been referred to related to the vexed question of the relative proportion of the cost of troops and of the defence of the Colony which should be borne by the

Home and the Colonial Governments respectively. It was impossible to lay down any definite rule upon the subject, but his noble Friend had endeavoured to convince the Colonial Government of their obligation in the matter; without denying, however, the obligation of England. Now, as to the obligation of the Imperial Government to defend the Colonies. They constantly heard Gentlemen of high authority representing that the great and beneficial changes which had taken place of late years in the commercial and political relations of the Colonies towards the mother country had almost discharged the Imperial Government from the duty of defending the Colonies. Without at all wishing to lighten the duty of self-defence which rested upon any colony, and on Canada in particular, he thought that it was quite necessary that the House should understand the nature of the change which had taken place, and what were the obligations which rested upon the mother country. The changes in reference to colonial affairs had put an end for ever to any attempt to subordidate the interests of the Colonies to the interests of the mother country by commercial arrangements. The Colonies were left perfectly free to pursue their own views of their own interests in all fiscal and commercial matters, which were within the limits of Imperial treaties with foreign Powers, according to their own views; and every idea of controlling the commercial legislation of the Colonies for the supposed benefit of the mother country had been abandoned. He said "supposed benefit," because the new system was really more advantageous than the old one for the mother country. In regard to their own political affairs, the largest and most liberal powers of self-government had been conceded to the colonists within their own limits; but it appeared to be forgotten that beyond those limits these great changes had changed nothing. It was forgotten that in reference to all external affairs, either in connection with another Colony or with a foreign Power, no change had taken place; and, indeed, it was essential to the very nature of a dependency that its relations with foreign Powers should be controlled by the central and Imperial Government. For all practical purposes many of the Colonies, with reference to their domestic and internal affairs, were about as free as any country in the world; but in all those questions upon which the issues of peace and war depended, in all negotiations and treaties with other States, the authority of the Imperial Government and Parliament was supreme. They must be the friends of our friends and the enemies of our enemies; and therefore the obligation of assisting them in case of war still rested on the mother country. That obligation the Home Government had fully and frankly acknowledged in the correspondence under discussion. It must be a matter of discretion in the Government for the time being whether it would not be safer and cheaper in the long run, as a measure of protection, even in time of peace to maintain a certain moderate force in a colony like Canada; and certainly, considering the times in which we lived, it did seem pretty certain, if such a course had not been followed, if no Imperial force had been sent to Canada or maintained there, the conclusion which must naturally have been drawn would have been that this country had repudiated all obligation of defending any portion of its Colonial Empire. The Government thought it their duty, in the despatch which had been quoted by his hon. Friend, to admit to the Canadian Government the obligation he had described. But that obligation of the Imperial Government in no degree impaired the obligation under which Canada lay to defend herself to the best of her power. The defence of Canadian territory must mainly depend on the Canadian people themselves. At the present moment Canada was more prosperous, more contented and loyal, than at at any former period; Canada was better able to defend herself than she ever was before, and in spite of the shortcoming of the Government she would be found, in case of danger, more willing than ever to fight in defence of the institutions she enjoyed. The Government felt that the public men of Canada had not shown that foresight which might have been expected, and had not yet provided that organization in time of peace in which confidence might be placed for a time of war; but the Government had not neglected to enforce their views on Canada, and would continue to do so. So much with regard to Canada.

He next came to New Zealand, which, however interesting in itself, was a very special case, and did not raise any general question of Imperial expenditure on account of the Colonies, of which Canada was the most important instance. The collision which had taken place in New Zealand was between the native tribes and colonists within their own territory, and was not a question of the defence of the Colony against any of the great Powers of the world, in which the empire at large was interested or involved. The persons who settled on the island of New Zealand found it peopled by a powerful and formidable race. There were difficulties in founding a settlement under those circumstances—difficulties which were not met with in the formation of other colonies. Ten years ago representative institutions and a constitution with a popular assembly were given to New Zealand. Two or three years afterwards that system was completed by a grant of responsible government. As a rule, the mother country would increase her obligations if the causes which led to war were under her control, and hitherto the Imperial Government had increased its obligations towards New Zealand by endeavouring to maintain a separate system of native management apart from the government and the control of the settlers. That system had been maintained since popular institutions were granted to the colony of New Zealand, and had been known as the system of double government. Various efforts were made to carry out this separate government for the natives, but it became evident from experience, that whilst the system of double government prevented some evils, it also prevented much good being done in the shape of various necessary improvements. It permitted the King government to grow up, and in fact entirely failed. The natives were allowed to arm themselves in the most efficient manner, because the New Zealand authorities were afraid of incurring the unpopularity of putting the law against them in force. The Crown had done all it could to maintain a system of government which should alike protect natives and the settlers from the evils of war; but in that object it had failed. In reference indeed, to this New Zealand war, he still, as he had always, believed that the chiefs and the natives had no ground to complain of any wrong done to them, and that the colonists did them no injustice. But war had come, and Imperial control had failed to avert it. Under these circumstances Her Majesty's Government made up its mind, under the advice of Sir George Grey, to resign the attempt of performing a duty which they could no longer fulfil. They had long felt their obligations to the natives of New Zealand, and they did not surrender them till by painful experience they convinced themselves that the grant of popular institutions left no alternative but to intrust the local Government with unlimited authority over all the inhabitants of the island. At the same time, Her Majesty's Government did not repudiate any of the responsibilities which might justly be supposed to attach to them, although the Address of the New Zealand Parliament would seem to anticipate some such repudiation. The Government, in sending a large body of troops to New Zealand, had recognised the responsibility which the Imperial control over native affairs had imposed upon them. They did not at present call upon the Colonial Government for any contribution towards the cost of those troops, but only made a reasonable demand for repayment of advances made for the maintenance of the local military and volunteers in the Colony, and for the construction of military roads, which were of incalculable benefit to the Colony. Those demands they were enforcing against New Zealand, and forewarning them of their obligations in regard to their self-defence. They admitted, however, their obligation to carry the Colony through the present crisis, and once more to establish peace and tranquillity, and Her Majesty's Government was prepared for a limited time to continue the forces necessary for that purpose. Having said thus much concerning Canada and New Zealand, he did not think it necessary to dwell upon the latter part of the Motion, which the hon. Gentleman did not seem much inclined to press. He would only say that other correspondence was going on, but it was in such a state that it would not be for the public interest to produce it. His noble Friend was giving his best attention to the important subject of military protection of the Colonies, with a view of making such arrangements as would enable this country by degrees to reduce its expenditure, at the same time that it faithfully performed all its just duties towards the Colonies.

MR. AYTOUN said, he had hoped that the Motion would have led to some explicit declaration of the intentions of the Government, but from the speech of the hon. Under Secretary he could gather nothing but that it was the intention of the Government to continue in the course they had pursued since the affair of the *Trent.* He had thought the policy of the Government was that so long as a Colony was in its infancy, and unable to defend itself, this country was bound to defend it; but when the Colony became capable of doing something for its own protection, the mother country was only bound to supply any deficiencies; and when the Colony was out of its infancy, and became able to protect itself, then the duty of this country ceased altogether. It appeared, however, that such was no longer the policy of the Government, as in the case of Canada—a Colony in an advanced stage of prosperity, and able in a great measure to defend itself—the Government had just declared its acquiescence in a course which simply meant, on the part of the colonists, that they meant to do nothing for themselves. Canada was a great and powerful country with 2,500,000 inhabitants, not very rich perhaps, but in thriving circumstances. The latest statistics showed that in 1859 the two provinces possessed 1,900 miles of railways, that the exports and imports each amounted to £7,000,000 annually, and that the revenue was between £1,800,000 and £1,900,000 a year, or, deducting interest upon debt, the net revenue was £1,200,000. Why should not such a country do something towards its own protection? The hon. Gentleman the Under Secretary said that the Canadians, although they had not done all that might have been expected of them, were doing a good deal. But what was the military and naval expenditure of Canada as compared with that of England? It appeared that during the last few years the people of this country had been paying about 17*s.* a head per year for military and naval forces to defend not only this country, but also the Colonies, while the Canadians had only paid towards their own defence a sum equal to less than 5*d.* per head, having deemed it an act of great liberality to vote £50,000 towards that object. It appeared that Canada had raised only 15,000 men, not regular troops, but militia, for the defence of their country. From the correspondence he found that in August the Colonial Secretary had transmitted a despatch to the Governor General of Canada, and in October the Executive Council sent an answer to that despatch in which they stated their explicit intention of doing nothing more than they had hitherto done, as it would be too great a drag on their resources. Their feelings were exceedingly friendly; he did not accuse them of any want of loyalty, and he had no doubt that they wished to continue their connection with this country; but they said that to do anything more than they were now doing would be too great a strain upon their resources. Now, what did Her Majesty's Government intend to do? In July last a debate took place, in which the noble Lord at the head of the Government stated that the Government had done for the Canadians all that they intended to do, and that it rested with the Canadians to do the remainder, and that they did not intend to recall the troops then in Canada or to send additional troops there. But in the event of the contingencies which had been referred to, it was impossible that the small number of English troops in Canada could suffice to defend that Colony if it were seriously invaded. If war occurred with America, it would be absolutely necessary to send out additional troops, or our army there would be humiliated by having to abandon the country, or would be exposed to annihilation. Other Colonies, and in particular the Australian Colonies, had made large contributions towards their own defence; and if Canada, which was older than they were, was allowed to rely on the parent State, other Colonies would complain with reason of the injustice of putting them on a different footing. In the case of war, the English army would not receive much assistance from the Canadians, who were not training themselves to any considerable extent, and the result would be, that this country would be completely drained of its garrisons for the protection of Canada. Could Her Majesty's Government contemplate such a result with satisfaction? Another point was the effect which such a state of things might produce upon public opinion. At present public opinion was, generally speaking, in favour of the connection with the Colonies; but if war were to break out with the United States, it would not be war on a small scale. It would become necessary to increase the burdens of this country in order to defend Canada against invasion; and the effect upon public opinion would be disastrous, and might prove unfavourable to a continuance of our connection with Canada, and afterwards even with other Colonies. In a commercial point of view, and as affording a field for our surplus labour, he thought that such a connection was of great advantage to this country. But as he could not help feeling that the course which the Government were pursuing in Canada was calculated neither to propitiate the colonists, nor to render certain our connection with Canada, he had heard with extreme regret what must be regarded as an intimation that the Government meant to make no change in their policy on the question.

Mr. ADDERLEY said, he could not agree with the hon. and learned Gentleman who had just spoken, in thinking that the Government had no intention to make any change in the relations existing between the Colonies and the mother country. It seemed to him, both from the speech of the hon. Under Secretary and from the papers presented to Parliament, that they had arrived at a crisis in their relations with the Colonies, and he believed that the noble Duke the Colonial Secretary, and the hon. Gentleman the Under Secretary, were entitled to the credit of having boldly faced the question, and brought it to an issue. He had foreseen long ago that the present state of things could not go on for ever, and his anticipations on the subject were at last fully verified. They had at length come to the end of the third phase of Colonial government. At first they left the Colonies very much to themselves, only imposing restrictions upon their commerce, for a supposed advantage to the mother country. Those two things did not agree with each other, freedom and subserviency; and when they attempted to tax the Colonies in the Imperial Parliament, they separated themselves from the mother country on that ground. They attempted to govern the next Colonies from Downing Street, and for many years there was constant interference from that quarter. Not many years had elapsed since New Zealand, for example, found it impossible to build a lighthouse without a tedious process of obtaining sanction from the Crown in London. The departments of France were never more under the control of the Minister in Paris than the British Colonies were then, at least in theory, under that of the Colonial Secretary in London. Such a system could not last, and eventually it broke down completely. About thirty years ago England entered upon the third phase of Colonial government, extending to her Colonies the privilege of self-government — nay, more, stimulating their adoption of constitutions far more democratic than her own—and yet, at the same time, retaining in her own hands their protection and defence. They now saw the end of this confusion of two principles. The Colonial authorities, who represented the principle of self-government, and the Colonial Minister at home, who represented the principle of external defence, were diametrically opposed to each other, and the incongruous system was working out another change in the relations between the Colonies and the mother country. At that crisis he was anxious to point out that the sole remaining argument advanced by the Colonies for the continuance of England's protection and defence, while they were allowed to govern themselves, was a complete fallacy. The issue to which he alluded had assumed a very marked character, in two of their most important Colonies—namely, Canada and New Zealand. In dealing with the subject he would refer more especially to Canada, because it was the most important Colony, and because it was, at that moment, by far the most critically circumstanced. Indeed, the position of Canada was so critical that to to speak any incautious words about her would be madness, but to be altogether silent would be criminal. He believed, that if an earlier understanding had been come to between the mother country and Canada upon the question which the House was then considering, they might have looked to that Colony with confidence, and relied on her as an addition to our strength, whereas she formed at present our chief source of anxiety. Let them consider the point on which the Colonial Minister was at issue with the representatives of the people of Canada. The Colonial Minister said, in effect, to Canada, " You cannot be defended by troops from England; your main defence must be yourselves; your preparations are utterly inadequate; the Governor General calls your plans completely illusory;" and he laid down the general principle " that the right of self-government had the correlative duty of self-defence." To that the reply of the Colonial Executive Government was, " Your principle is not applicable to a Colony; your theory of colonial relations is novel and untried,"—so little cognizant were they of the early and more brilliant history of our Colonies; " we must rely mainly upon you for our defence; we have a decided aversion to military service, except in the presence of danger "—that is, they prefer danger first and preparation afterwards; " we consider the Intercolonial Railroad the primary consideration, and we must think of it before we develop the military resources of the Colony." They add, "We do not intend to do anything to cause war; if you are going to cause a war, you must fight it yourselves; we have enough to do to manage our own internal affairs and to suffer the effects of your policy." No two things could be more opposed than the respective theories of Downing Street and Canada. The principle at issue was the applicability to a Colony of the obvious maxim that self-government and self-defence were correlative terms; and the question which the House had now to consider was, whether a Colony enjoying self-government was to be freed from taking its share of the burden of military service alike with the tax-payers at home. He contended that there was not a shred of soundness in the sole argument of the Canadians in defence of such an immunity, that the foreign policy of the Empire was in the control of the Home Government, not in theirs, and that wars resulting from foreign policy should be fought at the sole expense of the central portion of the Empire. It was to be regretted that the Colonial Minister should have given the slightest countenance to such an argument by admitting that it involved a principle to some extent, merely reminding the colonists that they should do something on the ground that they were benefited by the protection of England; that their interests were promoted by their being an integral part of the Empire; and that a powerful navy, to which they contributed nothing, guarded their shores, their commerce, and their lives. He could not admit, that even if no such considerations existed, the argument for colonial inaction would have the slightest foundation. The foreign policy of the Empire, according to the Constitution, did not rest with the people at Home or in any Colony, or in any part of the Empire more than in another; it rested with the Crown, and the Crown was as much resident in Canada as in England. They had more than once been dragged into war without Parliament being aware of it. There was a recent war with Persia begun without the cognizance of Parliament. The control possessed by that House over the foreign policy of the Government consisted in their power to refuse supplies. The Colonies had the same power. It was a power which in England was seldom used, but habitually in the Colonies. The Crown at home may involve a Colony in war, but so may the Crown in a Colony, represented by the Governor, involve the Empire in war; and Governors had run us to the verge of war, as was the case in Canada when local struggles, under Sir Francis Head's government, led to American embroilment. The Parliament of Canada had unlimited powers, and might involve them in a war by enacting hostile tariffs. Besides, the circumstances, interests, and position of Canada, were not unlikely to bring war on England on her account. England's monopoly of foreign policy afforded no justification for Canada presenting a roll of 15,000 volunteers, and telling them that was its quota towards a defence of the Empire in America. It was nothing short of insolence for Canada to take up such a pretext. But he was afraid the question had been brought forward too late to have a bearing on any contingency that might presently arise in that quarter. In such an event, they must rather look to the 12,000 troops which, owing to the foresight of the noble Lord at the head of the Government, had been sent to Canada; though it was very likely that in case of a war they would rather want those men in this country, and then Canada would see the hollowness of her confidence. It had been well said that every soldier sent to Canada represented 100 Canadians who would have been enrolled and equipped if that soldier had not been sent out. [MR. CHICHESTER FORTESCUE: That was said of Australia.] He understood it to apply to Canada, and thought it specially applicable there. He would then proceed to say a word or two on the case of New Zealand. In that Colony the same issue was raised, and was raised in a still more striking form, for the question there was not of foreign war, but of Native rebellion. The Governor of New Zealand and the Colonial Government in this country thought that the colonists ought to take upon themselves the charge of suppressing such a rebellion, but the Governor had announced that there were very unsatisfactory relations between him and his responsible advisers on that point. He said his Ministers were ready to assume the Native administration, but not so as to bind the Colony to any liability. The House of Representatives also declined to take any responsibility on themselves for the Native policy, and founded that refusal upon the ground that the right of determining the policy to be pursued towards the natives of New Zealand had been reserved for the Crown. The Colonial Minister, too timidly, replied that that reservation had been made for the benefit of the Colony, and that the Governor who represented the Crown could do very little without supplies from the Colonial Parliament. The real answer was that the reservation of Native policy to the Crown was not a reservation to England, but to the Crown in New Zealand, as distinct from the Parliament there; and such a reservation gave them no claim on English taxpayers to pay for, nor on English soldiers to fight their Native wars. By the Constitution Act of 1852, the entire administration of its own affairs was transferred to New Zealand, and it was a mistake of that Colony and of Canada to suppose that they should have complete self-government, and at the same time throw the burden of their defence on the mother country. He agreed with the Colonial Minister that the time was come when a clear understanding should be arrived at with respect to the relative position of this country and the Colonies, and that the principle was a good one, that primarily the cost of wars should be borne by those for whose benefit they were carried on. He was glad that the subject had been discussed, and the important papers referred to by his hon. Friend (Mr. Mills) brought under the notice of the House. He regarded the policy of the Colonial Minister as deserving in every sense of the support of the House. He had only stopped short of what might, and he thought ought to have been done; but he trusted that the noble Duke would meet and overcome the difficulties which admittedly lay in his way, and carry the courageous policy he had adopted to its legitimate conclusion.

Mr. BUXTON observed, that no subject was more worthy of the immediate and serious attention of the Government than the defences of Canada. There appeared at present to be a greater likelihood that England would be involved in a war with what were formerly the United States of America than with any other country. Every one in England would, he was sure, deprecate such an occurrence; but there was undoubtedly on the part of the Northern States a strong feeling of irritation against England, which might probably be fanned into a greater flame by the remarkable speeches of some hon. Gentlemen in the House. It was evident that great standing armies and navies would henceforth become habitual to North America, as they had hitherto been to Europe. It seemed a short-sighted proceeding to take a half-and-half policy with respect to the defence of the Colonies, and to throw small bodies of troops into them merely as objects for attack. If they came to the conclusion that it was their duty to defend the Colonies against every attack, they had no alternative but to keep large armies in them; but he gathered from the speech of the hon. Under Secretary of State that the Government were beginning to make a change with respect to the military defences of the outlying portions of the empire; and though it was obviously not a case in which any sudden change could be made, yet the impression conveyed by the hon. Under Secretary was that the dawn of a new state of things had begun. The House could not forget what it had been told only a short time back, that the reason why so large a force was kept up within the borders of England, was not for the defence of this country, but for the purpose of providing reliefs for the Colonies, and that a reduction in the large amount of troops scattered among the British possessions would provide means for the reduction of the army at home. No doubt, the amount of money that might be saved thereby every year would have to be calculated by millions. It would, indeed, be a great advantage to the taxpayers in this kingdom if the amount paid annually for the military and naval defences could be materially reduced; and no evil, but great good, would ensue both to this country and the Colonies. It was shown by the right hon. Gentleman the Chancellor of the Exchequer in his evidence, and by other statesmen, that it was a bad thing for the Colonies—prejudicial to feelings of independence and self-reliance — not to have the duty of self-defence thrown on them. Instead of the British Empire being weakened, it would be strengthened by the policy he advocated; and, in case of a war arising, the military force of the country would be more powerful than now, for they all knew that in the present day the very essence of war consisted in the concentration of force and in massing the soldiers about a few of the most important points, and not in scattering them in small bodies over different points. The fact of this country keeping soldiers for the Colonies was a great inducement to those Colonies not to arm themselves. One of the most important considerations connected with the question was what would be the result on the native tribes. He did not think that the present system gave any protection to the natives, and at the Cape of Good Hope and in New Zealand the colonists had shown themselves more ready to get into quarrels and wars with the natives than they might have been if they had foreseen that they would have had to pay the bill themselves. But there had arisen among the colonists a different feeling with regard to the natives, for whom more consideration was now entertained, and the colonists might be trusted not to enter upon cruel and oppressive wars against the natives. The only great argument against the withdrawal of troops from the Colonies was the idea, that as it was the Imperial policy of this country which involved the Colonies in war, this country was therefore bound to maintain their defence in the event of war arising. He could not go the length of saying that they had no claims on that account, but he thought that all fair demands would be met by giving them absolute security against the possibility of any enemy attacking or blockading their sea cost. Besides, if this Empire went to war again, it was to be hoped and believed that it would do so on just grounds, and in vindication of some sound principle ; and in that case it was surely the duty of every part of the Empire, whether outlying or near at home, to take a share in the war. It appeared to him that a war such as that which occurred with Russia, when this country believed it was standing up for great Imperial interests, was as much for the advantage of every other part of the Empire as for this particular part at home. Undoubtedly, were it not for the protection of the British Empire, some of the Colonies might be exposed to the attacks of any strong Power which might feel inclined to take possession of them. With regard to Canada, for instance, who knew but that Russia might not have stretched out her long arm to take possession of the northern portion of the continent if it had not been that England stood in the background. By stationing small bodies of troops in distant and scattered Colonies, they were placing them in great danger. Ultimately, of course, the nation which had the dominion of the sea must conquer in any hostilities of this sort, but it was always a temptation to the enemy to attack a Colony where there was only a small body of troops, for the sake of getting hold of them. To scatter our forces all over the face of the earth, "dandling" the Colonies, as the hon. Member expressed it, and leading them away from a natural sense of independence, was a grievous mistake, and he hoped the Government would make up their minds to some decided policy.

Mr. ARTHUR MILLS said, that as the correspondence was incomplete at present, he had no desire to press his Motion for its production; and on the understanding that when it was in a condition to be produced Government would do so, he had no objection to withdraw it.

Mr. CHICHESTER FORTESCUE said, that his hon. Friend might be sure that when it was in a fit state to be produced he should have no objection to lay upon the table such portions as might be deemed advisable.

Motion, by leave, *withdrawn.*

NAVY—(IRON CLAD SHIPS).

ADDRESS FOR A ROYAL COMMISSION.

Sir JAMES ELPHINSTONE said, he rose to move an Address for a Commission to inquire into the best mode of constructing Iron-clad Ships. He was sorry that the right hon. Gentleman the Chancellor of the Exchequer was not in his place, for he should have claimed his support for the Motion, since its object was not only to place our navy on the best footing, but also to effect a large saving of expenditure. The noble Duke who presided over the Admiralty with so much ability, and had shown himself a laborious public servant, had some time since, in his evidence before the Committee on the Admiralty, stated his opinion that the Members of the Board of Admiralty were overworked, and he had repeated it the other day at Sheffield, when he said that the absence of the Lords of the Admiralty from town for a day or two would greatly increase their work when they got back, and would cause serious embarrassment to the public service. At that moment they were engaged in the third costly reconstruction of the navy within his (Sir James Elphinstone's) time, and that change was not only one of form but of material. The whole responsibility of this enormous change rested on a body which, by the acknowledgment of its chief, was overworked. The evidence given before the

Select Committee showed that there was not one officer of the Board who was not overworked, and under these circumstances he asked the House to refer the important question to which he referred to a great council, which, not relieving the Admiralty of its responsibility, would advise them on the results of the various experiments which had recently been made. The first nucleus of their iron fleet were the batteries built after the model of those sent by the Emperor of the French, which acted at Kinburn. From their peculiar square shape, they could not be moved about very easily from one part of the world to another; but he thought that the Admiralty, by putting bows and sterns to them, might have made them capable of being moved from one part of the coast to another, and exceedingly effectual for coast and harbour defences. The importance of iron vessels was then thoroughly proved, but the Admiralty went on building wooden ships, though it was beyond a doubt that they were little better than floating slaughter-houses. The right hon. Gentleman the Member for Droitwich, in the time of the Earl of Derby's Government, came to the conclusion that it was necessary to build iron sea-going vessels, and he did then very much what it was proposed by his Motion to do—he assembled a council of most able scientific men who, though not a Commission in form, partook of the nature of a Commission in every essential respect. They determined on the form of the *Warrior* and the *Black Prince,* and certainly nothing could surpass those vessels as models of naval architecture. He had recently been on board the *Black Prince,* and had examined every part of her which would be likely to show signs of distress after an eight or nine months' cruise and a good deal of bad weather. Certainly, a more durable structure he had never looked upon; and if it had not been for the discoloration of the paint inside and out, it would have been impossible to perceive that she had gone through such work. Still, her extraordinary length and her limited power of steerage would completely prevent her from being serviceable when she had lost her way in action. He was told that the manœuvre of wearing had been carried out off Lisbon, and that on one occasion, if not on more than one, there was an interval of seven miles between the first and the last ship when they came round. It was impossible in any sea whatever to get these ships round to the wind, and he was given to understand that it had been necessary to apply extra steam power to work the helm. These ships, 400 feet long, were rigged with three masts—those of 90-gun ships. While the size of the ships was enormously increased, the stature of the men remained the same. A ship's company did not average more than 5 ft. 5 in. or 5 ft. 6 in. in height, and they could not furl the sails of such masts or do anything smartly aloft. The ships ought to be masted with four masts, and a just proportion obtained between the size of the rigging and the size of the men. The other ships were more manageable, but he was not at all clear they were not also too large. They were certainly more easily handled, and were more comfortable to work, but he was not sure that they would not be condemned on account of size. There was another objection to the iron fleet, in the diversity of size. The ruling speed of a fleet was the speed of the slowest ship in it; and while vessels like the *Warrior* could go fifteen or sixteen knots an hour, there were some which, after a few weeks at sea, would scarcely maintain a speed of nine knots. In his opinion, equality of speed should be more rigidly maintained. The House had so lately heard from the noble Lord the Secretary to the Admiralty a statement as to the French iron-clad fleet, which he believed was only being strictly worked up to the programme laid down by the French marine policy, that he would say nothing more upon that question. But, with regard to the iron fleet of America, events which had taken place had thrown a strong light upon the subject. In the construction of iron ships the American naval administration had been most completely untrammelled, and it was an extraordinary thing that with the skill in shipbuilding which the Americans undoubtedly possessed they had not yet succeeded in constructing one serviceable iron-clad ship. The most reliable information as to the American iron fleet to which he had access was contained in a French work, *Revue Maritime et Coloniale,* in which the American ships were minutely described. It appeared that there were eight or ten different classes, that the vessels varied in size from 4,000 tons down to 700, that they were of every variety of speed, and that they had every variety of coating. Yet in the recent attack on Charleston the nine iron-clads were entirely defeated, one being sunk and the others got off with great difficulty. One ship, to which he would beg particularly to call the noble Lord's attention, because she greatly resembled the *Warrior* in construction, the *Ironsides*, totally and entirely refused to answer her helm. The *Indianola*, one of the largest of the iron-clad ships, having lost her way, was attacked by two small gunboats, who punished her to such a degree that they were obliged to run her aground, and she then became a prey to the Confederates or was destroyed. The iron fleet of England was entirely destitute of ships of the description which thus subdued the *Indianola*. We had no vessels laid down to carry a single heavy gun and to go at a good rate of speed; so that in the event of a ship like the *Warrior* being brought to a standstill by an attacking ship, they could fire at those points of infirmity, such as the screw gearing, sternpost, or part below the water line, which would undoubtedly bring the enemy's ship into such a position that her crew must abandon her. It was a pity the paper which contained reflections on the builders of iron ships in private yards had ever been written, and a still greater pity that it had ever been published. He had always said that it would be an imprudent thing for the Government to resort to private yards for wooden ships of war, because the private yards could never have such a large stock of seasoned timber as the Government yards, and, do what they would, could never turn out such ships as the Government. But iron shipbuilding was a totally different thing, and he defied any one to say that the iron ships built in private yards were not the perfection of naval architecture as far as structure was concerned. He thought, however, that as shipwrights were really the best class of workmen for iron ships, and by education and intelligence superior to ordinary blacksmiths, the Government should without delay set about building iron ships in all the dockyards. It was idle to say that there was any difficulty in that; for wherever the tide rose in a river to the height of some twenty feet, the manufacture of iron ships could go on to any extent.

His object in moving for the Commission was not to interfere with the construction of those ships which it had been the pleasure of Parliament to sanction. It was with regard to the fleet of the future that he wished inquiry should take place; and that when the ships were completed, which he thought had been erroneously sanctioned, they should fall into an intelligible rule and obtain vessels of a more serviceable nature. He would express no opinion as to the comparative merits of broadsides and turret ships. He left that matter to be disposed of by the Commission. But the Admiralty would fail altogether in their duty if they laid down another ship without making allowance for the adoption of an invention almost, if not quite, perfected, which could alone overcome the fault of unwieldiness through length; he meant the invention of the double screw. He had the pleasure of witnessing on Saturday the trial of a vessel called the *Hebe*, an account of which many hon. Members had seen in *The Times* newspaper. The *Hebe* was fitted with two engines and two screws working entirely independent of one another. She possessed the same advantage over a ship having but one screw that a two-armed man might be supposed to have over a man with only one arm. If one of her screws were disabled, she could go three-quarter speed with the other. With one screw going ahead and the other reversed, she was able to turn on her axis, and in twenty seconds she could bring her guns to bear on any object. The two engines weighed little more than half the weight of one single direct screw engine; and from having those engines in the lower part of the ship they were enabled to put her coal bunkers up to protect her boilers from shot. The great advantage, however, of her construction was the power of manœuvring—the power of going ahead or astern and of turning round—which it gave her; a desideratum in warfare which it was impossible to overrate, and which the *Achilles*, the *Warrior*, and the *Black Prince* did not possess.

He wished next to observe that the Iron Committee, over which his hon. and gallant Friend the Member for Wakefield (Sir John Hay) presided, had now, in his opinion, proceeded so far in its inquiry as to have rendered the subject ripe for the consideration of such a council as that which he proposed. He should also press upon the Government the necessity of finishing those ships which were intended for the navy, of making trials of them, and of placing themselves in a position to refer to authentic reports emanating from the captains of ships now in commission. The result of such reports, if laid before the Commission, would, he felt assured, be completely to put an end to those unwieldy structures, which it was as impossible to manœuvre in action as to render capable of being controlled by their crews. The great object of the Admiralty had, it appeared to him, for some time past been to wait until they could construct ships which would be practically invulnerable; but the principle of action would, he apprehended, be in all future warfare much the same as it was in the days of our ancestors. The great reason why speed was desirable was, that a ship might be able to close with the enemy; and having done so, he saw only one thing which a naval officer, following the example of those who fought under Nelson, had to do, and that was to lay himself as near to the enemy as possible and batter him till he surrendered. One shot-hole, he might add, never destroyed a ship. In the action before Fort Constantine, for instance, the *Sanspareil,* a wooden vessel, was exposed for five hours to an exceedingly severe fire. She was struck by twenty-four shells and nine round shots, and what was the effect? Why, that the first blow tore off her skin, and laid open her timbers for a space of from ten feet long to one foot four inches broad. Other shots laid open her timbers to a like extent; her funnel was broken, and her rigging set on fire; yet she not only continued in action till the end, but when the signal to discontinue was made, at five o'clock in the afternoon, she was enabled to get away, was eventually repaired, came home to England, and was still in the service. There was a circumstance took place in the case in question to which he did not think the attention of the Admiralty had been sufficiently directed, and that was that the smoke and vapour from the fighting decks of the vessel descended into her engine-room so as almost entirely to put out her fires and to prevent the generation of steam; so that when the signal was made to discontinue the action, she could only make a knot and a half until the vapour had cleared away. It was the opinion of the officer who had charge of the engine-room, who now occupied a high official position at Portsmouth dockyard, that after ten minutes of close action the whole of the ships might be brought to a standstill from that cause. In that case the small gunboats to which he had referred might deliver from their 100-pounder guns with impunity a fire which would disable those ships and compel their crews to quit them.

He next came to that which was the most material part of the observations which he had to address to the House—he meant the dock and basin accommodation which it was necessary they should provide for their iron fleet in different quarters of the world. It was a most remarkable fact, that while they had a navy which penetrated every sea, the Government had out of England but one dock in which they could dock an old line-of-battle ship, and that was at Bombay. At Quebec and Halifax they had no dock of the kind. The same might be said of Bermuda and of Port Royal; while in the whole British American possessions there was no dock in which they could dock a frigate. At the Mauritius there was a mercantile dock 300 feet long, another 318, and a third 378. At Singapore a dock was being constructed, while at Calcutta the Government dockyard was for sale; the dockyard at Bombay being for sale also, if he was rightly informed. Now, if a war were to take place, the number of iron transports in their employ would keep the private mercantile docks constantly engaged, and there would therefore be no space available for Government vessels. An iron man-of-war could not keep the sea unless her bottom could be cleaned at short intervals. The zoophytes which attached themselves in tropical climates dropped off as soon as the ship got into fresh water, but the crustaceous mollusca could not be got rid of except by scraping. The fish died in fresh water, but the shells still adhered to the iron. He himself had seen chain cables rendered useless from such incrustations. He thought that he had shown ample reasons for the inquiry for which he was seeking; and believing that it was his duty as an independent Member to protest against further action being taken with regard to iron ships building without the consultation of the greatest authorities of the country upon the matters which had come under the observation of scientific men during the last year or two, he would move an Address to Her Majesty that she will be graciously pleased to appoint a Royal Commission to consider the best mode of construction and form of the Iron-clad Ships which are to compose the future Navy of England; to report upon the Ships presently built and building, and the amount of Dock and Basin accommodation required for their use at Home and Abroad.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to appoint a Royal Commission to consider the best mode of construction and form of the Iron-clad Ships which are to compose the future Navy of England; to report upon the Ships presently built and building, and the amount of Dock and Basin accommodation required for their use at Home and Abroad."

LORD ROBERT MONTAGU said, that it had been generally confessed that there was a fault somewhere in the Admiralty; and that the tendency of a great many of the speeches in that House, during the Session, had been to show that the country did not get value for the money it had expended; he thought therefore that the hon. and gallant Gentleman had only given expression to the general opinion of the House, and of the country, when he complained of the mistakes which were made in the construction of ships. Money was completely frittered away in dockyards; ships were constantly altered while in course of construction, at the whim of successive projectors; when the frames had been put up, they were often taken down to be altered in form; when the hull had been finished, it was frequently cut in half to be lengthened; and after ships had been constructed at vast expense, they were sometimes never sent to sea, but ultimately sold as old stores. The noble Lord at the head of the Government had said, the other night, that the fate of the country might depend upon the issue of a single naval combat. How important was it, then, that ships should be well built; for if, in a squadron of vessels, a large proportion of them proved to be slow sailers, the vessels that came up first might be overpowered, and the fleet defeated in detail. If, on the other hand, we had a powerful navy, we could afford to look on, and husband our resources while other nations were weakening themselves by war; and then, at the last, we could step in, as the arbiters of the difference, and the balance of Power, in Europe. While, however, he agreed with the hon. and gallant Gentleman as to the grievance, he could not but distrust the remedy which he had suggested. If the hon. Baronet had proposed, as from his speech he had appeared to desire, that there should be a permanent council to advise the Admiralty, he would have concurred with him. What he had moved for, however, was a Commission. Now, a Commission was expensive; it sat for many years, did but little work, and if it came to any conclusion, that conclusion was shelved in a blue-book, and never acted upon. The remedy proposed was, moreover, transitory and ephemeral. The Commission was to sit for two or three years to examine the ships being built at that time; in this its effects would not extend beyond the present moment. It was, however, also to consider the best mode of construction and form of iron-clad ships. If they had on the Commission no one who knew enough of naval architecture to lay down the law upon the subject, the Commissioners would sit merely as students of that science. What he desired to see was a permanent benefit from a self-supporting institution, such as had existed in France for many years, with great success. He looked for the establishment of a body of naval engineers. In order to explain this institution, he would adopt that division of the naval administration which was current in France. First, there was the Political Division, which regarded the connection of the navy with the Foreign and Colonial departments, as well as the patronage which it involved. Secondly, there was what was called, by the French, the "Personelle," which concerned the supply of men; and thirdly, the "Construction," which had reference to the supply of ships, and the construction of the fleet. With the first and second divisions he would not interfere; he would eliminate them altogether, and apply himself to the consideration of the third. In this country 9,000 men were employed in the construction of ships. These were divided into thirty-two or thirty-three trades: of these, sixteen or seventeen were unvarying, or stationary in their application; such as joiners, painters, smiths, &c.; and the remainder, which had reference to the building of ships, varied in their requirements; because no two ships were ever built precisely alike. It was with the latter class of trades alone that he desired to interfere. He would eliminate the former, and deal with the shipwrights' trades alone. They comprised 4,000 men, who had over them 152 officers—namely, a First Constructor of the Navy, with a salary of £900; two second constructors, seven master shipwrights, seven timber inspectors, nine master shipwrights' assistants, thirty-two foremen of the yard, seven first converters, five second converters, twenty-two measurers, seventeen first-class inspectors of shipwrights, and forty-three second-class inspectors at salaries of £125 each. The wages of the men varied from 6*s.* to 7*s.* 6*d.* a day. The officers rose from the ranks, promotions being governed by fixed rules. First, let the House consider the age which a man would attain before he could become Chief Constructor. He must pass all the grades before he could get to the top; not to do so would be a violation of the rules. By these rules it was specified that he must serve seven years before he could become an artificer, three years as second leading man, three years as leading man, three years as a writer; and then three years for each of the officers' grades—in all twenty-seven years, making a total of forty-three years as the shortest period within which a man could rise to the highest grade. If, therefore, he entered the service at sixteen or eighteen years of age, he would be over sixty before he became Chief Constructor. Secondly, without wishing to disparage this body, he must call the House to their standard of education. What knowledge of the science of naval architecture, involving the highest mathematical science, could be possessed by men whose whole time was absorbed in severe manual labour. In fact, it was only the few remaining pupils of the old school of naval architecture who had any knowledge of the science, or were fit to design a ship. This source, the House was aware, had long since been dried up. The Government, having felt this difficulty, had upon a recent occasion broken through their rules; they had gone outside the body to find a Constructor; and had appointed Mr. Reed. And why? Because they had not an abler man than Mr. Reed in their service. He thought that the Government were right in doing so. They were in a difficulty, and could not act otherwise. His point was this: that they had not, within the service, as able men as could be found outside. This should not be so. In France things were managed differently. There, for the construction of the navy, there was an institution called the *Génie Maritime.* It comprised a chief equal to our Controller of the Navy, and 123 officers, who were called *Ingénieurs Constructeurs de la Marine.* First, with regard to their education. Those officers passed three years at the Ecole Polytechnique. The Polytechnique was a feeder to all the highest branches of the service; it supplied the Artillery, the Engineers, the Staff, and the Génie Maritime. It was, in fact, a superior kind of Woolwich College. Afterwards they spent three years in special education at a naval college, working at the ship's side in summer, and studying naval science in winter. They then became Engineers of Naval Constructions. Mr. Scott Russell had recently delivered a lecture, at the Institute of Naval Architects, from which he (Lord Robert Montagu) had derived much information. After stating (p. 7) that the preliminary college, the Polytechnique, contained youths from all parts of the world, who, by favour of the Emperor, had been allowed to learn shipbuilding in France, he said—

> "And what is the highest ambition to which these educated youths aspire? It is to be admitted by competition into the School of Naval Architecture. They pass into the School of Naval Architecture on full pay, they remain for three years students of the school—students in winter only, for all the summer they are workmen in the dockyards practising their craft."

Secondly, with regard to the functions of this body. It was to officers trained thus that the French Government looked for everything relating to the construction, preservation, and arming of ships. They tried the value of new guns and the quality of iron. In fact, it was this body of men which was reponsible for the whole department called the "Construction." Mr. Scott Russell stated, as a result of that mode of training, that such was the demand for naval architects so trained that they could hardly be permitted to complete their third year's course before they were invited to undertake important duties in private yards; in fact, all the great shipbuilding and engineering establishments of France were under their control and management. Mr. Scott Russell used these words (p. 3)—

> "To show the result of this school, and the manner in which its pupils are appreciated in France, I have only to say, that so great is the demand for these trained naval architects, and so highly are they valued, that they can hardly be permitted to complete their third year of instruction. . . . . . The best pupils are to be found managing the largest and most prosperous engineering and shipbuilding establishments in France. . . . . I ask you to turn once more and look at the ruinous state of professional affairs in England. . . . . Although the sailors of England are better than the sailors of any other country, the ships of England are in every respect their inferiors."

He need not remind the House that recently they had seen the Government of this country appealing in an official document, to a French authority upon a question of naval construction. The French system, too, was superior to the English in point of economy. Now, why were these things so? Because they had a trained body of men equal to any emergency, while the English draughtsmen were very imperfectly taught. But the most extraordinary result was that the French were gradually dispossessing England of the carrying monopoly which hitherto she had enjoyed. The Peninsular and Oriental Company had been deprived of nearly all the coasting trade in the Mediterranean by a powerful rival in France, the heads of which were pupils of this Naval School, and whose ships and machinery had been constructed by them. The West India Mail Company had to contend for the trade of Brazil with vessels built by the officers he had described; and the direct transit of the Peninsular and Oriental Company was also subject to similar competition. "And thus" (to use the words of Mr. Scott Russell) "by sheer force of talent and skill, appreciated and fostered, France is snatching from us some of the valuable trades we had fancied were exclusively our own." He thought he had made out his case for the necessity of providing the service with a permanent staff of naval architects equal to the investigation of the scientific problems of the day, and to give advice and assistance in the councils of the Admiralty. He was aware that there were objections that would be raised to his plan. Probably he should be met with the preliminary objection that vested interests would be interfered with, but he contended that it need interfere very little with those interests. That, however, was a difficulty which he had left to the Admiralty to solve; he had avoided it in his Resolution. Out of the 4,000 men employed in the dockyards only one-fourth had even a chance of becoming one of the 152 officers. Those therefore who could suffer would be very few in number. One third of this number might be introduced every year to undergo such a training as, in the end, would enable them, by degrees, to supersede the present staff. He might also be told, that if such a school were established as he should desire, as soon as men became competent they would leave the service and enter private yards. That he regarded as an argument in his favour, because it would prove their superiority as shipbuilders. Yet even that danger might be prevented by very simple means. They never heard of officers of the army or navy running away when they had learnt their business. Why was that? Because they had a certain rank and position which they valued. The same rule might apply to naval architects. They might receive rank; and instead of buying commissions, as in the army and navy, they might be required to deposit £500 on receiving their commission, the money to be returned upon completion of a certain term of service. He would suggest that an apprentice should rank as a military cadet. After five years of service and passing an examination they might rank as lieutenants of artillery; and after two years' voluntary sea service to learn seamanship, they might be ranked as captains. A third objection might be raised, on the ground of expense. He would not advert to the amount of patronage at the disposal of the minister as an equivalent for the expenditure But he must remind the House that a boon would be conferred on the community; there would be an opening for younger sons; there would be a means of attaining rank and position. Why was it that officers of the army or navy, or that barristers, or, above all, that the clergy chose a profession where they had hard work and bad pay, instead of entering some of the lucrative trades and employments? Merely for the sake of the station which they acquired. Here also, then, a boon would be conferred; and a return might be expected. Upon first entering, they should pass a preliminary examination, in order to acquire a status; and then during the first two or three years they should not receive any pay. In the Diplomatic Service no pay was given until after four years of service. When they were qualified to become sub-inspectors of shipwrights, they should be allowed pay at the rate of £90 per annum instead of £125, as at present paid to those officers. For £90 is the pay in the lowest grade of the Civil Service. The system which he advocated would thus be self-supporting, and would moreover effect a saving in many items which now burdened the Estimates. Nay, more; it would be economical, for they would get more for their money. In the lowest grades there would be scientific men; in the highest, men who would still be young; and in every case, men who would use their heads. There would not only be less waste of material in consequence, but there would be an improved system of inspection. At Sheerness a partial *émeute* had taken place, owing in some degree to the fact, that as the inspector of shipwrights had risen from among the men, he had not proper moral influence over the gangs. Such occurrences would be less likely to take place if the men were superintended by others in the position of officers. The Constructor of the Navy would also be supported by a body of scientific men, some of whom could be stationed at Columbia, Australia, Hongkong, the Cape, or at other points. It would be attended with this further beneficial effect, that scientific inventions, like Captain Cowper Coles' cupola ships, would not be cast aside by the Government for nine years, until the *Merrimac* had sunk wooden line-of-battle ships, and the *Monitor* had scared nations from their proprieties. All inventions would at once be submitted to proper scientific investigation. He did not wish to make quotations from the blue-books, though their contents fully warranted and proved his assertions, but he might refer to one passage in the evidence of Sir James Graham, given before the Dockyard Commission, in which he said—

> "I have been very much blamed for it [abolishing the School of Naval. Architecture], and I am not sure, looking back, whether, if it were to be done again, I would advise it."

What had been stated on the subject by Mr. Lang, master shipwright at Chatham? The following question was put to him :—

> "You have no doubt, that with a view to the supply of good candidates for the higher class of offices in the dockyards of this kingdom, it would be desirable that there should be some establishment of that kind [a school of naval architecture]?"

Mr. Lang replied—

> "I have no doubt whatever of it; it is absolutely necessary. It is the same principle as that on which you officer your army and navy."
>
> "The fact is, that there is no supply of that class now rising up?—None whatever. We are not feeling the effect of it so much at the present moment, because nearly the whole of the senior officers of my rank have been educated at the School of Naval Architecture."

And Mr. Abethell, after asserting that there is a want of an institution like the School of Naval Architecture, gives as his reason—

> "I think that there is scarcely sufficient provision for a scientific instruction at present;" . . . . "a higher class of education is desirable than any which is now obtained in the dockyard."

His object in moving the Amendment was not to press upon an unwilling House a matter which had not yet received sufficient investigation; but rather to throw out hints worthy of its consideration. In doing so he was not speaking the language of theory, but had been uttering the doctrines of experience. In France a system of the kind had been established more than a hundred years ago, and with slight modifications had been maintained to the present day. In consequence, the vessels of their navy were not only better than those of England, and the economy of the French Admiralty was greater than that of the English, but there was this further result, that ships built in private yards in France were actually superior to British vessels, and were driving them out of trades of which we had enjoyed until now a monopoly. The noble Lord concluded by moving an Amendment to the Motion.

MR. BENTINCK seconded the Amendment.

Amendment proposed,

> To leave out from the first word "That" to the end of the Question, in order to add the words "with a view to provide for the economical construction of Ships for the Royal Navy of the most suitable forms and materials, the Board of Admiralty should be empowered by Parliament to introduce into the Public Service a class of persons equal in education and position to the Military Cadets of Woolwich, who (subject to certain regulations and conditions to be made by or with the sanction of the Comptroller of the Navy) may ultimately fulfil the duties of Royal Naval Architects,"

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. LINDSAY said, he thought that the noble Lord was under some misapprehension in regard to some of the points to which he had referred. No doubt, the School of Naval Architecture in France had done much to produce a certain class of vessels superior to those of this country, but he was also certain that the French ships of war produced in the French dockyards were of a lower class than those of this country. He concurred with the noble Lord as to the greater economy observed in the administration of the French navy than that which marked the administration of the British navy, but he differed entirely from him on the question of the merits of the respective ships. There was not the smallest doubt but the iron-clad ships built in England were vastly superior to those of France. The School of Naval Architecture in France had nothing whatever to do with the loss of trade suffered by England through the spread of French ocean lines of steamers in many cases where the former had hitherto enjoyed a monopoly. That result arose simply from the great increase of trade generally, and the excessive subsidies granted to French companies. The Brazil Company, for example, received from the French Government a subsidy four times greater than was granted to the West India Mail Company; and the Messageries Impériales, which superseded the Peninsular and Oriental Company in the trade referred to, received a subsidy four times greater than that given to the former. The greatest steam company in France—namely, the Transatlantic Company—had just contracted for eight ships of about 4,000 tons each. All those, however, were being constructed by a Scotch house; three of them were building in Greenock, and five others in France, but under the direction of Mr. Scott. And for these ships so building in France the contractors received 10 per cent more than for those being built in Scotland. That fact afforded the best proof that we could compete successfully either with the iron or timber shipbuilders of France. At the present cost, notwithstanding that by the laws of that country a duty of 10 per cent was levied on all foreign vessels registered in France, she was obliged to come to this market for a great number of steamships. In introducing the Original Motion, the hon. and gallant Member for Portsmouth was hardly as consistent in his arguments as usual; for though he condemned wooden line-of-battle ships, he referred to the *Sans-pareil* as having come successfully out of action. The hon. Baronet condemned ship-building in the Government dockyards, and yet he recommended the House to enforce the necessity of paving the way for the construction of iron ships in the Government dockyards, which seemed to indicate that the hon. Baronet had an eye to the interests of his constituents. It was only fair towards private establishments to remember in what splendid condition the *Warrior* had been turned out. He had examined her carefully, and had no hesitation in saying she was the finest man-of-war afloat. At first, some doubts were expressed as to her capacity for steering. Curiously enough, he had that day received a letter from Captain Cochrane in which he said—

"You will be glad to hear that we shall be ready for sea in a few days. We have been fitted with an hydraulic steering gear, by which, among other advantages, one person will be enabled to steer the ship and put the helm over with the same facility at full steam as at slow, and we shall be able to turn a complete circle in six minutes, which will be a feat never yet accomplished with a vessel of this size."

During the recess he had inspected the cupola of Captain Coles, and his impression was that it was a much more effective ship than the port-sided ship; but it struck him that there was one defect—namely, the liability of the gun to get jammed when the ship listed, and so to render the ship unserviceable. In the attack upon Charleston it appeared, that though the shots from the forts did not go through the turret towers of the Federal *Monitors*, yet that the force of the shot was such as to jam them against the pivots, and so to render them as unserviceable as if they had been totally destroyed. He did not think that much could be learned from the attack on Charleston, because the vessels in action were vastly inferior in strength to our own. Still, the resistance of those inferior ships to heavy shot showed the advantage of armour-plating, one having received as many as ninety shots, and yet she came out of action. He believed their own armour-plated ships were superior to any in the world, and the only complaint he had to make was that they cost a great deal of mony. He was not disposed to support the Motion; and whilst admitting that there was much in the Amendment, what he would recommend was that there should be a board of five or six competent men, to whom all matters connected with ship-building should be referred, and who should report to the Controller of the Navy for his guidance and that of the Admiralty. It was almost impossible for one man to keep himself acquainted with all the changes and improvements that were being constantly effected.

Lord CLARENCE PAGET: Sir, I think it would be very unadvisable to intrust the department of ship-building to such a Board as my hon. Friend recommends. We have already got the Controller of the Navy, with a staff of able assistants to test and report upon all improvements and inventions, who has charge of this department. This debate is a fair illustration of the difficulties attendant upon ship-building, and ought to convince the House that the proposal of the hon. Baronet ought not to be agreed to by this House. I am quite aware that upon many definite and abstract questions, such as the pay of the navy, the manning of the navy, or harbours of refuge, the labours of a Royal Commission are exceedingly valuable. But what Commission could make a Report of any value on the construction of ships, seeing that their form is altering daily? During the Admiralty administration of my right hon. Friend (Sir John Pakington) the question of ship-building occupied a great deal of attention, and the Government appointed a body of gentlemen of high talent, of whom my right hon. Friend the Member for Tyrone (Mr. Corry) was one. That Committee, which was very like a Commission, made inquiry into the subject of ship-building. They compared the French navy with that of England; they compared the French dockyards with ours; and they came to the Government with a proposal for what was called the reconstruction of the navy. I mean to impute no blame to my right hon. Friend, but according to the lights we now possess the sums then expended in line-of-battle ships would have been better expended in iron-cased ships. That vast expenditure was entered into by the Government of which my right hon. Friend was a Member, and continued by the Government that followed it, very much in consequence of the Report of this Committee; and to-morrow, if a Committee or Commission were appointed, before they could get intelligence or evidence on which they could found a Report, it might turn out worthless, because from day to day the changes in naval constructions are going on. Only yesterday an experiment was tried, which, if it should turn out in all respects successful, may alter the construction or rather the framework—the upper works—of our armour-plated ships. Take another example: any Commission appointed a few months ago would have recommended us to build turret ships, but what is the news we get from Charleston? We have nothing official as yet, but such information as we have is rather against turret ships. It is therefore quite impossible for any inquiry to do justice to the subject, or for a Commission to make any Report that would be of any assistance to the Admiralty. We are all of the same mind; we want to construct a navy of the greatest possible efficiency, and worthy of the power and dignity of this country. But there are not two people who agree either as to the class, the form, or the armament of ships. My hon. and gallant Friend opposite (Sir J. Elphinstone) would say, for example, of the *Warrior* that she is too long and too big, and that she would be damaged by smaller and handier ships constructed at much less expense. We are now ascertaining what is the smallest class of vessels to which armour-plating can be applied. Indeed, with regard to armour-plated ships the Government are engaged in carrying on experiments in every direction. We have got an Armour-plate Committee—a most valuable body, upon a most important branch of the business, and one which requires the undivided attention of scientific men, because upon the iron plates, their capability of resistance, and their fastening, the whole of the efficiency of our armour-plated vessels depends. I could not discover in my hon. Friend's observations any real grounds of complaint against the Admiralty; nevertheless, I have no doubt that these discussions are extremely useful, because they call the attention of the Government and the public to the various improvements that may be made in the construction of our vessels. One matter has been alluded to which may turn out to be of great importance,—namely, the construction of twin screws. My hon. Friend assumes that a construction of that kind has no defects. My own belief is that in some class of vessels it may prove to be a very valuable invention. But the Admiralty do not think it advisable to order vessels of that construction without awaiting the result of the full trial of the ships which are now constructed upon that principle. With regard to the old floating batteries, my opinion is, if you were to lengthen them, you would make a very bad job; because, in the first place, their state of repair is not very satisfactory; and in the next, I would defy any practical naval man to make anything worth the expense out of them. My hon. Friend asks us to put more than three masts into the very long ships, but I think he might have learned at Portsmouth that we are putting five masts into the *Northumberland*, and vessels of that class. Again he says, "Build your iron ships in your own dockyards." When he said that, I looked towards my hon. Friend on this side of the House (Mr. Lindsay), and also to the hon. Member for Birkenhead (Mr. Laird); but neither of those hon. Gentlemen appeared to agree in that proposition. For my own part, I should be sorry that the Admiralty should never employ any of the great ship-building establishments of the country. We do not think it at all advisable that our dockyards should be considered as the only places where we could build armour-plated ships; or, on the other hand, that the Government should be thrown entirely into the hands of contractors. There is a *juste milieu.* It has been said that it was matter for regret that the *Achilles* should have been built at Chatham. But I challenge my hon. Friend the Member for Sunderland—now that we have got our dockyard accounts in as good a state as his own can be, for they are no longer under the Controller of the Navy, who is a spending officer, but under the Accountant General—to show that our ships built in the dockyards are so expensive as he alleges. He says the *Achilles* will be found to have cost vastly more than any of the armour-plated ships built in the merchant yards. Now, we will remember that when the accounts for that ship are closed, and we shall see whether it is so or not. My belief is that she will be found not to have cost much more, if any more. My hon. and gallant Friend proposes that we should go to a large expense in docks and basins. Well, I must say I admire his modesty in not having alluded to Portsmouth, because I think he must have been disappointed that the Government had not commenced a basin there. The remarks which have been made about the want of dock accommodation in foreign stations are quite true. In the East and West Indies, China, and North America, there is a great want of dock accommodation; but Her Majesty's Government have not lost sight of that. We have not thought fit to propose to Parliament the construction a dock at Hongkong; but a very intelligent and enterprising gentleman has undertaken to build one which will contain the *Warrior,* upon obtaining an advance of money from the Government upon certain fair conditions; and my belief is that we shall have a dock constructed there available for the *Warrior.* In like manner, at Bermuda, where one of those docks is wanted, I have very little doubt, should I continue to sit on this bench, that it will be my duty to propose to Parliament to vote a sum for that purpose. But we have taken a very large sum —no less than £104,000—this year for docks and basins, for two docks at Portsmouth, one at Devonport, for enlarging the basin there, for the Chatham basin, and the Malta dock. We hope to have the dock at Malta on cheap terms, because the Maltese Government are going to share the expense. I think the House will see that it would be very unadvisable for any Commission to take away from the Government the responsibility of keeping this country at all times in a proper position as a great maritime Power. That is our constant business, it is for that we are paid and for which we are responsible, and I do trust that the House will not now or at any future period do anything to set aside the responsibility of the Government upon this point.

The observations which have been made by the noble Lord the Member for Huntingdonshire (Lord Robert Montagu) upon the former School of Naval Architecture were worthy of attention. That was a most valuable institution. A great class of young naval architects was trained there; and when they had finished their education, it was found that the Government had not the means of employing them all upon high wages—for they would not accept any but high salaries. The result was, that when they had completed their training at the public expense, they were spread about the world, and it was thought that the Government would not be justified in keeping up that expenditure. The school was afterwards revived on much the same plan, but again fell to the ground. My noble Friend the Duke of Somerset has felt very much the want of some satisfactory arrangement by which we should obtain scientific architects for the benefit of the public service. Various proposals with that object have been put before him. The right hon. Member for Droitwich was good enough to call upon my noble Friend and make proposals, when I believe he was received in the most friendly manner, and assured that any really tangible scheme submitted to him would be attentively considered. In whatever way the end in view may best be attained, whether by the establishment of a public school for the benefit of the ship-building interest generally, to which some assistance might be given by the Government, whether by founding scholarships at one of the Universities, or by any other means, we are fully sensible that a great want exists in this respect, and any scheme which promises real and permanent success will meet with our earnest attention. With that assurance

I trust that the noble Lord will not press his Amendment. As to the Motion of the hon. and gallant Gentleman, I think it would be very unadvisable that the subject which it embraces should be referred to any Commission. The Government have the means of obtaining information from all quarters as to the best contrivances for the building, masting, or arming of ships; and as they are responsible to the House and the country, I sincerely hope the matter will be left in their hands.

SIR FREDERIC SMITH said, he rose to ask his hon. and gallant Friend not to press his proposition for a Commission, because it would not be the best way of constructing our navy. At the same time, he was not satisfied with the assurances of the noble Lord, who had travelled over a wide field without coming to the real question—namely, how they were to go on for the future. No doubt, changes took place very rapidly, but why could not the Government bring their master shipwrights and some of the most experienced naval officers together, and let them form a committee for considering the best plan for constructing ships? By that means they would obtain that scientific and practical knowledge which could not be obtained at the Admiralty. That was the rule followed in the army, where questions of gunnery were submitted to officers of artillery. Why should not an analogous practice be adopted in regard to the navy? The heads of the leading ship-building firms of the country should also be invited to give the assistance of their advice and opinion. He believed the noble Lord the Secretary to the Admiralty desired to do what was right; but unless some reform was made, he should advise his hon. and gallant Friend to bring the matter again before the House.

SIR JAMES ELPHINSTONE, in reply, maintained his opinion that the ships which had been referred to were exceedingly ill-masted; and as to dockyards, it had been admitted that there was great deficiency of accommodation of that kind. He still thought that the proper solution of the question would be found in a reference of the whole matter to a Committee or a Commission of the most scientific men in the country, but he should content himself with leaving the public to draw their own inferences from the debate, and would withdraw his Motion.

Amendment and Motion, by leave, *withdrawn.*

Lord Clarence Paget

SEWAGE OF TOWNS.

COMMITTEE (1862)—ANALYSIS OF EVIDENCE.

Notice being taken, that the Analysis of Evidence appended to the Report of the Select Committee on Sewage of Towns, in Session 1862, comprised observations and opinions not within the scope of such Analysis—

MR. KER SEYMER, in moving that the Analysis of Evidence appended to the Report of the Select Committee of 1862 on the subject of the utilization of sewage be cancelled, said, he had two objects in view—first, to induce the House to take cognizance of an irregularity which had occurred in the proceedings of the Select Committee; and next, to obviate, if possible, the serious practical difficulty likely to flow from that irregularity. The Committee was moved for and obtained early in the last Session by the hon. Member for Leitrim, and met in March. It took a great deal of very valuable evidence, which was closed on the 26th of May. Then a very long and unusual adjournment, which he should like to hear explained, occurred till the 3rd of July. In the absence of the Chairman, a further adjournment to the 24th of July took place, and on the 28th of that month the Committee produced its Report. The Report was drawn up by the hon. Member for the Tower Hamlets, and contained little or no debatable matter. He now came to the analysis of evidence prepared by the Chairman. He could assure the Members of the Committee that whatever conclusions they might have arrived at, and however he might differ from them, he should not presume to impugn them in that House. What he complained of was this, that all debatable matters, being excluded from the Report, were produced and brought prominently forward in the analysis of evidence. It was not the duty of the person who drew up the analysis to pass by one whole class of evidence, and to give prominence to the evidence of certain other witnesses who agreed with him in their views. This was the complaint which he made of the analysis in the present case. It imputed to Professor Way, who was one of the witnesses, that he had suppressed the truth, and also unfairly represented his evidence in other respects. Indeed, what purported to be an analysis of the evidence was in substance a second Report, and evidently that was the view taken at a meeting of the Farmers' Club, where the analysis had been spoken of in a very irreverent manner. He was sure, however, that if the analysis had been discussed as a Report, paragraph by paragraph, it never would have been agreed to. His other object was to obviate the mischief the analysis was calculated to do. As he had observed, the agriculturists were not likely to be deceived by it, and in that he was borne out by the report in the *Mark Lane Express* of the farmers' meeting, where Mr. Mechi and Mr. Campbell, of Rugby, an excellent authority on the subject, had condemned the analysis as fallacious and dishonest. But town councils and other municipal bodies not conversant with agricultural questions might be misled by the analysis of evidence, and induced to incur expenses which would be ruinous to the ratepayers. As to the value of sewage as manure, he believed that when sewage was properly applied it was very useful in that respect, but he could not think the mode of application recommended by the hon. Member—namely, that of spreading small quantities over large areas by means of jet and hose—was a good one. The House was much guided by precedents in the matter, and he found that in one instance, where a Report had been drawn up by the Chairman after the Committee had ceased to sit, that Report, upon investigation, was cancelled. He did not believe that exactly such a case as the present had before occurred; but, as he contended that this was really not an analysis of evidence, he should move that that so-called analysis, appended to the Report of the Select Committee on Sewage of Towns, in Session 1862, be cancelled.

Mr. PAGET said, he would second the Motion. Although a Member of the Committee, it was not for a long while after the "analysis of evidence" was ordered to be printed that he discovered that it was not an analysis but consisted of deductions from evidence, animadversions upon evidence, and statements as to the opinions of the Committee upon such and such points. It was not right that such a document should be published to the world as containing the opinions of the Committee when that Committee had not enjoyed the usual opportunity of expressing those opinions.

Mr. BRADY said, that had certain Returns connected with the Royal Commission appointed to inquire into the best mode of utilizing the sewage of their towns and cities and applying it to beneficial and profitable purposes been given to him in time, he should have been able to prove that, strictly speaking, there was no Commission; that it had merged into one gentleman's hands, and that gentleman the largest manufacturer of artificial manure in the kingdom, who naturally had a direct interest in trying to show that sewage was not comparable in point of value to artificial manures. When the question was last under discussion the right hon. Gentleman (Mr. Cowper) lauded Mr. Lawes as a great benefactor to his country; but Baron Liebeg in his pamphlet on *The Principles of Agricultural Chemistry*, referring to that gentleman's experiments, said—

> "With regard to the scientific principles by which Mr. Lawes is guided, it is worthy of notice that all these mixtures [of fertilizers] are made without any understanding of the case and without reflection, as if determined by mere chance."

And again—

> "I should gladly have renounced all endeavours to oppose the errors of Mr. Lawes if his experiments had contributed ever so little to the scientific restoring of the fertility of the land."

There were three propositions which he wished to submit to the House—First, that the agriculture of England at present suffered from the want of manure; secondly, that that want was, to some extent, supplied by the importation and manufacture of artificial manure; and thirdly, that it was not for the interest of those engaged in that trade that any change should be made in the existing state of things.

Mr. LYGON said, he rose to order. The hon. Member should confine himself to the subject before the House—namely, the analysis of evidence appended to the Report of the Committee.

Mr. SPEAKER said, he could not say that the hon. Member was out of order.

Mr. BRADY said, he denied that the question of sewage utilization was one of mere abstract science; it was nothing more nor less than a mere trade question, and those who, under the cloak of science, were pretending to deal with and examine into it in the interest of the public, were, almost without exception, themselves deeply engaged in the manure trade, and in the enjoyment of the profits derivable from the present monopoly. It was buzzed about in that House, and in a journal specially devoted to the interests of the artificial manure manufacturers, that he was actuated by a personal and sordid motive. That was openly stated in that journal because he happened to know Mr. Ellis, who was the promoter of a plan for the utilization of sewage. He (Mr. Brady) had only simply to say that there was not a word of truth in those insinuations. With reference to the analysis of evidence which, at a great expenditure of time, labour, and anxiety, he had prepared for the information of the Committee, and to assist them in the preparation of their Report, did the hon. Mover of the present Motion mean to assert that he had not a perfect right to draw up that document for the instruction of the Committee? Did he mean to say that the Committee over which he had presided were not entitled to examine the document, reject it, or amend it, or order it to be reported to the House with the evidence? His Committee took it into consideration for two days, and ordered it to be printed and reported to the House. In consequence of the premature closing of the labours of the Committee, he had not thought himself in a position to prepare a Report; but instead, he prepared an analysis of the evidence as far as it had gone, giving to the Committee his opinion as to what had been proved. Amongst other things, he stated that in his opinion it had been proved that in 1,250 tons of town sewage there was an amount of manure which, if extracted and dried, would correspond to one ton of Peruvian guano. Even Mr. Volcker, the bitter enemy of a proper utilization of sewage, admitted that all chemists were agreed on that point. The observations he had made in his analysis had given great offence to Mr. Way, but he contended that those observations were perfectly justified by the evidence of Mr. Way. Another of his statements was that sewage was suited to all crops. Mr. Lawes thought differently, but he (Mr. Brady) was supported by no less an authority than Lord Essex. The value of sewage, when applied to land in a proper way and at a proper time, was abundantly and conclusively proved by the experiments of Lord Essex and others. The great thing was not to pour more sewage upon the soil than it had power to absorb. The hon. Gentleman had treated his friend Mr. Miles with scant courtesy. In fact, he had scarcely given him credit for veracity.

Sir JOHN PAKINGTON said, he rose to order. The question before the House was whether the hon. Member for Leitrim, in his capacity of Chairman of the Committee, had not laid before the Committee an analysis of evidence which did not fairly represent the evidence. Consistently with the rules of debate, he believed the speech of the hon. Member ought to be addressed to that point, whereas it seemed to be rather a general summary of the evidence itself than any reply to the Motion before them.

Mr. SPEAKER said, he was very unwilling to say anything to curtail the observations of the hon. Member, but the Motion before the House certainly was whether the analysis of the evidence was a correct one, and drawn in the regular Parliamentary form. That was not the question to which the hon. Gentleman had been addressing himself for some time past. He had been discussing rather the evidence itself than the correctness of the analysis which was before the House.

Mr. BRADY said, he was sorry to trespass on the time of the House; but as the hon. Member had attempted to prove from the evidence that the statements made in the analysis were not correct, he thought he was justified in the course which he had taken. The public mind was sensitively alive to the subject, and it was clear now that it could not be burked. He hoped that there would be further inquiry by a Committee, and that the important question of utilizing sewage would at length be solved.

Mr. AYRTON said, he regretted that the objections to the analysis of evidence had not been limited to the matter of form, instead of introducing a controversy which had been for six months raging out of the House. As to the informality, the Committee shared the blame with the hon. Member for Leitrim. The analysis of the hon. Member who was the Chairman of the Committee was questioned, and the Committee adopted his Report. He, however, thought that as the hon. Member for Leitrim had taken great pains in preparing his document, it should be printed with the Report, and the Committee assented to it. He believed that it was technically wrong, and that it was absolutely necessary it should be withdrawn; but there would be no reflection on the hon. Member.

Sir GEORGE GREY said, that after what had fallen from the hon. and learned

Member for the Tower Hamlets, he supposed there could be no objection to the Motion. If an hon. Member submitted a draught Report and took a division upon it, it would appear as part of the proceedings; but it was not competent to print the individual opinion of a Member without any vote upon it. There had been a mistake, and the document, therefore, ought to be removed from the records of the House.

Mr. BRADY said, he was not responsible for the mistake, any more than the rest of the Committee, but under the circumstances he would assent to the Motion.

Sir JOHN SHELLEY observed, that he must protest against any imputation on Mr. Lawes.

Ordered, That the said Analysis be cancelled.

ILLEGITIMATE CHILDREN (IRELAND) BILL—[Bill 13.]

LORDS' AMENDMENTS.

Amendments, to Clause A, *agreed to.*

Clause A read.

Mr. BAGWELL moved that the House disagree from Clause A.

Motion made, and Question put "That this House doth agree with The Lords in the said Amendment."

The House *divided*:—Ayes 20; Noes 21: Majority 1.

Clause B *disagreed to.*

Other Amendments *agreed to.*

Committee *appointed*

"To draw up Reasons to be assigned to The Lords for disagreeing to the Amendments to which this House hath disagreed:"—Sir Robert Peel, Sir George Grey, Lord Naas, Mr. Bagwell, Mr. Whiteside, and Colonel Dunne:—To withdraw immediately; Three to be the quorum.

THAMES EMBANKMENT (NORTH SIDE) BILL.

Bill *reported,* with Minutes of Evidence; to be *printed,* as amended. [Bill 94.]

Bill *re-committed* for *Monday* next.

Minutes of Evidence to be *printed.*

ANCHORS AND CHAIN CABLES BILL.

Bill for enforcing a Standard Proof to be applied to Merchant Ships' Anchors and Chain Cables, and for the testing thereof prior to sale by the manufacturer or dealer, *presented,* and read 1°. [Bill 95.]

POOR REMOVAL BILL.

On Motion of Mr. Herbert, Bill to authorize the removal of Poor Persons born in England or Scotland and chargeable in Ireland, *ordered* to be brought in by Mr. Herbert, Mr. Monsell, and Mr. Butt.

Bill *presented,* and read 1°. [Bill 96.]

INLAND REVENUE BILL.

Bill for granting to Her Majesty certain Duties of Inland Revenue, and to amend the Laws relating to the Inland Revenue, *presented,* and read 1°. [Bill 97.]

House adjourned at Two o'clock.

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HOUSE OF COMMONS,

Wednesday, April 29, 1863.

MINUTES.]—New Member Sworn—James Stansfeld, esquire, for Halifax.

Public Bills—*Resolution in Committee*—Stock Certificates to Bearer (Remuneration) (April 28) *reported.*

First Reading—Sheep, &c. Contagious Diseases Prevention [Bill 98].

Second Reading—Church Rates Abolition Bill [Sir John Trelawny] [Bill 2], *negatived.*

Considered as amended—Marriages, &c. (Ireland) [Sir Edward Grogan] [Bill 40].

Third Reading—Bakehouses Regulation [Bill 54]; Elections During Recess [Bill 48], and *passed.*

CHURCH RATES ABOLITION BILL.

[Sir John Trelawny.]

[BILL 2.] SECOND READING.

Order for Second Reading read.

Sir JOHN TRELAWNY said, he rose to move the second reading of the Bill. It was always a pleasant thing to have a vigorous opposition, because good arguments were sure, in such a case, to be appreciated; but, at the same time, he regretted he was not to be met, as he had heretofore been, by the right hon. Member for North Wilts (Mr. Sotheron Estcourt), who had generally opposed him in a kind and courteous manner. It was said, "Blessed are the peace-makers," and that right hon. Gentleman had invariably striven to bring about a settlement which would be satisfactory to both sides of the House. His (Sir John Trelawny's) position on that occasion was somewhat peculiar. Indeed, he hardly knew why he should speak at all; for both the present and the last House of Commons having concurred in Bills having for their object the total repeal of church rates, it seemed to him that he was called upon only to bear out the prior conclusions of two Parliaments, to be whose mouthpiece he felt himself unequal. But hon. Members might say that things had since changed, and that the Bill had, on two occasions, been defeated. No doubt the advocates of church rate abolition had been defeated in 1861 by a casting vote, but that was rather on a point of etiquette than on the substance or merit of the measure; but, certainly, on the next occasion they were defeated in a stand-up fight, but only by one vote. It must, however, be recollected that there had always been an understanding that some other measure would be introduced for a different mode of settling the question—a reason which had weighed with many hon. Members who had voted against his proposal. Now, however, hon. Members opposite seemed to have such a want of confidence in their measures, that none was to be brought forward in lieu of his own. He had, indeed, been in some degree the architect of his own ruin, because he was one of those who attended the meeting in the tea-room, the object of which was to effect some settlement which would be more satisfactory to hon. Members opposite. But those hon. Members, having no confidence in their own Bills, had thrown up the case in despair; and the hon. Member for North Warwickshire, who sincerely endeavoured to grapple with the question, had put off his Bill from day to day, and until he found his (Sir John Trelawny's) Bill had been disposed of. He must therefore infer that they concluded there was no alternative but the present Bill. They had totally abdicated their duty in the matter, and virtually given up the helm of the vessel, and he claimed their votes, unless they were prepared to declare on the hustings that they were incapable of dealing with the question, and were content to go on in the manner described by the phrase which had been applied to what took place before the Crimean war—the "process of drifting." They were drifting on a lee shore in a ship freighted, according to their own account, with the greatest possessions for future ages, and yet they left the helm. The ship was in distress, they knew what the consequences would be, but still they were not prepared to take any step to remedy the evil. The whole subject was completely exhausted. It was a question of remedy, and not of disease. He confessed that hon. Members opposite were no true friends to the avowed objects of their affection—the clergy of the Established Church. They acted towards them as if they wished them to go to bed in a warm climate without mosquito curtains. Church rates were the mosquitoes of the Established Church. It was hardly fair that hon. Gentlemen opposite should continue to keep these moral mosquitoes alive, to sting and inflame the clergy.

He could hardly think hon. Members opposite were sincere in their horror of the Liberation Society. That society, it was true, contemplated the separation of Church and State; but what was its power of effecting it? He was not a member of that society, but he had a high opinion of several of its members, as men of intelligence and good faith. The Liberation Society had at least not suppressed the opinions which they entertained; but when hon. Members objected that they took an extreme course, he would ask why they did not revert to the fact that Wesleyans were generally favourable to the Church? There was a large section of the Dissenting classes who were highly favourable to the Church of England, and in dealing with the subject they should be taken into account, and the opinions of one class be set against those of the other. Speaking for himself, he wished to say, once for all, that the views he held when he was a very much younger man had some time since materially altered, because he considered there was a great fallacy at the bottom of the notion he was disposed to entertain in early life, as to the connection between Church and State. That connection was generally supposed by Liberals to be one between two equal bodies, entered into a contract with one common end; but his view was, that the Church of England was in the nature of a corporation under the authority of the civil power, and he should be extremely sorry to relinquish the control they possessed and exercised over the very large body of persons who held the revenues of the Church, which revenues might be misused. If he were about to found a new colony, he would leave all religions in a perfectly equal position, but it would be a very different thing, in an old country like England, to relax the bonds by which the Church was held in subjection to the State. That opinion he had held for some time, although undoubtedly he did formerly entertain different views, which, however, as he had already intimated, he had retracted. Hon. Members should take into consideration the great wealth of the Church of England, and what she had been doing of late. The fifteenth general Report of the Ecclesiastical Commissioners for England showed what great sources of wealth the Establishment possessed, and what great results were being achieved for her benefit, ought to reconcile her friends to the abolition of church rates. In the course of the year to which that Report had reference, £200,000 in cash, and an amount of stock equivalent to £100,000, was transferred to the Ecclesiastical Commissioners by the Church Estates Commissioners, as the surplus upon their transactions under the Episcopal and Capitular Estates Management Act. They proposed to devote £100,000 to meet benefactions already offered under the published rules, to discharge local claims to the extent of £20,000 per annum, and to augment the incomes of all benefices in private patronage having a population of 10,000 to £300 per annum. The number of districts constituted under the New Parishes Act up to the 1st of the previous November was 293; the total number of benefices augmented was 1,438, and the total charge on the common fund amounted to £170,000 per annum. By the twelfth Report of the Church Estate Commissioners it appeared that in the year they had approved of 2,274 transactions, the fee simple of the property dealt with being equal to £8,840,000. A bill had also been introduced in another place, the object of which was to increase the livings of poorer clergy to £300 a year by the sale of the advowsons in the gift of the Lord Chancellor. He did not offer any direct opposition to that measure, but he thought its introduction presented a good opportunity for setting apart a portion of the capital obtained by such sales to be appropriated in lieu of the church rates. It was well worth the while of the Established Church to make some arrangement of that kind.

A great deal had been said about a compromise. He was not opposed to a substantial compromise; indeed, he had done everything he could, consistently with fidelity to those he represented, to bring about a compromise, but he had received very little support. One of the great opponents of the Established Church—Mr. Miall—was prepared to accept the compromise of 1854 and 1856, and the hon. Member for Birmingham had made two suggestions, in which at the time he (Sir J. Trelawny) could not concur—namely, to pass a measure for the abolition of church rates in three or five years hence, or, on the other hand, to adopt Lord Ebury's plan for doing away with the coercive measures by which those rates were levied and enforced. So far, therefore, as that side of the House was concerned, if they got the substance of their measure, they would be content with a compromise; but with nothing less than the substance would they be satisfied. A reduction of charge from twopence to a penny would not be a satisfactory solution of the difficulty, nor would the exemption of parishes where church rates had not been paid for seven years. The first plan would not remove the gravamen of the evil, and would evince a desire to keep them under subjection, while the latter would create a feeling of jealousy between the exempted and non-exempted parishes. Then, if they transferred the charge to owners of property, the whole theory on which it was imposed would be altered, because it was assumed that occupiers paid church rates in respect of some advantage they derived from the church. Instead of that plan remedying the existing evil, it would create a new one, as owners might be Catholics or Jews. He conceived that to be a fatal objection to the plan of the hon. Member for North Warwickshire.

He hoped hon. Gentlemen opposite would not use this measure as a lever for a political ambition. But he did not confine that remark to them alone, but would apply it to Members on the Ministerial side of the House, who, he trusted, would not deal with the measure with a view to political aggrandisement. If they were to have a "bag fox" for secular sport, let them at least have a secular victim. Let them not treat that as a question for a mere debating society. People, seeing that this question had been so many years under discussion, naturally asked why it was not settled. Was this the right answer, "Because Parliament can't or won't settle it"? If Parliament liked the subject, it was certainly more than he did; and if it was to be kept open to amuse them on Wednesdays, then he said there was no accounting for tastes. He confessed he could not understand the position held by the Chancellor of the Exchequer on the subject. He had heard, or seen reported, some remarkable words as having fallen from the lips of that right hon. Gentleman, such as that danger to the Church did not arise so much from those outside as from those within the Establishment; he also spoke of civil and religious equality being now, or that it ought to be, the rule; and yet he had not seen the name of the right hon. Gentleman in any division in favour of the abolition of church rates. If there was one thing about the right hon. Gentleman more remarkable than another, it was his somewhat pedantic regard for being correct in point of logic, and quite consistent with himself upon all occasions. He liked to take a symmetrical view of things; but he had not yet taken up that kind of position on that subject. He wanted, then, to know what he meant by the principle which he had put forth. Did he mean inaction, or contentment with the state of the law as it was; or did he feel himself incapable of dealing with it? There were other hon. Members who had taken rather an odd course on this question. Some voted for the second reading with the idea that they might thereby coerce the Government to act; but when the third reading came, they did not support him. He wished hon. Members would take one line or the other. If church rates were a valuable institution, let them be supported through thick and thin; if not, let them be abolished. He could enumerate ten or fifteen different compromises—there was the compromise of the hon. Member for North Warwickshire, the compromise of the hon. Member for Devizes; there was the compromise of the hon. Member for Oxford, and numerous other places. It seemed as if they had been led of late years by a species of will-o'-the-wisp into bogs, quagmires, and all sorts of miseries, but no real step had been taken to settle this question. A good deal had been said of the restoration of churches. He was himself very much interested in the restoration of the old fabrics of the Church, and he agreed with the writer of a letter signed "Argus," which he had lately seen, that if they elected a better class of persons as churchwardens—men who took an interest in church architecture—those officers would have no difficulty in raising, by voluntary means, money sufficient to keep the parish church in a state of proper repair. He thought the law on this subject was not satisfactory. If they wished to get churches restored, there ought to be a commission of architects, who should examine the whole condition of those edifices, and then funds might be got, either through voluntary subscription or otherwise, for their proper restoration. In some of the churches erected in large towns—in Manchester, for instance—he observed by a Petition which had recently been presented considerable accommodation had been provided for the working classes, but by degrees a custom was adopted of letting those sittings, and the working classes were thus excluded. He had, for many years, objected to the pew system; but that was carrying that system to the very verge of illegality. The law which had been passed for the benefit of the labouring classes was thus turned against them—and, instead of having the advantage which the law secured to them, the people were saddled with new rates. Under some Church Building Acts there was a power to charge the parish, if the vestry consented, with very large sums for the restoration of churches. That would yet give rise to grave questions, and increase tenfold the opposition to church rates. He did not wish further to detain the House; but he could not help expressing his surprise that the hon. Member for Leominster had no intention to bring in any substantive measure. The Conservative party, it appeared, were prepared to nail their colours to the mast, and leave the country without the prospect of any amelioration on this question. Would not the true interests of the Church and the clergy have some influence with hon. and right hon. Gentlemen opposite? Were they to be left in hot water for all time? He begged to move the second reading of the Bill.

SIR CHARLES DOUGLAS seconded the Motion.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. GATHORNE HARDY said, he could assure the House that it was not without considerable reluctance that he found himself in the position of moving the rejection of this Bill; but he had been induced to take it up in consequence of the continued illness of his right hon. Friend (Mr. Sotheron Estcourt), which had rendered him unable to attend the House. He was quite sure that he should express the universal opinion of the House when he expressed deep regret for the cause of his absence, and said that the conduct of his right hon. Friend with regard to this and every other question had always been characterized by straightforwardness, candour, and good feeling, and he should endeavour in anything he had to say on the subject to take that conduct as his guide. Now, with respect to what had been said by his hon. Friend opposite, he could not see that the position in which his hon. Friend stood was of that supereminently prosperous character which he had described. His hon. Friend had told them that he represented the feelings of two Parliaments, and that the public were entirely with him; and that Parliament had pronounced against church rates. He (Mr. Gathorne Hardy) took issue with his hon. Friend on that question, seeing that the condition of things had materially altered since Parliament had thoroughly considered the question. He was not sure but that the case might have been different but for some of those allies with which his hon. Friend had of late years become associated, and that he might not have arrived at a more successful result. His hon. Friend asked the opponents of the measure not to make the question a lever of political ambition. Why, his hon. Friend had told them that they could not do so, because the constituencies of the country would be against them. It was therefore clear, if the statement of the hon. Baronet were correct, that the opponents of the Bill did not come to the consideration of the Bill in their own interests, but from attachment to, and consideration for that Church to which they belonged. The hon. Baronet had expressed his surprise that no compromise was then offered. But was there any inconsistency in that or any want of deference to the House. The position which he (Mr. Gathorne Hardy) and the party with which he acted took was a clear and intelligible one, for the Bill of his hon. Friend was a bar and impediment to any compromise on the subject of church rates. He passed by some of the inconsistencies charged by the hon. Baronet against his opponents. He left the Chancellor of the Exchequer to defend himself. It was not for him to say what were the opinions of the right hon. Gentleman on church rates, or what they would be next Session. The mind of the right hon. Gentleman seemed to be undergoing the most extraordinary transformation, and it was impossible to say whether he would retain from one Session to another his opinions on any subject. The hon. Baronet had endeavoured to associate church rates with church architecture, and said that churchwardens had shown great want of taste in the restoration of our ecclesiastical edifices; but, whether church rates were abolished or preserved, he had little doubt the taste generated in this country would yet be carried out with more full effect, and that the old churches would be improved and new churches built with due regard to the rules of good taste. When the bad taste of churchwardens prevailed, no better taste was found in the mansion of the squire than in the farm-house or shop of the churchwarden. That state of things was altered. The hon. Baronet called on them to rescue the clergy from the hot water in which the constant agitation of church rates kept them. Well, after all, the clergy seemed to like this hot water better than the remedy of the hon. Baronet. In nearly every parish throughout the kingdom the clergy, in company with their churchwardens, had petitioned against the abolition of church rates. The hon. Baronet, adopting the principle of Sangrado, wished to deplete them as well as keep them in hot water, or rather he would put them in water still hotter, and bleed them to an extent that would reduce their system materially. The question had been debated so often that the discussion was not tempting; yet, though he could say nothing on it that was new, he believed he could say many things that were true. In the present position of church rates it was necessary to consider what was the principle on which church rates were maintained. Now, he wished to get rid of one point which had been much pressed on the country — namely, that the maintainers of church rates thought only of the pecuniary interests of the Church as an Establishment, and cared nothing for her position in regard to the doctrines which she taught. That, in fact, the Establishment was more considered than the Church. He was glad to think that they had not arrived at that period when the doctrines of the Church were to be argued in that House. If such a time came, Churchmen would not be afraid of maintaining the truth of the teaching of the Church of England. In the mean time, he was now speaking on behalf of the national Establishment of the country, and hoped that the question of the doctrines of the Church would be reserved for a very distant period. He started with this position, that in no sense were church rates unjust. Now, he had been struck with the authorities which existed with regard to the proposition that church rates were unjust. The noble Lord at the head of the Government had declared that church rates were "neither unjust nor intolerable;" and the noble Lord the present Secretary for Foreign Affairs—the champion, as was said, of civil and religious liberty — in 1859 told them that he considered church rates as neither unjust nor intolerable, but he voted against them on other grounds; the Duke of Newcastle, in the House of Lords, said church rates were not unjust, and no one was more justified in refusing their payment than a Quaker would be in refusing to contribute to the army and the navy. He (Mr. Gathorne Hardy) thought that in such company as that he might well maintain that church rates were neither unjust nor intolerable. The hon. Baronet had admitted the difference between a new country and an old one, and had confessed that his views as to the Establishment here had undergone a change. It was not necessary for him (Mr. Gathorne Hardy) to discuss the question whether church rates would be desirable in the Colonies. They were considering the Church of an old country, in which from the earliest times there had been an established Church. Church rates had been levied for a thousand years, and in the beginning they were devoted to their purpose by those who had possession of the land; and although afterwards levied on the occupier, yet it was in respect of the property originally liable, and with the same object, the maintenance of that Establishment which embodied the Christianity of the nation. When, therefore, after the Reformation there arose different sects in this country—all entitled, indeed, to the fullest amount of toleration, and the fullest equality with regard to religious profession—he could not see for his part, though it might seem vexatious to them to contribute to an Establishment with which they did not concur; yet, seeing that they had succeeded to an inheritance originally liable to the charge, the levy of church rates could not be accounted unjust. There were also civil advantages connected with national religious establishments, for which it was but fair and reasonable that everybody in the country should pay. They acted on the masses, who could not provide means of religion for themselves. He could not understand the justice or propriety of taking away a quarter of a million per annum from the support of the national Establishment now so easily obtained, and then to call on the supporters of the Church to raise the money by voluntary means, and deduct so much from their charitable contributions. He trusted he was not insensible to the claims of conscience; but every offer had been made to those who urged such claims which in justice they could require. Every such offer had been refused as an insult rather than a benefit. Let them, then, hear no more of conscience. The question had assumed such an aspect that he felt it necessary to look at the supporters of the hon. Baronet. There were two classes on whose aid the hon. Baronet relied. He relied mainly on those who were thoroughly in earnest about the rate. He (Mr. Hardy) did not mean to mention the Liberation Society further than to state that it was composed of persons who were the most active on the subject of church rates, and who were the instigators of everything done for the abolition of that charge. The hon. Baronet asked why the question was to be argued over and over again. But the opponents of the present measure did not moot it. The hon. Baronet was the person who mooted it; and while he most sincerely gave the hon. Baronet the credit of dealing with the subject in a fair spirit, and without the intentions professed by his warmest supporters, he could not but think that that society felt that they had got in the hon. Baronet an excellent instrument for the accomplishment of their object. That was what might be called the purely voluntary party, which might be considered to be directly represented in that House by the hon. Member for Sheffield (Mr. Hadfield). He believed they held that in no religious matter should the State interfere. But he wished to know how far that principle was to be carried? Was it to be applied in the case of a non-Christian country, or was it only to be applied in the case of a Christian country, and more especially a Christian country which owed its Christianity almost entirely to its Church establishment? Not that he was going to detract from the merits of the Dissenters. He willingly acknowledged that they had done a great deal; and he believed they might do much more without interfering with the Church. Let them rival the Church among those great masses whom neither of them at that time sufficiently touched. But he wished to probe their sentiments on the subject of voluntaryism. Was there to be no interference by the State in any religious matter, as it was contended by Mr. Morley, one of their witnesses before the Lords' Committee? Was it possible to carry out that principle? When voluntary missionaries connected with those communities which denounced State aid at home went into foreign lands—for instance the Polynesian Islands—was it not their great object to get hold of the kings, or other rulers of those islands, in order to obtain a more ready acceptance for their doctrines?

Mr. HADFIELD said, that those missionaries never interfered with the freedom of any people for the propagation of their faith.

Mr. GATHORNE HARDY said, he believed it was impossible for any one conversant with the subject, and who had read the narration of those missions, not to see that one great object of the missionaries was to get hold of those in authority, in order that they might direct the system of legislation in those islands, and more especially had this been done in reference to the observance of the Lord's Day. They might further test that principle by small occurrences. The Dissenters had agreed, in regard to the cemeteries of this country, that a rate should be levied, not merely for the decent burial of the dead, which was a purely sanatory regulation, but also for chapels for the celebration of Divine service. They had voted for such a rate in their vestries; and in doing so they had acted inconsistently, although justly and rightly, in his opinion, yet still inconsistently with their own professions of voluntaryism. His hon. Friend the Member for Leeds (Mr. Baines), in the exercise of his discretion, had voted the other night for the Prison Ministers Bill, and he believed that measure had also received the support of the hon. Member for Sheffield (Mr. Hadfield). By that Bill provision was made for paying chaplains other than those of the Established Church. Now, he did not understand that the voluntary principle, as it was called, was one for merely enforcing the doctrine of demand and supply, and for confining the supply to those who paid for it. He knew, from the efforts made by the Dissenters, that their voluntary principle was, that those willing to give should give not only for their own benefit, or for the benefit of those with whom they were specially associated, but that they should give for the benefit of those who had no means of providing for themselves. In what respect, then, did the prisoner differ from the poor man? In what respect did the case of men confined in a gaol differ from that of the helpless inhabitants of one of the great towns who were unable to provide for their own religious instruction? He said, then, that when the hon. Member for Leeds and the hon. Member for Sheffield, were ready to vote money for chaplains in gaols, they were infringing the voluntary principle—it might be rightly infringing on it—while they showed by their conduct, as distinguished from their profession, that the religious instinct in man rendered it impossible to carry out the doctrine of the non-interference of the State in matters of religion. The State not to interfere in matters of religion! Why, the table of the House was groaning with Petitions from Dissenters praying that the House might interfere for the better observance of Sunday. The adherents of the Church establishment might consistently pursue such a policy, but it could not be adopted by the advocates of the voluntary principle without a departure from their own doctrine of non-interference in religious matters; and if their principles were right, without injustice to others, who differed from them in opinion upon that subject. He maintained, then, that the voluntary principle could not be carried out; and, if not, there was no injustice in calling for contributions to that which was the State Establishment. But he had heard it stated—and the position had been maintained in the strongest and most honest manner by the hon. Member for Birmingham—that it was not a question of money—that it was not a question of a rate, but that it was a question of supremacy. Then he knew where the opponents of church rates were standing. They were standing on ground that was in every way utterly indefensible. That objection was not raised to the particular doctrines of the Church now established. It was a question as to whether it was right or wrong to have an establishment at all. He accepted that issue; and he said that any establishment they maintained must, in as far as it was an establishment, be supreme in the country. He considered that in a country in which there was no establishment it was inconsistent to take one chaplain to officiate on one day and another chaplain to officiate on another day, as was done in the United States of America, if the duty was not to be performed by the ministers of every sect, including the Mormons or any other equally objectionable denomination. Even then it might be said there was an infringement of the liberty of those who acknowledged no religion at all. He was speaking, of course, on the supposition that the principle that there was to be no establishment—no supremacy of one sect over another—was to be fully adopted, and that an instinct in men's minds did not forbid its application. The fact was, that the theory could not be carried into practical effect; and whenever arguments in favour of abstract dogmas of that description were put forward, he was reminded of the statement of Mr. Burke, that he should always decline to give an opinion upon abstract theories in questions of practical legislation, because they must vary in practice according to the circumstances upon which they were brought to bear. He believed the hon. Baronet the Member for Tavistock, when he stated that he really desired the preservation of the Church in this country. He had told them, that whatever might have been his opinions in early life, he felt, in the maturity of age and of experience, that an old country in which an Establishment had struck its roots in every direction would be materially injured by wholly uprooting, or even partially uprooting, such an institution. But he could not separate the hon. Baronet from his supporters upon that occasion. When he looked at the opposition to the maintenance of church rates in this country, he was not able to separate the real leaders of the movement from those who were content to follow in their wake. They were the second class who supported the hon. Baronet. He knew that he was addressing Members on the Ministerial side of the House who had done as much for the Church of England as any Members on the Opposition side. He knew that he was addressing Gentlemen who, in their own districts, were never weary of promoting the interests of the Church, whether spiritual or temporal. It was therefore that he felt astonished when he found those men in alliance with other persons who had openly proclaimed that their objection was to the existence of any Church establishment whatever; and he could only account for that fact by supposing that they had been led by hustings promises, and by the the pressure of popular assemblies, into a position which was not consistent with their calmer convictions or with the course which they actually pursued in the parishes in which their property was situated. They had drifted into that position, they had been led from one point to another, and they were therefore ready to vote for a Bill which would abolish church rates in districts in which they were cheerfully paid, and in which the inhabitants had petitioned that they might be continued. They themselves at home supported the system of church rates, and willingly paid them; yet in Parliament they voted for their abolition. In speaking of those supporters of the hon. Baronet he trusted he had said nothing which they could consider personally offensive. He had endeavoured to distinguish between their conduct at home and their conduct in Parliament upon that subject, which seemed to him inconsistent if their convictions were in accordance with their votes. He had no fear of their altering their practice at home in consequence of his observations. The hon. Baronet said that he had in his favour the decisions of two Parliaments, and that he stood in a position which made it almost unnecessary for him to say a word in support of his Motion. But what was the position of the House itself upon that question? Last Session the House, on the Motion of his right hon. Friend, which was brought forward with great temper, judgment, and good feeling, had adopted a Resolution to the effect—

> "That it is unjust and inexpedient to abolish the ancient customary right, exercised from time immemorial by the ratepayers of every parish in England, to raise by rate among themselves the sums required for the repair of their churches, until some other provision shall be made by Parliament for the discharge of those obligations to which, by custom or statute, the churchwardens, on the part of the parishioners, are liable."

That was a fact upon which there could be no dispute, and that decision of the House was entirely inconsistent with the Bill of the hon. Baronet. But then the hon. Baronet asked the opponents of the measure why they did not come forward with some solution of the question? Their reply was that Parliament had decided that his Bill ought not to be considered by the House until some provision was made for the repair of the churches. The hon. Baronet told them that the compromise proposed by the hon. Gentleman the Member for North Warwickshire was wholly unacceptable, and that all the other settlements offered were impracticable and almost absurd, for he actually applied to them the word "frivolous," and expressed his surprise that such proposals should have been brought forward. But the supporters of church rates, seeing that their opponents would listen to nothing but unconditional abolition, felt it to be their duty to continue the law as it stood. He did not mean to contend that the existing law upon that subject was a perfect law. Indeed, he should be very foolish if he were to do so. But he did not think that its imperfection consisted in the fact that the rate was an universal rate and levied upon members of every religious persuasion. He believed that the imperfection of the law consisted mainly in the difficulty of enforcing it. And although he was willing to entertain what he should consider a reasonable offer on the part of those who objected to the rate, he maintained that the existing law was better than its unconditional abolition, because its unconditional abolition would strike at the root of that which he believed was an essential principle in the Constitution of this country—namely, that the Church should stand in the position of a State establishment. It was, then, for the opponents of church rates, who had refused and spurned every proproposal for compromise hitherto made, to propose some solution of a question which they themselves had raised; but he contended that in consistency with the Resolution upon the books of the House this Bill ought to be rejected. There was another reason why they should decline to part with this portion of the Church's income—as the Bishop of London had said, their own common sense would not allow them to give up what they possessed without getting something in its place. Decisions, too, had been recently given which, in his opinion, made the levying of the rates easier than it had been. The decision in the Sydenham case as to churches built under the Church Building Act, which showed also the purposes to which church rates might be applied, and also the decision that magistrates might consider the *bona fides* of an objector to a church rate, were important cases for future guidance. Besides, the utter impossibility of any compromise at present, except one so called to which he would refer presently, had been admitted by the hon. Member for Swansea, by Lord Russell, and by the noble Viscount at the head of the Government, who, having alluded to some possible substitute for church rates, upon being asked to what he referred, said he only meant voluntary contributions. That, however, was no compromise at all. The truth was, the whole difficulty arose with the earnest men by whom the hon. Baronet was backed, who had shown by their speeches and by their action that there was a determination to bring to an issue that great question which was behind church rates. They had told the House and the country that every one of their measures was intended to damage "the legal and political status of the Church of England;" and they rejoiced when any one of them passed, because they conceived the Church had lost some of her ground as a national Establishment. It was plain therefore why every proposal for a settlement which admitted the principle of a national Church establishment should be rejected by them, and everything that negatived the principle of an Establishment should be rejected by the supporters of church rates.

He would next advert to what had been called Lord Ebury's plan. That noble Lord had some years ago published a pamphlet called *The Only Compromise Possible.* That seemed to have succeeded as much as Milner's *End to Controversy*, which had rather stimulated than terminated controversy. The compromise proposed was, in his opinion, perfectly absurd, as it was to make legal that which already was legal, and to confer a power which they possessed already and a great deal more beside. The machinery was to be left, the power of working it taken away. If that so called compromise was accepted, what sacrifice would the abolitionists be making? They would take the oyster and offer the Church the shells, with permission to place within them another oyster, if they could get one. There was an old proverb in a Book which all venerated, "In vain the net is spread in the sight of any bird." In this case the net was easy to be seen, but yet a bird was found, in the shape of the noble Lord opposite, deliberately and with eyes open, to walk into it. That noble Lord had given notice of an Amendment in Committee, should this Bill ever reach that stage—

> "To leave out all words after 'Act,' and insert words which should have the effect of preserving the duty as it at present exists of churchwardens and vestries to make provision for the repairs of the fabric and decent maintenance of public worship, and repeal all power of enforcing payment of any church rates to be made by them in any

Ecclesiastical Court, or before any bench of magistrates."

The noble Lord the Member for Woodstock (Lord Alfred Churchill) not only voted last year that the question as to the Church Rate Repeal Bill should not be put, but also affirmatively for the Resolution of his right hon. Friend, that nothing should be done till some substitute was provided. Now, however, he proposed to preserve the church rates as they at present existed, for the decent maintenance of public worship; and, on the other hand, to take away all power of enforcing them in any courts whatever. A more ingenious method of imposing on the churchwardens a duty, and destroying the means of carrying out that duty, was never yet suggested to the House; and yet this was put forward in the name of charity, liberality, and fair dealing. The noble Lord had actually, after having pledged himself to that vote last year, come forward to tell them that they might collect their rates on voluntary principles—(they did not want the noble Lord to tell them that)—that they might assess themselves, and assess others if they chose to pay the money. If that was all the abolitionists intended to offer, it was mere mockery and insult. The members of the Church were not afraid of the voluntary principle; that principle had for years been acted on by the Church in the noblest manner, and he trusted it would be carried further than ever. Earl Russell had said, when accounting for his extraordinary recantation of strongly-expressed sentiments, that because the Church had made great voluntary efforts, therefore he had changed his opinion; and he, who had told them that "the National Church, an hereditary monarchy, and an hereditary aristocracy, must stand together," being connected by one indissoluble bond, became converted to the belief that her powers of usefulness would be improved if she were deprived of a quarter of a million annually, and left to supply that amount from the resources now devoted to voluntary charity. Now, he did not think that voluntary efforts alone could be relied upon for the support and repair of churches, because voluntary efforts were, in their nature, spasmodical. They were unsuited to the incidence of repairs and other small matters connected with churches, as some stimulus was required to set them in motion. Most hon. Members, he had no doubt, were overwhelmed with applications to subscribe to charities of all descriptions. One was about to celebrate its twenty-fifth anniversary, another its jubilee of fifty years, another to make some vast increase in the benefits it bestowed upon the poor; and every mode of exciting the feelings was adopted which could stimulate people to support them. Voluntary efforts had not succeeded for such purposes, even in places much larger than most of those that would be affected by this Bill. At Birmingham they were told the clergy experienced very great difficulties, and were driven to a system of begging that was injurious to their proper work and position. The same was proved to be the case at Edgbaston and at Maidstone. In reference to the latter town, the evidence before the Lords' Committee showed clearly the incidence of the rate upon property; for when the rate was discontinued, Lord Romney placed an additional rent upon his land, equal to the amount of the rate, which he thus collected himself, with the consent of all his tenants. Yet even there great difficulty was experienced. There would be no difficulty perhaps hereafter, when churches fell into decay, and were in such a state of ruin as to appeal to the sympathies of those who took an interest in them; but the consequence would be, instead of a small annual payment to keep them in repair, appeals would have to be made from time to time for large amounts, to effect extensive restorations. The noble Lord (Lord Alfred Churchill) proposed to continue the duties of churchwardens, but to deprive them of the means of enforcing any rate. Already the office of churchwarden was no sinecure, and it was difficult to find men who were qualified to fill it. Every one knew how unpleasant it was to collect a rate; but if men were to be told by the Act that it was their duty to make provision for the proper administration of public worship and the maintenance of the Church, and if they had to go about begging from door to door, the House might depend upon it so strong would be the feeling of dislike to the office that it would be accepted by no one. Well, then, was it to be expected that the clergy were to lessen their small incomes to support the fabric and services of the Church? It was proved that the clergy of the country were already heavily burdened by the charities to which they were in a manner compelled to contribute. In the great work of educational charities the clergy were making efforts which were hardly known, and not sufficiently appreciated; and in many parishes, where the landlords were non-resident, the whole burden of education was cast upon them. Let the hon. Baronet opposite, and those who supported him, remember that the week-day education in England was mainly carried on by the Church clergy, and that those whom the promoters sought to deprive of the assistance derived from church rates were spending their often scanty means in educating the children of Dissenters. He fearlessly asserted that the week-day education of Dissenters was in the main provided by the ministers and members of the Church. A new burden would be cast upon the clergy which they ought not to be called to bear. The hon. Member for Birmingham had said that the clergy should refuse to do these things, and throw themselves upon the laity, and assured them that they would receive ample support; but the clergy would never bear to see the House of God disgraced, and would take from their scanty incomes to keep the sacred edifices in repair and the services in decent order. Much had been said of what the Dissenters had done upon the voluntary principle; much, no doubt, they had done, but more remained to be done, and that without interfering with the labours of the Established Church. The House was aware that the Dissenters had recently celebrated what was termed the Bicentenary Festival, to commemorate and do honour to the 2,000 Nonconformists who went out of the Church in 1662; but any one, who had read the reports of the bicentenary meetings that were held, must have seen that where the speakers uttered one word in honour of the 2,000 they uttered ten for themselves; and it was evident that it was only for the sake of getting money, and stimulating the minds of the people with that object, that that bicentenary festival was held. That showed the excitement needed to obtain resources under the voluntary principle. He might speak of other cases in which the voluntary principle had been applied. In the metropolis it had been applied by the late Bishop of London on the largest possible scale, and a number of churches had been erected in the very poorest districts of London; ten alone he believed being built in Bethnal Green, where the poor could do nothing for themselves. All those efforts, however, which did so much on the large scale were found inefficient for smaller matters, for the present Bishop of London had told them that in Bethnal Green there had been found an infinite difficulty in keeping the churches in repair. He quoted from the example afforded by the efforts of the Bishop of London, because it showed, that although voluntary efforts under a great stimulus would do a great thing, they would not do small things where men's minds were not so readily excited. He was aware that some hon. Members thought that when the Church claimed to be the Church of the poor she claimed more than she had a right to arrogate. [Mr. HADFIELD: Hear, hear!] The hon. Member for Sheffield, who cheered that statement, belonged to a religious body which had done great works, but nearly always only in paying places. When poverty entered into a district, the chapels were sold, and its proprietors rebuilt in richer localities; but a church placed in a district that became pauperized remained there, and had, from the necessity of the case, to look after the poor. It was, however, an indisputable fact that in every part of England there had been a migration of Dissenting chapels from districts where poverty had set in. He presumed, also, that if Dissenters advanced such a claim as that to which they said the Church had no right, they intended to take upon themselves the great work of instructing the poor; but the fact was that in very poor districts the voluntary principle, as generally acted on by them, could never be carried out; because the seat-holders in poor districts could not afford to pay for the rent of the pews, which was the main source of the revenue in Dissenting chapels. The Church of England had always acknowledged its duty to the poor, and had done and was doing much for them. But it ought to be stirred to its depths by the accounts of the want of spiritual food and sustenance still felt by the very poor; as, for instance, when they heard that in fifteen of the large towns of the country there was no less than 45 per cent of the people living as heathens, untouched either by the Church or the Dissenters. Surely there was abundant room for the exertions of all. He admitted that where there was no room for the poor there ought to be no rates for the Church; but where there was abundance of room, where, if the poor knocked, they would find the door opened, in such parishes (and there were thousands of them) the rates were maintained in peace and quiet, and therefore the Abolitionists could not have the interest of those parishes at heart, but had in view a mere political object. It might, indeed, happen, that in some of those parishes a person, instigated from without, to gain a little celebrity for himself, and to render himself conspicuous, might choose to plunge both clergy and laity into hot water, and resist the laying of a rate; but the House might depend upon it that in such parishes the attachment to the Church was so strong, that although some might be led away for the time, yet the vast majority recognised the Church as that under the care of which they had grown up, and under the shadow of which they wished to rest; therefore in such parishes the rate would in general be quietly and easily raised. There were more than 9,000 parishes in which rates were levied quietly; and if hon. Gentlemen opposite would only let the Church alone to pursue the great work which it had in hand, and turn their attention to collecting the lost sheep in large towns, they might depend upon it they would pursue a much nobler course than by continuing a system of petty annoyance for the removal of what was, in point of fact, a benefit to the poor, and no injury to them at all. They were asked to give up all which for twenty-eight years they had maintained, and this in the face of majorities decreasing until those majorities had at last dwindled down to nothing—nay, had changed to a minority; but they could not yield, without dishonour to themselves and without abandoning those who had confided to them their cause, to the Motion of the hon. Baronet, much less to the mockery of a compromise which had been offered to them. They had bound themselves to accept the issue put before them, and would maintain their position. At the same time, when asked whether they would accept anything for peace' sake, the answer of the Dissenters was—"Nothing but absolute surrender will give us peace." When told that great statesmen in the Government had yielded to public opinion, they could not forget that it was in 1859, no long time from the celebrated meeting at Willis's Rooms, that the noble Viscount at the head of affairs and the noble Earl at the head of the Foreign Office suddenly forgot all the arguments they had used in favour of church rates, and told the House that the voice and opinion of Parliament and the public had decided the matter, that compromise was out of the question, and that it was better that church rates should be given up at once. It was remarkable that such a change should happen just then, because the noble Earl had spoken on the subject in words which went to the root of the whole matter. What did the noble Lord say when he explained to the House the way he was going to vote in 1859? He could only excuse his change by the argument — if argument it can be called — "I find the Church is able to make great voluntary efforts, therefore I am ready to say she should make more." The noble Viscount had told them in 1859 that Parliamentary and public opinion had denounced church rates; but what would he say now? He (Mr. Hardy) admitted that the balance was pretty even in Parliament, but the weight had gone down on their side, and, in fact, the voice of the present Parliament had expressed the opinion that it would be unjust and inexpedient that such a Bill as the hon. Baronet had introduced should be carried. Why, then, did not the hon. Baronet save them from the absurdity which would be conspicuous if they passed his Bill while there remained on the Journals of the House the Motion carried last year, which was perfectly inconsistent with the Bill. That Resolution should, at all events have, first been rescinded. Surely, it was for the hon. Baronet, not for them, to retire from the contest; for they stood upon the recorded decision of the House, that if church rates were to be abolished, there should be some proper provision made for the Church. So much for the voice of Parliament. Well, then, they were told by the noble Viscount that public opinion, which he was always so anxious to conciliate, had decided the question. No doubt in large towns it had been decided generally that rates should not be levied. He did not complain of that, as the rights of the vestries were maintained. But it was in the 95 per cent of parishes—an increasing number, for the records of six counties showed that one-third of the parishes which refused rates in 1856 levied them in 1861—in all those parishes the voice of public opinion was in their favour. The House had heard recently a good deal about local rights, and would probably soon hear more, and he should like to know how energetic Aldermen would vote upon the division that day, upon a question of local and vested rights. Surely, if there were any questions of legal or vested rights, the question of church rates was one, and the vestries were the proper places in which that question should be determined. At all events, if they would not come to reasonable terms in that House, they must leave it to be fought out in the local assemblies, to whom for ages it had belonged, and he believed they would then be able to carry out the principle of church rates without infringing the rights of conscience of anybody. He believed that such discussions could there be conducted with good temper and good feeling, and in the absence of all virulent hostility. So much had the question in all its bearings been before the public, that it was better understood, and could be viewed with coolness and judgment. The hon. Baronet, it was true, being constantly engaged in the discussion of one part of the case, had got to think that the case of the supporters of church rates was much worse than it really was. He had got to think that every parish in the country was agitated about Easter time with convulsions of a most violent character. The right hon. Baronet was, in effect, mistaken altogether. Discussions in the vestries were very rare, but when raised they were carried on in the best possible spirit; and though sometimes the clergyman who presided was unjustly subject to considerable obloquy, yet, as a general rule, he heard with patience the statement of any one who felt aggrieved, and it was his most anxious desire to do justice to all parties. He (Mr. Hardy) would not say that the Church was in danger, for in truth he did not think that it was ever in less danger than it was at present; but he did think that all those subjects which the Dissenters were forcing upon their consideration—all the attacks they were making day by day—were calculated to create those feelings of exacerbation the existence of which he should much deplore, and which would never, in his opinion, arise unless fanned into a flame from without. There were now more than 9,000 parishes in which church rates were granted. Those parishes stood upon the justice of their cause; they appealed to their vestries, who had a right to determine the questions they placed before them, and were content to submit to the decision of the House of Lords, and to take their chance under that decision. He, and those who acted with him, would not refuse any reasonable offer, but they must reject unreasonable demands. No terms could, however, be acceded to so long as the Dissenters refused to admit the principle of an Establishment; no concessions would bring peace; and so long as they declined to do that, they must be content to stand in opposition; for while they continued to oppose the nationality of the Establishment, so long must the Church party defend it. The whole question was ripe for the issue: the Liberation Society represented those who held opinions like the hon. Baronet; and when they were told that that society would not rest until they had destroyed the principle of a national Establishment, he must call upon all lovers of the Church to support it. It was said that persons would be persuaded to oppose the levy of church rates after they had been duly laid, and litigation in every parish resorted to. He should much deplore attempts being made to resist the law, and people being persuaded to make martyrs of themselves. He trusted, on the contrary, that where the feeling of the parish was represented in the vestry, and where the vestry had come to a decision on the question, the good sense of the people would lead them to turn a deaf ear to any such persuasions. In conclusion, he had to thank the House for the patience and attention with which they had listened to him, and he trusted that he had said nothing that could give offence to any one. To the principle of the Established Church he attached the greatest importance, not only as a Churchman, but because he regarded it as essential that the State should be in connection with some religion; and being so, it was not statesmanlike to cramp and cripple her in her legitimate resources. He thought that the Established Church in this country was tolerant, free, open, and comprehensive; and that if not provoked and irritated by constant attacks, her members were desirous of living in peace and friendship with all the sects now arrayed against her. He believed that both the Church and Dissenters had their work to do in the great field before them, and he trusted, that in calling upon the House to protect the Established Church in her rights and resources, he might say that it was a question which affected that which was dear to them all; because, as Earl Russell had said, the National Church was intimately connected with hereditary monarchy and the aristocracy, and if one were destroyed, the others would be endangered; and he would conclude in words used by Mr. Burke upon a kindred subject, *Communia altaria æque ac patriam diligite, colite, fovete.* The hon. Gentleman concluded by moving that the Bill be read a second time that day six months.

MR. MITFORD said, he begged leave to second the Motion. Nothing could be further from the views of those who sat behind the prominent Opposition benches than to make use of the question as a lever for obtaining political advantages. It was with great sorrow that they saw the hon. Baronet stirring up bad feelings by introducing the question year after year, when he must feel convinced that he had not a chance of carrying it. Two years ago the hon. Baronet was perfectly justified in bringing the matter forward; for the House had in previous divisions taken his view of the question, and he felt it his duty to agitate, on the ground that every public question of late years had been carried by means of agitation. But, he would ask, was the good which the hon. Baronet thought he should do to his cause by agitation equal to the mischief which he had occasioned by agitation? This was a very different question from those which had been advanced by agitation. It was not a question of fiscal duties; how much revenue could be raised by Custom or Excise; whether hop or malt duties should be repealed; but it was one in which far higher interests were at stake. He admitted that the hon. Baronet had always introduced the question in a most temperate manner; but, unfortunately, the supporters of his Motion did not act with so much discretion; for in the vigour of the attack on one side, and the defence on the other, differences, and even animosities, sprang up among the various religious bodies in the country, which it was most desirable to put a stop to. He entreated the hon. Baronet, if his Bill were not successful, and if Parliament should be prolonged till next year, not to bring it forward next Session. Many persons who entertained the views of the hon. Baronet would not be at all sorry to abstain from agitation at that moment; and if the hon. Baronet brought the question forward in a future Parliament, when a general election might have altered the even balance of opinion, no one could complain of it; in addition to which, if his cause were a just one, he would then have a far better chance of carrying it than if he brought it forward for consideration in an atmosphere of prejudice and passion.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

SIR CHARLES DOUGLAS: I lament, equally with my hon. Friend (Mr. Gathorne Hardy), the absence of the right hon. Gentleman (Mr. Sotheron Estcourt). He has told the House he could say nothing new, and should say much that was true. Now, I think it was quite new to do as my hon. Friend has done—namely, say nothing on the principle of the Bill on the second reading, but only attack it on the ground that some of its supporters had ulterior intentions; and I am sure it is not true, as my hon. Friend has asserted, that this Bill is the Bill of the Liberation Society. It originated in the evidence of the Committee of 1851, of which I was a Member, and was brought in by my hon. Friend (Sir J. Trelawny) before, I believe, the Liberation Society had an existence. I shall, however, decline to discuss the supposed views of other persons, and will confine myself to the principle of this Bill and the various plans in reference to it. The principle of this Bill is that on which the Established Church itself depends—the right of private judgment in religious matters. Liberty of conscience, the voluntary principle, and the right of private judgment, are identical, if carried to their legitimate extent; and I am willing to meet opponents with every concession they may think necessary, consistently with the maintenance of the principle of this Bill. The same reasons of principle apply with equal force to the question of abolition in country as in town parishes. It is now admitted by the majority of those hitherto opposed to abolition, that church rates, as a tax, must be abandoned in town parishes. Surely, in connection with the support of religious worship, it can neither be expedient nor just to tax a man in one place and not in another. All arguments for or against church rates apply equally in all parts of the country. Local circumstances may render it more or less inconvenient to see the state of the case, but in reality there can be no difference whatever. The right of the few in the country parish is as plain as that of the many in a town parish. Many Churchmen in a country parish may be too poor to support by voluntary efforts all expenses of their church;

but you say you will no longer force Dissenters to pay any church rate. With what justice, then, can you force a poor man, because he is a Churchman, to pay a tax which the very concession you grant to his Dissenting friend (who may hate your Church) makes him feel as a penalty inflicted by the State on him as the consequence of attachment to your Church, which he loves? Do you believe that religion in England depends on the Established Church being enabled by the State to tax the people? I believe the power of voluntary support is illimitable, is general, and not local; and I do not believe there is less religious conviction in the country parish than the town, nor less power of provision for the due performance of worship. Who now pay in reality rates in country parishes? Owners of land through their tenants. Abolish church rates—the change would, in effect, only be that the landowner would pay directly what he now does indirectly; for his voluntary support, if not prompted by religion, would be sufficiently stimulated by self-interest or shame. With regard to the voluntary principle, it is a mistake to suppose that there is a general opposition to its recognition by Churchmen, or that there is not a strong wish on the part of Churchmen for a settlement of the church rate question in conformity with that principle. [Sir Charles then quoted passages from a sermon before the University of Oxford, to show that Churchmen advocate the principle of this Bill. He proceeded to show from Lord R. Cecil's Return that in the last thirty years, out of 2,296 new-consecrated churchyards, 655 only had been purchased by the parish, while 1,641 had been the result of voluntary effort.] The objection of Dissenters to church rates is, that the Church has no right, by any vested superiority over them in religion or in politics, to tax them against their will. They might give their money or not. They say, "Leave it to ourselves: we will not acknowledge the right." By your schemes you uphold the right to which they object, for you demand a manifestation of their subsidiary position to the Church. In effect you say, "The Church has no right to tax you. She is generous, forgiving, and will let you off!" What can be more galling to those to whom you profess to give equality in the exercise of their religious convictions? It can only keep up and perpetuate the bitterness of spirit on either side. Better the open fights in vestry as now, than resort to such petty annoyance. Such has been the progress of the last fifty years, that Nonconformists of every shade are now recognised by law as religious communities equally with the Established Church. They have legal property in their schools, public registry of their chapels, public teaching and praying as they please, marry how and where they like, and baptize their children or not. Thus, neither in connection with birth, death, or marriage, are they any longer inseparable from the Established Church. But notwithstanding this progress, justice is still incomplete. The church rate by compulsion is yet a link in the chain of that system for the destruction of which the present century has done so much, and to perfect which Churchmen and Dissenters are equally interested. By law, a man may join or set up any creed or form of worship, however adverse to the Church, also established by law. By law his conscience is to be respected, and his right of judgment recognised. By various Acts the State has placed Dissenters on an equality with Churchmen — by that equality the Church must abide. How in justice can you by law coerce a Dissenter to pay to the Church, unless you compel the Churchman to contribute to expenses contingent to Dissent? Every one admits that church rates are a grievance. No one denies a remedy should be found. It can only be found in the full development of religious liberty—mere toleration is now a thing of the past—perfect equality will alone give peace and contentment. The difficulty of any settlement except on the principle of this Bill is now insuperable; all other schemes, about thirty-five in number, have failed. They may be included under four heads for convenience, namely—1. Registration of Dissenters; 2. Pew rents; 3. Commutation as a rent charge; 4. A transfer of obligations now on parishes to a general charge to be paid by the Government. The objections may be briefly stated: — 1. Branding Dissenters; 2. Destruction of the "Poor Man's Church" by buying and selling the opportunity of public worship; 3. A plausible idea in imitation of tithe commutation, but you cannot commute for a rent charge, which is certain and perpetual, that which depends on the voice of a majority, one year one way, the next another; 4. Religious toleration would be then violated by the Chancellor of the Exchequer instead of by a parochial squabble. The only remedy is a recourse to the voluntary principle, to disown legal interference, to give no cause of collision with Dissenters, and, instead of vain attempts to force a tax, to appeal, not as an Establishment, but as a Church to your own members. All schemes involving compromise of principle will fail; for while it may be wise to compromise in matters of expediency and detail, all attempts to compromise where religious feelings and principles are concerned, will only end in confusion. Such plans cannot satisfy those Churchmen who uphold church rates, imagining danger and loss of power to the Church without them; and those of the Church who advocate religious freedom, who prefer to rely on the first examples of Christianity for its support rather than to vestry squabbles and power of the law, cannot support them; while Dissenters, distrusting your professions and despising your toleration, can never in such plans acknowledge any settlement of their grievance. Has the question of abolition "gone back"? The way to ascertain that is to refer to the Petitions presented to the House on the subject. The last time that any exertion was made respecting Petitions the total number of signatures in support of church rates amounted to 197,000, and against church rates 610,000. I am quite aware, that may not be considered conclusive, and that it is alleged that the Petitions were got up by the Liberation Society; but if the Liberation Society do not interfere, as I am aware they have not for some time, then it is urged that public opinion has changed. I do not think it has changed, but that can only be tested at a general election. I think it would be found at a general election that public opinion does not coincide with the views of the hon. Gentleman opposite. In 1859, 242 Members voted in favour of the Bill; in 1860, 263 Members voted for it, showing an increase of 21. As long as the question was discussed without reference to party spirit, it progressed; but in 1861 a great exertion was made to get up a state of party feeling on the subject, and then for the first time the majority for the Bill was reduced; but even on that occasion 281 Members voted in favour of the Bill, showing an increase over the number that voted before. Though they were defeated last year, 286 Members voted for the Bill—five more than voted for it in the previous year, and 44 more than voted in favour of the Bill in 1859—clearly proving that whatever was the cause of Mr. S. Estcourt's majority of one, the determination to abolish was stronger than ever. How is it, then, that the minority of 74 in 1859 became a majority of 1 in 1862? The answer is in the fact, that so long as the question was an open one on both sides of the House, it was treated by both only on its merits; the force of reason alone prevailed, and large and increasing majorities were the consequence; but in 1860 that ceased to be the case on one side. The course taken by the leader of Gentlemen opposite, in and out of the House, made it a party question with them, while it is still an open one with the Government. With a Cabinet divided on the question, how could Gentlemen be brought up by the influence of the Government to support the Bill?

Sir Charles then proceeded to notice the proposal of Lord A. Churchill, which he was prepared to say, on the part of many influential Dissenters, would be accepted if carried without alteration. He thought it had been unfairly described by the hon. Member for Leominster (Mr. Gathorne Hardy), and he begged, therefore, to describe its intention and effect in Lord Ebury's own words; namely—

> "But I think I hear some one say, 'Why, this is, in fact, giving up church rates altogether.' To this I reply, that it is very far from being so. In the first place, insomuch as it is a relaxation of compulsory rating, it is identical in principle with every measure which has been brought forward for many years; the difference lies only in the manner in which it is carried out. In the second, by the retention of all the existing machinery, and the form of making the rate, abundant evidence is afforded of a Church Establishment in union with the State, whilst the voluntary principle, to relieve the conscience of the most scrupulous separatist, is maintained."

He thought the Bill as it stood the best, but he was ready to accept the noble Lord's proposal as a settlement of the question. He had no other object, personal or political, than to see the question fairly and honourably settled; but there were unfortunately many hon. Gentlemen who did not desire to see any such settlement during the present Parliament. Wishing to preserve to the Church of England all the privileges which she could reasonably require, while at the same time he gave to Dissenters that full religious liberty and equality which ought to exist in this country—professing his attachment to that liberty which was the foundation of the Church of England, and being anxious, therefore, to give the fullest and widest scope to the voluntary principle, he should give his cordial support to the Bill of his hon. Friend.

Mr. WHITESIDE said, he was happy that it was in his power to compliment the hon. Baronet on the tone in which he had brought forward the question on that occasion. He gave the hon. Baronet every credit for sincerity, though he was wrong; and for persevering steadily and consistently in the erroneous views which he had adopted in reference to church rates. He thought the discussions on the question which had taken place in that House had been of considerable service, for they had cleared away many of the doubts and difficulties which had presented themselves to the minds of hon. Gentlemen. It appeared to him that there were two parties interested in abolishing church rates. One of those parties acted on principle; the other aimed at effecting a compromise. It was worth while to consider the question as it was viewed by each of those parties. The hon. Baronet who had last addressed the House had spoken in somewhat triumphant terms of the progress made of late years by those who were opposed to church rates. He had told them that the supporters of a measure for abolishing the present system had never been as influential and numerous as they were at that moment. He had argued the question satisfactorily, and proved that the abolitionists never held so many votes in that House as on the day they were defeated. If that was a subject of triumph to those gentlemen, he hoped they might always have to be congratulated on a similar position of prosperity. What was the true character of the church rate? It struck him that an attempt had been made to throw a good deal of confusion on a question which was a very simple one. Five hundred years ago, if a hole displayed itself in the roof of a church, the parishioners, like sensible and practical people as parishioners were in those days, met together and levied a moderate rate to enable them to stop it. When he heard that there was a grievance in such a course being adopted at the present day, he was at a loss to know in what the grievance consisted. The churchwarden, who was the representative not so much of the clergy as of the laity, was obliged to call a meeting of the ratepayers, and it was for the latter to decide whether they would have a rate or not. His hon. Friend the Member for Leominster (Mr. Gathorne Hardy), in the excellent speech which he had addressed to the House, expressed his surprise that those who were in favour of the voluntary principle should object to such a system. But he (Mr. Whiteside) did not share that surprise, because he understood those Gentlemen to contend that a person favourable to the voluntary principle might do what he liked; and that it was only what he liked that should be done by every other person also. Well, if a ratepayer attended a vestry and heard a rate proposed which he had an objection to, he was at liberty to make his protest and walk away. When he did so, what right had he to complain of those who remained, because they chose to impose a rate? How was the rate, when levied, disposed of? It was not paid to the clergyman; it went towards maintaining the fabric of the church, which belonged to the parish, and which even every Dissenter ought to be ready to keep up; for if he did not attend it himself, his forefathers had done so, if they were sensible people, and his children certainly would attend it hereafter. Much had been said with respect to the object of those who advocated the abolition. The House was told that those Gentlemen had no wish to injure the Church. On that point he begged to refer to the opinion of a Gentleman who had argued the question very ably in that House. He alluded to Mr. Miall. That Gentleman was reported to have made use of these observations, at a *soirée* of the Liberation Society, held on the 24th of November 1858—

> "Their object was not to get rid of church rates merely. They were going further than the church rate question, which was only as a grain of sand to a mountain. Church rates was a question that lay before them, but let it not be forgotten that a much wider and broader question remains behind."

He respected the sincerity of gentlemen who spoke thus clearly. They were no hypocrites. They showed, in the most manly and decided manner, that their object was to separate the Church from the State; and the supporters of the Church declared, in an equally manly and decided way, that they would not suffer that separation, if they could help it. Again, at a meeting of the Liberation Society held on the 7th of June 1859, the Rev. W. Robinson had moved—

> "That this Conference would express an earnest hope that the executive Committee will find it practicable to bring the great question of Church and State before the Legislature at an early day."

On which Mr. Miall said—

> "There is a difference of opinion between some members of the conference with respect to the wisest mode of accomplishing the great object of the society, namely, the separation of the Church from the State. Our friend (Rev. W. Robinson) wishes us to take a faggot bound up; we wish to take the faggot stick by stick."

Again, one of the witnesses before the House of Lords declared, in reply to questions which had been addressed to him, that the gentlemen whose views he represented would not be satisfied with the abolition of church rates, but that the tithes, amounting to £2,000,000 a year, should "go the same way;" and when he was further asked what he would do with the fabrics of the churches, he answered that "the fabrics of the churches were to be turned to some purpose of utility." Very probably he would whitewash Westminster Abbey and turn it into a factory or a workhouse. Although he gave the hon. Baronet who had moved this Motion every credit for candour, he did not think that the theory of compromise put forward by the abolitionists was practicable. There was a Gentleman who sat below the gangway when this question was last under discussion, but who sat on the Treasury bench now. He was a gentleman of great metaphysical ability, and had expressed strong opinions with respect to church rates. Very likely he had been promoted to the Treasury bench for having avowed those opinions, and they might therefore expect that he would be present to give effect to them before a decision was pronounced on the Motion under discussion. The hon. Member for Halifax (Mr. Stansfeld) had thus expressed himself on the subject of a compromise—

> "No scheme of compromise had been or could be submitted to the House which would not be objectionable to Dissenters, and which they would not consider as degrading. He believed, indeed, that all schemes of compromise were vain, mischievous, and dangerous. Compromise was impossible."

He commended those words from an hon. Gentleman now in the Government to those who thought that the abolitionists were willing to settle the question by a compromise. With regard to the Amendment of which the noble Lord (Lord Alfred Churchill) had given notice, he did not think it was practicable. It imposed a duty on churchwardens, but it gave them no means of performing that duty. He next came to another class of opinions with reference to church rates. He never could permit men of great experience, high character, and vast knowledge of the constitution of the country to avow in Parliament opinions on those questions and afterwards shrink from them when it suited their purpose to do so. The hon. Baronet who moved the Motion had asked a man of that kind why he opposed the Bill on principle. He answered in words never to be forgotten—

> "We have heard to-day, as we have heard upon former occasions, that this is a question of principle; that it is a question between an Establishment and the voluntary principle, and that this is only one part of the proposal of those who wish us to exchange an Establishment for a voluntary principle. It is not my fault, therefore, if following the hon. Member for Southwark, and following the hon. Member (Mr. Bright), I say that this unqualified and unconditional repeal of the present law is a proposal intended to forward the scheme of those who are the enemies of an Establishment and are in favour of the voluntary principle. Now, be it observed, I do not make it a charge against them that such are their opinions. I only say that not holding these views—not partaking the opinion that the destruction of the Church establishment and the admission of all sects to an equality in respect of the voluntary collection of funds would be advantageous—they cannot expect me to consider it as any inducement to vote for this Bill; but it will lead us, step by step, to that total destruction of the Established Church which I deprecate."

That was the language of the noble Earl the Foreign Secretary, not when a young man, making speeches on the hustings, which he would wish to get rid of as soon as possible; but when a writer on the Constitution, and a man who had filled the highest offices in the State. If the hon. Member for Birmingham (Mr. Bright) were present, he would remind him of a phrase which formerly certain persons were in the habit of using. Certain gentlemen used to employ the word "Americanize" in reference to designs to change the character of our institutions. Of course, no one would now think of using that phrase; but when speaking on the 21st of June 1854, the noble Earl, in the same speech as that from which he had just read a quotation, said that a national church, an hereditary aristocracy, and an hereditary monarchy all stood together. He therefore argued that those who were in favour of universal suffrage and a republic might be for doing away with church rates, but that those who were in favour of a monarchy and of the British Constitution should take an exactly opposite course, and vote against a Bill, which would produce the consequences that he anticipated from a measure for the abolition of church rates. What had been said in favour of the abolition of church rates by the noble Lord at the head of the Government? Were the House aware of the date of the noble Lord's conversion? He was about to give them the day. It was on the 13th of July 1859 the noble Lord announced his conversion. He told the House that he had never before that time voted for doing away with church rates, but he should do so on that occasion. He did not enter historically into church rates, nor argue the question on the grounds of justice. The noble Lord had been too long a political Epicurean for that. He was a philosopher who saw all questions with an equal political eye; and, accordingly, he said that he should have preferred the old system if it had been possible to continue it, but that he could not set his individual opinion against the majority. Such was the reason assigned by the noble Lord the Prime Minister for having changed his views on that question. Pitt and Chatham were in the habit of resisting majorities when they believed them to be wrong; but was, he would ask, that kind of doctrine to be accepted by the country—that the Prime Minister was to alter his opinion in deference to a temporary majority? The Constitution would not be worth a farthing if it depended on a Prime Minister who considered that fundamental institutions were to be affected by the majority of the hour. In accordance with the noble Lord's doctrine, the supporters of church rates were entitled to ask for his vote that day. They would be in the majority, and they ought to have the noble Lord's support, if the vote of the Prime Minister was to depend, not on the merits of the case, but on the quarter from which the Parliamentary wind blew. The hon. Gentleman (Sir Charles Douglas) had observed, that as there was a divided Cabinet, it was not easy to bring up supporters of a Bill to abolish church rates. That was an interesting suggestion. Was there a divided Cabinet? It was true that in it was a right hon. Gentleman, whose name must be mentioned with respect, and whose inventive powers in taxation had never been equalled by any Minister of Finance. That right hon. Gentleman had been educated in one of the noblest institutions in the world, and he must be an admirer of the glorious literature of the Church of England. That right hon. Gentleman now sat on the same bench with the hon. Member for Halifax. It was of very little consequence that they sat on the same bench; but it was of very great consequence that men who held opinions so irreconcilably adverse should be combined in the same Government; and it was for them to explain how they could act together with honour to themselves and advantage to the country. If there was any question on which the Chancellor of the Exchequer should feel deeply interested, it was on one which affected the maintenance of the Established Church and the support of her fabrics. But whatever might be the course which the Government would take, those who held Conservative opinions regarded the Church as a great institution of the country, which was inseparably bound up with the State and the monarchy; and, whatever the form under which a proposition like that contained in the Bill might be brought before the House, it was their duty to meet it with a direct negative.

Sir GEORGE GREY said, he remembered, that during the Government of Sir Robert Peel, when there was a great objection to the renewal of the income tax, and before that impost had been extended to Ireland, much amusement was excited in the House by an Irish Member who asserted that it was one of the best taxes that had ever been levied. It was on the same principle, he supposed, the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Whiteside) had got up that day to maintain church rates, because it was well known, that more than thirty years ago church cess, which was analogous to the church rates in this country, had ceased to be imposed in Ireland. [Mr. Whiteside: Another arrangement was entered into.] It was quite true that another arrangement had been entered into, one by which the funds to be expended in the maintenance of the fabrics were to be paid out of the monies in the hands of the Ecclesiastical Commissioners. Would the supporters of the present system of church rates agree to a similar arrangement for this country? He would remind the House that the arrangement to which he had just referred, as having been made thirty years ago in Ireland, was effected by a distinguished statesmen who now occupied a seat in another House. The son of that nobleman had been himself a Cabinet Minister, and was a distinguished ornament of the party opposite. He was a noble Lord whose opinions were always heard with deference in the House of Commons, and with consistency and ability he had always advocated the abolition of church rates. He thought, that if the right hon. and learned Gentleman had borne this in mind, he might have spared some of his taunts as to a divided Cabinet. He had listened with great attention to the speeches of the hon. Baronet the Member for Tavistock (Sir John Trelawny) and the hon. Gentleman the Member for Leominster (Mr. Hardy). The speech of the hon. Baronet the Member for Tavistock was characterized by good temper and moderation; and it was impossible to doubt his sincerity in promising, that if the principle of his Bill should receive the assent of the House, he should be willing in Committee to adopt any modifications which, while not rendering church rates compulsory, would allow of their being levied in parishes where there was a desire to levy and pay them as a means of supporting the fabrics of the Church. Though he could not agree with the hon. Member for Leominster, he was ready to bear testimony to the excellent tone as well as the ability with which that hon. Gentleman had opposed the second reading of the Bill. As to the question, it seemed to him that there had been an exaggerated importance attached to it both by those who advocated the abolition of church rates, and by those who were for the retention of the present system. He agreed with the hon. Member for Leominster as to the exaggerated statements made by some of the advocates of the Bill. He could not concur with those who went the length of saying that church rates were an intolerable grievance; and, on the other hand, he could not think that the principle of the Established Church was at all connected with the retention of church rates. Allusion had been made by the right hon. and learned Gentleman the Member for the University of Dublin to a speech delivered by his noble Friend the Secretary for Foreign Affairs. He had always expressed his opinion that it was unwise in the friends of the Church to stake its existence on church rates. He thought that the great difference between the existence of the Church and the maintenance of church rates was shown by the fact that in very many parts of the country no church rates were levied. In many of the large and populous parishes church rates had practically been abolished, so that about one-half the population was exempted from the payment of those rates. They had been abolished in most of the populous towns of the kingdom. He asked whether the principle of the Established Church had been weakened in those places? Again, the district churches which had risen in such numbers within the last few years were maintained in an efficient state without church rates. Then he took the case of Ireland. He asked hon. Members who said that church rates and the Established Church must stand or fall together, whether they were prepared to maintain that the Irish branch of the United Church stood now in a worse position than it did thirty-five years ago, before church cess was abolished? Having said so much on that point, he felt bound to confess that it was not without reluctance he was about to vote for a Bill for the total and unconditional abolition of church rates. He had always held that however desirable it might be to abolish church rates, in order to prevent the recurrence of those disputes and discussions which took place, yet in those parishes where for many years there had been, by general consent of the inhabitants, a small rate levied for the purpose of maintaining the Church, it would be a hard thing to say that no such rate should be levied in future. This brought him to the question of what was called a compromise. The hon. Member for Leominster seemed to think that a compromise was wholly inadmissible, and that it would be an insult to propose it. He would remind hon. Members that proposals for particular exemptions had come from both sides of the House at various periods. The difference was this:—The exemptions generally proposed on the opposite side of the House were exemptions to be granted on special application, after stating a conscientious objection, or that the person to be exempted was not a member of the Church of England; while, by the proposal now suggested by those who were opposed to the present system, no special case was to be made, but merely a simple refusal to pay by the parties wishing to be exempted. He wished to add, that he thought the discussions on the subject had been useful, for their result had been that persons of different opinions had been brought nearer together. He still hoped to see some arrangement made which would meet the necessity of country places, and he hoped that such a plan would yet meet with the consideration of the hon. Gentleman. He thought the discussion of that day had been conducted with better temper and more harmony than on former occasions. He confessed, however, that at that time he was not sanguine of a compromise being proposed which was likely to be adopted. Holding the views which he did on the subject, he should vote for the second reading of the Bill; but in doing so, he felt it right to say that he should hold himself at liberty to abstain from voting for the third reading, should the Bill reach that stage, and if in the mean time no modification had been introduced which would reduce the measure to one for the abolition of compulsory payment of church rates.

LORD JOHN MANNERS said, he hoped that the clergy and laity of the Church of England would receive with satisfaction the clear explanation given by the right hon. Gentleman of the motives which induced him to vote for the second reading of the Bill, and of the opposition which he intended to give to it hereafter! It could not, however, be very satisfactory to the hon. Baronet who had charge of the Bill, for in his temperate speech he had expressly repudiated the support of those who, while voting for the second reading, proposed to pare it down and fritter it away in Committee. From the concluding sentences of the right hon. Gentleman's speech it was clear that nothing was further from his wishes than that the Bill should pass through Committee and the third reading. He must remind the right hon. Gentleman who said that those who were against total abolition greatly exaggerated the importance of the question, that it was not by that side of the House that great importance was first attached to this measure. It was from those who within the walls of Parliament had been the most energetic promoters of the measure that they had first heard of the magnitude and importance of the question. At that time of the day it would not do to attempt to fritter away the importance of the declarations which had been made on the other side, and which led irresistibly to the conviction that the noble Earl the Foreign Secretary was right and the right hon. Gentleman wrong in the interpretation to be put on the measure now before them. The hon. Baronet repudiated for himself all attempts to dissociate the Church from the State; but it was impossible for him to dissociate himself from the language and acts of those of whom he was the organ on this occasion. The hon. Baronet had never shrunk from voting for every one of those measures which had been introduced by the party around him. [Sir JOHN TRELAWNY: I voted against the Burials Bill.] He was glad to hear that statement, and he sincerely hoped that the hon. Baronet's vote would always be found on the same side; but that isolated vote could not dissociate him from the general tenour of those who were his supporters on the present occasion. Until he had heard the speech of the right hon. Gentleman, he could not believe that there would be a deliberate attempt made to lessen the importance of this measure. He rejoiced, however, that all those minor issues which used to be raised on this question had now disappeared; that the discussion of it was no longer mixed up with the grievances inflicted on the individual consciences of Mr. A and Mr. B; and the House had at last come to the clear, intelligible issue, which was, nothing less than this—was the Church of England to be the Established Church of the country? It was argued by some out of doors, that the movement was simply one to set the Church free from the thraldom of the bonds of the State; but, in that instance, the question was not placed so nakedly before them. Yesterday, it was proposed that the churchyards of the Church should be open to the Dissenters; to-day it was a proposal to deprive the Church of her ancient and immemorial right to levy a church rate; to-morrow her endowed schools were to be sacrificed to the attacks of the Dissenters. Looking to all those proposals, how was it possible to come to any other conclusion than that the intention was to weaken the resources of the Church, to degrade her position, and to leave her present relations with the State in a materially altered and weakened condition. Why should that be done? Looking to the daily and hourly conflict with sin, sorrow, and crime which the Church was called on to carry on, could it be alleged that she was too powerful for her work? Could it be alleged that it was desirable to weaken any one of the spiritual or temporal influences which law or immemorial custom had placed at the service of the Church for these great purposes? He had no wish to say anything in disparagement of the voluntary principle; but whether he looked to the position of the unestablished church in America or in our

Colonies, he saw no reason to believe that the voluntary principle could be safely left to deal with this great work, nor any argument for placing the Church of England in the same position. In arguing the question in that House, he was disposed to argue it rather as a Statesman than as a Churchman. As a Churchman, he should be prepared to argue, that as far as the Church of England was concerned, if she were deprived of all the temporal rights and privileges, and if she were placed in the same position as she was two hundred years ago, when, for the sins and follies of the nation, the political ancestors of some hon. Gentlemen opposite were allowed to get the masters of her, she would still retain her hold over the hearts and affections of a devoted people; but who would measure the loss to popular rights, to education, to charity, nay, even to the civilization of the country, if the wishes of hon. Gentlemen opposite were carried out, and the Church were reduced to the position of a non-established Church. But, as he had said, he was ready to argue the question more as a Statesman than a Churchman; and he would ask the House to observe the effect which would be produced by this Bill on one of the most important elements of English social life—local self-government. In large towns, it was true that many other objects were to be found round which the energies of the community might cluster and be employed; but what would be the effect of the Bill on the countless rural parishes where the rate was now so beneficially levied? In those parishes the parish church was the one public building open to all, the inheritance of all, dear to all, and to all the symbol of parochial life and energy. There every year the rural village met in vestry to regulate the worldly affairs and fortunes of the parish church, and to that machinery the Bill before the House would at once put an end. A more effectual blow could not be struck at the principle of local self-government in 10,000 parishes of England than the passing of the Bill. Something had been said of the ill-feeling which was said to be generated by these discussions in the vestries. He agreed with the right hon. Gentleman opposite that that ill-feeling had not only been greatly exaggerated, but that whatever there had been of it had been greatly diminished of late. But if free discussion were to be abolished in the vestries, on account of the ill-will there generated, then hon. Gentlemen opposite were bound to abstain from bringing forward, year after year, measures the discussion of which might raise acrimony and angry feelings in that House. At the same time, he felt bound to say that no great Parliamentary battles had been fought with less acrimony and with greater mutual self-respect than these church rate contests. The hon. Baronet opposite was the pink of Paladins, and that side of the House certainly, in its turn, had not been deficient in the amenities of political warfare. Notwithstanding all the misquotations and misrepresentations of history, notwithstanding all the lavish expenditure of money, and still more of breath, to stir up the smouldering elements of sectarian animosity, which had had characterized the recent Bicentenary movement, never since the question had first been raised had the Easter vestries passed over more tranquilly. The storm which was to have swept away the whole fabric, had burst without destroying a crockett or a pinnacle of the Church; and the sole result, upon which he did not refuse to congratulate the Dissenters, was, that 300 additional chapels had been opened. Might he, however, be allowed to suggest, that it would be wiser, if instead of spending £3,000 or £4,000 a year in maintaining the objects of the Liberation Society, and thereby promoting endless malice and all uncharitableness, they had devoted that sum, or ten times the amount, to the endowment of their chapels, whereby they would have rendered their Ministers more independent? But had this peace been purchased by any unworthy concession on the part of the Church? Had the Church, during the last few years in which the question had been discussed, ceased to ask for the rates, or failed to levy them? Quite the reverse. Never since the question had been discussed had the rate been levied in more parishes than in the current year. The good sense and energy of Churchmen had contributed to bring about that result, and the general effect was that in the parishes of England church rate abolition was fast dying away. That, then, was the aspect of the question without those walls. The Parliamentary position of the question was still more unfavourable to hon. Gentlemen opposite. In 1855 the second reading of the Church Rates Abolition Bill was carried by a majority of 28; in 1856 that majority had risen to 43; in

1858 it was 53; in 1859—a year memorable by the conversion, or rather perversion of noble Lords and right hon. Gentlemen opposite—it rose to 74. In spite, however, of their accession, it sank next year to 29; and in 1861 the Bill was thrown out on the second reading by the casting vote of the Speaker. In the last year things had again improved, and the revulsion of feeling in the House fairly represented what had taken place outside. He sympathized with the hon. Baronet's desire that the question should not be made a party question; but how could it be otherwise, when Cabinet Ministers espoused one side of the question, not because they approved it heartily, but because they thought there would be a majority on that side, or because they hoped to fritter the Bill away in Committee? In one sense he should be sorry not to see the Bill treated as a party question. Grieved should he be if the great constitutional party with which he acted should show any signs of paltering with the question; and he believed that of the 300 Gentlemen who sat on that side of the House, not three would be found to record their votes in favour of unconditional abolition. After the speech of the right hon. Baronet, it was useless to appeal to the advisers of the Crown, who were the persons who ought to stand by the ancient constitutions of the country; but he appealed to those who sat behind the Government — the representatives of the once great and powerful, and still most respectable party—the old Whig country party—to take this question out of the category of party and political questions, and to show, by their votes, that they were as much attached to the Established Church as those who sat opposite to them. If, in any considerable numbers, they would vote against the measure, they would at once and for ever lay the evil and factious spirit of the Liberation Society, and would remove the obstacles which prevented a peaceful and satisfactory settlement of the question. It was in that way alone that they could approach that safe and temperate improvement which all admitted the law of church rates required. No one in his senses could now believe that church rates were destined to fall by the hand of the hon. Baronet opposite, who himself had deprecated the longer continuance of the polemical struggle. Seeing, then, the revulsion of feeling which had taken place in the country, and which had found its counterpart in that House, the only way of terminating that struggle was by the rejection of the Bill; and he appealed to hon. Gentlemen opposite to join him and his friends in accomplishing an object which would preserve the existing relations between Church and State—which would enable the Church, no longer distracted by these assaults on her external walls, to devote her whole resources and energy to the increase of religion, the propagation of virtue, and the promotion of the best temporal and eternal interests of the country.

Lord ALFRED CHURCHILL said, he intended to vote for the second reading of the Bill, with a view to inserting in Committee a clause which would completely save the rights of the Church, while at the same time no compulsory payment of the rate could be enforced. The present mode of levying and enforcing the rate was frequently most derogatory to the Church and injurious to her best interests. He hoped hon. Gentlemen opposite would therefore not close their eyes to the expediency of assenting to a compromise; for if they would not do that, they must prepare themselves for unconditional repeal. At the same time, he wished to say that he had no connection with the Liberation Society, of whose designs he did not approve. Nor was there any desire on the part of the Gentlemen among whom he sat to assent to the total abolition of the church rate, as a means to dissever the connection between Church and State. He, himself, wished to see that connection maintained in its integrity, and that was the feeling of many who meant to vote for the second reading. He believed that the time had arrived when the question ought to be finally settled.

Mr. WALTER said, that though the question had somewhat degenerated into an annual party conflict, and had so far lost somewhat of its intrinsic interest, yet the welfare of the Church was so deeply concerned in its being calmly and temperately argued that he could not refrain from making a few remarks on the speech of his noble Friend the Member for Leicestershire. The noble Lord said, that the question was one between the abolition and the retention of the principle of local self-government. He (Mr. Walter) had always understood the Church, of which he had the privilege of being a humble and sincere member, was a national establishment; but if he were to accept the noble Lord as its defender, he must at once give up that idea, and regard it only as an establishment which was to be supported or abolished at the good will of the majority of each rural parish vestry. He did not wish to be misunderstood on the matter. He had no sympathy or connection with the party from which the Bill emanated. He had never looked at the question from the Dissenters' point of view. He had never admitted that the Dissenters had a grievance—indeed, he had uniformly denied that in the abstract they had any grievance. If they had one, they certainly had had many opportunities of redress, but they had uniformly declined them. They had not only maintained their rights as Englishmen to the use of the parish church, but, while refusing to pay the impost, they wished to obtain peculiar privileges. He looked upon the church rate question from a Churchman's point of view. He asked himself whether the present position of the church rate question was a source of strength or weakness; and he believed it to be a source of great weakness. He had always understood that in military strategy the great object of the defenders of a besieged place was to destroy and remove out of sight every weak outpost, every position which the enemy could occupy, in which they could effect a lodgment, and from which they could perhaps endanger the safety of the defenders of the city. Such, he believed, was the condition of the church rate question. The Dissenters had effected a lodgment in it; they could annoy the Church from it, and they could not be dislodged. The duty of Churchmen, therefore, was to examine carefully whether the retention of that position was of essential consequence; and if, after careful and dispassionate inquiry, it was found that it was not, they ought to remove it out of sight at once. They ought to deprive the Dissenters of the grievance which gave them such an advantage, and then defy them to do their worst. It had been said that church rates were essential to the Church as a national establishment; but the whole course of the argument proved the contrary. His hon. Friend the Member for Leominster asked that things should be left as they were. "Why can't you leave us alone?" he said, "We don't wish to revive church rates in the large towns like Birmingham and Manchester, but let us keep them up in the rural districts." What became, then, of the Church of England as an establishment, if the maintenance of what the right hon. and learned Member for Dublin University called a "national fabric" depended upon the condition of there being a majority in favour of the rate in each rural parish? He defied hon. Gentlemen opposite to escape the difficulty which their argument involved, of placing the Church of England upon the most humiliating and narrow basis. He, as a Churchman, could not conceive a worse position for the Church than to be reduced to appeal to a majority of this or that parish whether there should be a Church at all. It stood to reason, that if the Church of England was to be regarded as a national establishment, the maintenance of the fabric (if that were an essential condition, which he denied), must be preserved by some rules and regulations by which the Establishment would not be subject to the arbitrary and capricious vote of a majority. It should be a compulsory tax, and the church rate was originally a compulsory tax for the maintenance of the fabric. Such was supposed to be the old state of the law, until that law was reversed, not by the House of Commons, but by the highest legal tribunal of the country. To return to the old state of things, they must repeal the decision in the Braintree case; and unless they could reverse that decision, church rates were nothing more than voluntary taxes, levied in the most invidious manner possible, because nothing could be more invidious, especially on a question in which religion was involved, than to give the majority power to tax the minority. It was putting the Church of England upon the same footing as a gas or a water or any company of that kind. What would be the best substitute for church rates was the practical question, and it was better to consider the subject in that point of view. There were various opinions as to what would be the best substitute. He had one proposal which he knew was unpopular, but he thought it was founded in justice. He thought that the Church ought to be maintained chiefly by those who used it, and he saw no objection to a modified system of pew rents, whereby those who occupied the best seats should pay for them, leaving the greater number for the free use of the poor. He had no faith in the compromise of a voluntary rate, which was a contradiction in terms. But if things came to the worst, a system of voluntary subscriptions properly organized would afford an ample substitute for the abolition of church rates. There was no organized machinery for collecting voluntary subscriptions; and when his hon. Friend spoke of the difference between collecting subscriptions for the maintenance of old churches and collecting subscriptions for the creation of new churches, it was because there was no organized machinery for the purpose. The difficulty would not exist if there were proper machinery for making the collection; and he believed that if church rates were abolished, diocesan boards would be established for the purpose, and would collect larger sums for the maintenance of the fabric than were then collected by church rates. Since he had been in the House he had noted down the number of churches within fifteen miles radius of the place in the country where he resided which had been either rebuilt or entirely restored during the last twenty years—more than half of the whole number being within the last ten years. Of thirty churches within a radius of fifteen miles twenty-six had been rebuilt or restored, half of them being either new or entirely rebuilt, and the lowest sum expended on those churches was £60,000. That had been done independent of church rates altogether. What was the case in parishes where the church rate was the only resource? Why, the clergymen of such rural parishes could not keep the roof water-tight, the walls became green with damp, and appeals were constantly made to assist in staying the progress of dilapidation and decay. As a Churchman, he contended that it would be greatly to the advantage of the Church, and a great discomfiture for her enemies, to get rid of this grievance. He wished the House could banish from the consideration of the question all party feeling, and look upon it with the eyes of common sense, for he was confident every one would then see that the right course was to abolish church rates altogether.

Mr. NEWDEGATE said, he did not wish to detain the House; but as he had been alluded to in the debate, he wished to remind the House that on the following Wednesday he hoped to move the second reading of the Bill he had prepared on the subject, and he regretted that by the forms of the House he was precluded on that occasion from describing its provisions; but on Wednesday next he should be prepared to meet every argument that had been advanced by the hon. Member for Tavistock. He felt that it was time that the question should be settled, and the more so as it was degenerating into a party question, and no well-wisher of the Church desired to see her the church of a party, much less of a political party. He could not assent to the proposal made by the noble Lord opposite (Lord Alfred Churchill). It was substantially this—to continue to the churchwardens the duty of maintaining the fabric of the parish church, but to deprive them of the means of doing so. It was an Egyptian proposal to maintain the fabric without the means. With respect to the present Bill, his objection to it was as strong as ever; he considered it to be based upon the principle of spoliation, as one not only affecting the rights of the Church, but as depriving the parishes of the country of a right and privilege which they had exercised from time immemorial. To the violation of such a right he never would consent, and he should therefore give the Bill his firm and consistent opposition. It was painful to him to see hon. Members opposite, who were firmly attached to the Church of England, placed in the false position of voting for the second reading of the Bill. He hoped, however, by the measure he should submit on the following Wednesday to relieve them from such a difficulty. He did not wish to see the Church of England act in the intolerant and uncompromising spirit of the Church of Rome, and he hoped the House would soon arrive at a satisfactory settlement of the question.

Sir JOHN TRELAWNY, in reply, said, he wished to understand whether the hon. Members opposite who were opposed to him were anxious to set up the cry of "Twopence, and no surrender." If so, he thought the country generally would decline to support their views. He trusted that the Conservative Members would well consider what they were about before they rejected the Bill. They might, by so doing, save their party; but they would inevitably lose the Church of England.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 275; Noes 285: Majority 10.

Words *added.*

Main Question, as amended, put, and *agreed to.*

Bill *put off* for six months.

AYES.

Acton, Sir J. D.
Adair, H. E.
Adeane, H. J.
Agar-Ellis, hn. L. G. F.
Alcock, T.
Angerstein, W.
Antrobus, A.
Ashley, Lord
Atherton, Sir W.
Ayrton, A. S.
Aytoun, R. S.
Bagwell, J.
Baines, E.
Baring, T. G.
Barnes, T.
Bass, M. T.
Bazley, T.
Beale, S.
Beamish, F. B.
Beaumont, W. B.
Beaumont, S. A.
Bellew, R. M.
Berkeley, hon. H. F.
Berkeley, Col. F. W. F.
Biddulph, Colonel
Black, A.
Blencowe, J. G.
Bonham-Carter, J.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Brady, Dr.
Brand, hon. H.
Bright, J
Briscoe, J. I.
Brown, J.
Bruce, H. A.
Buchanan, W.
Buckley, General
Buller, Sir A. W.
Bury, Viscount
Butler, C. S.
Buxton, C.
Caird, J.
Calthorpe, hon. F. H. W. G.
Cardwell, rt. hon. E.
Castlerosse, Viscount
Cavendish, hon. W.
Childers, H. C. E.
Cholmeley, Sir M. J.
Churchill, Lord A. S.
Clay, J.
Clifford, C. C.
Clifford, Colonel
Clifton, Sir R. J.
Clive, G.
Cobbett, J. M.
Cobden, R.
Cogan, W. H. F.
Colebrooke, Sir T. E.
Collier, R. P.
Coningham, W.
Cowper, rt. hon. W. F.
Cox, W.
Craufurd, E. H. J.
Crawford, R. W.
Crossley, Sir F.
Dalglish, R.
Davey, R.
Davie, Colonel F.
Denman, hon. G.
Dent, J. D.
Dering, Sir E. C.
Dillwyn, L. L.
Divett, E.
Dodson, J. G.
Douglas, Sir C.
Doulton, F.
Duff, M. E. G.
Duff, R. W.
Duke, Sir J.
Dunbar, Sir. W.
Dundas, F.
Dundas, rt. hon. Sir D.
Dunkellin, Lord
Dunlop, A. M.
Egerton, E. C.
Ellice, rt. hn. E. (Cov.)
Ellice, E. (St. Ands.)
Enfield, Viscount
Ennis, J.
Esmonde, J.
Evans, Sir De L.
Evans, T. W.
Ewart, W.
Ewart, J. C.
Ewing, H. E. Crum-
Fenwick, H.
Fermoy, Lord
Fitzroy, Lord F. J.
Fitzwilliam, hon. C. W. W.
Foley, H. W.
Foljambe, F. J. S.
Forster, C.
Forster, W. E.
Foster, W. O.
Fortescue, hon. F. D.
Fortescue, C. S.
French, Colonel
Gavin, Major
Gibson, rt. hon. T. M.
Gilpin, C.
Glyn, G. C.
Glyn, G. G.
Goldsmid, Sir F. H.
Gower, hon. F. L.
Gower, G. W. G. L.
Greene, J.
Greenwood, J.
Gregory, W. H.
Gregson, S.
Grenfell, H. R.
Greville, Colonel F.
Grey, rt. hon. Sir G.
Grosvenor, Earl
Grosvenor, Lord R.
Gurney, S.
Hadfield, G.
Hanbury, R.
Handley, J.
Hankey, T.
Hanmer, Sir J.
Hartington, Marq. of
Hayter, rt. hon. Sir W. G.
Headlam, rt. hon. T. E.
Henley, Lord
Hervey, Lord A.
Hibbert, J. T.
Hodgkinson, G.
Hodgson, K. D.
Holland, E.
Horsman, rt. hon. E.
Howard, hon. C. W. G.
Hutt, rt. hon. W.
Jackson, W.
Jervoise, Sir J. C.
Johnstone, Sir J.
King, hon. P. J. L.
Kinglake, A. W.
Kinglake, J. A.
Kingscote, Colonel
Kinnaird, hon. A. F.
Knatchbull-Hugessen, E.
Layard, A. H.
Langston, J. H.
Langton, W. H. G.
Lawson, W.
Leatham, E. A.
Lee, W.
Lewis, H.
Lindsay, W. S.
Locke, J.
Lowe, rt. hon. R.
Lysley, W. J.
M'Cann, J.
Mackie, J.
Mackinnon, W. A. (Lymington)
Mackinnon, W. A. (Rye)
Majoribanks, D. C.
Martin, P. W.
Martin, J.
Merry, J.
Mildmay, H. F.
Miller, W.
Mills, J. R.
Milnes, R. M.
Mitchell, T. A.
Moffatt, G.
Moncreiff, rt. hon. J.
Monsell, rt. hon. W.
Morris, D.
Morrison, W.
North, F.
O'Brien, Sir P.
O'Connor Don, The
O'Donoghue, The
O'Ferrall, rt. hn. R. M.
Ogilvy, Sir J.
Onslow, G.
O'Reilly, M. W.
Osborne, R. B.
Owen, Sir H. O.
Padmore, R.
Paget, C.
Paget, Lord C.
Paxton, Sir J.
Pease, H.
Pender, J.
Peto, Sir S. M.
Pigott, Serjeant
Pilkington, J.
Pinney, Colonel
Pollard-Urquhart, W.
Ponsonby, hon. A.
Portman, hon. W. H. B.
Potter, E.
Powell, W. T. R.
Powell, J. J.
Proby, Lord
Pryse, E. L.
Pugh, D.
Ramsden, Sir J. W.
Ricardo, O.
Robartes, T. J. A.
Robertson, D.
Rothschild, Baron M. de
Russell, A.
Russell, Sir W.
St. Aubyn, J.
Salomons, Mr. Ald.
Scholefield, W.
Scott, Sir W.
Scrope, G. P.
Seely, C.
Seymour, W. D.
Seymour, A.
Shelley, Sir J. V.
Sheridan, R. B.
Sheridan, H. B.
Sidney, T.
Smith, J. B.
Smith, M. T.
Smith, Augustus
Smith, Sir F.
Smith J. A.
Somerville, rt. hon. Sir W. M.
Stacpoole, W.
Staniland, M.
Stanley, Lord
Stanley, hon. W. O.
Stansfeld, J.
Steel, J.
Stuart, Colonel
Sykes, Colonel W. H.
Talbot, C. R. M.
Taylor, P. A.
Thompson, H. S.
Tite, W.
Tomline, G.
Traill, G.
Turner, J. A.
Vane, Lord H.
Verney, Sir H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Vyner, R. A.
Waldron, L.
Walter, J.
Warner, E.
Watkins, Colonel L.
Weguelin, T. M.
Wemyss, J. H. Erskine-
Western, S.
Westhead, J. P. B.
Whalley, G. H.
Whitbread, S.
White, J.
White, L.
Wickham, H. W.
Williams, W.
Winnington, Sir T. E.
Wood, rt. hon. Sir C.
Woods, H.
Wyld, J.
Wynne, C. G.
Wyvill, M.

TELLERS.

Sir J. Trelawny
Mr. Hastings Russell

NOES.

- Adderley, rt. hon. C. B.
- Addington, hon. W. W.
- Annesley, hon. Col. H.
- Anson, hon. Major
- Arbuthnott, hon. Gen.
- Astell, J. H.
- Baillie, H. J.
- Baring, A. H.
- Baring, T.
- Barttelot, Colonel
- Bathurst, A. A.
- Bathurst, F. H.
- Beach, W. W. B.
- Bective, Earl of
- Beecroft, G. S.
- Bentinck, G. W. P.
- Bentinck, G. C.
- Benyon, R.
- Beresford, rt. hon. W.
- Beresford, D. W. P.
- Bernard, hon. Colonel
- Bernard, T. T.
- Booth, Sir R. G.
- Botfield, B.
- Bovill, W.
- Bramley-Moore, J.
- Bramston, T. W.
- Bridges, Sir B. W.
- Brooks, R.
- Bruce, Major C.
- Bruce, Sir H. H.
- Bruen, H.
- Burghley, Lord
- Burrell, Sir P.
- Butler-Johnstone, H. A.
- Cairns, Sir H. M'C.
- Cartwright, Colonel
- Cave, S.
- Cavendish, Lord G.
- Cecil, Lord R.
- Chapman, J.
- Clive, Capt. hon. G. W.
- Close, M. C.
- Cobbold, J. C.
- Cochrane, A. D. R. W. B.
- Codrington, Sir W.
- Cole, hon. H.
- Cole, hon. J. L.
- Collins, T.
- Copeland, Mr. Ald.
- Cubitt, G.
- Cubitt, W.
- Dalkeith, Earl of
- Damer, S. D.
- Dawson, R. P.
- Dickson, Colonel
- Disraeli, rt. hon. B.
- Du Cane, C.
- Duncombe, hon. A.
- Duncombe, hon. W. E.
- Dunne, Colonel
- Du Pre, C. G.
- Dutton, hon. R. H.
- East, Sir J. B.
- Edwards, Colonel
- Egerton, Sir P. G.
- Egerton, hon. A. F.
- Egerton, hon. W.
- Elcho, Lord
- Elmley, Viscount
- Fane, Colonel J. W.
- Farquhar, Sir M.
- Farrer, J.
- Fellowes, E.
- Fergusson, Sir J.
- Ferrand, W.
- Filmer, Sir E.
- FitzGerald, W. R. S.
- Forester, rt. hon. Gen.
- Forster, Sir G.
- Gallwey, Sir W. P.
- Galway, Viscount
- Gard, R. S.
- George, J.
- Getty, S. G.
- Gilpin, Colonel
- Gladstone, rt. hon. W.
- Goddard, A. L.
- Gordon, C. W.
- Gore, J. R. O.
- Gore, W. R. O.
- Graham, Lord W.
- Greenall, G.
- Gray, Captain
- Grey de Wilton, Visct.
- Griffith, C. D.
- Grogan, Sir E.
- Gurney, J. H.
- Haliburton, T. C.
- Hamilton, Lord C.
- Hamilton, Major
- Hamilton, Viscount
- Hamilton, I. T.
- Hardy, G.
- Hardy, J.
- Hartopp, E. B.
- Hassard, M.
- Hay, Sir J. C. D.
- Heathcote, Sir W.
- Heathcote, hon. G. H.
- Henley, rt. hon. J. W.
- Hennessy, J. P.
- Henniker, Lord
- Hesketh, Sir T. G.
- Heygate, Sir F. W.
- Heygate, W. U.
- Hill, hon. R. C.
- Holford, R. S.
- Holmesdale, Viscount
- Hood, Sir A. A.
- Hope, G. W.
- Hopwood, J. T.
- Hornby, W. H.
- Horsfall, T. B.
- Hotham, Lord
- Howes, E.
- Hubbard, J. G.
- Humberston, P. S.
- Hume, W. W. F.
- Hunt, G. W.
- Ingestre, Viscount
- Jermyn, Earl
- Jervis, Captain
- Johnstone, J. J. H.
- Jolliffe, rt. hon. Sir W. G. H.
- Jolliffe, H. H.
- Jones, D.
- Kekewich, S. T.
- Kelly, Sir F.
- Kendall, N.
- Kennard, R. W.
- Kerrison, Sir E. C.
- King, J. K.
- Knatchbull, W. F.
- Knight, F. W.
- Knightley, R.
- Knox, Colonel
- Knox, hon. Major S.
- Lacon, Sir E.
- Laird, J.
- Langton, W. G.
- Leader, N. P.
- Leeke, Sir H.
- Lefroy, A.
- Legh, Major C.
- Legh, W. J.
- Leighton, Sir B.
- Lennox, Lord G. G.
- Lennox, Lord H. G.
- Lennox, C. S. B. H. K.
- Leslie, C. P.
- Leslie, W.
- Liddell, hon. H. G.
- Lindsay, hon. General
- Long, R. P.
- Long, W.
- Longfield, R.
- Lopes, Sir M.
- Lovaine, Lord
- Lowther, hon. Colonel
- Lowther, Captain
- Lyall, G.
- Lygon, hon. F.
- Lytton, rt. hon. Sir E. G. E. L. B.
- M'Cormick, W.
- Macdonogh, F.
- Mainwaring, T.
- Malcolm, J. W.
- Malins, R.
- Manners, rt. hn. Lord J.
- Manners, Lord G. J.
- Maxwell, hon. Colonel
- Miles, Sir W.
- Miller, T. J.
- Mills, A.
- Mitford, W. T.
- Montagu, Lord R.
- Montgomery, Sir G.
- Mordaunt, Sir C.
- Morgan, O.
- Morgan, hon. Major
- Morritt, W. J. S.
- Mowbray, rt. hon. J. R.
- Mundy, W.
- Mure, D.
- Murray, W.
- Naas, Lord
- Newdegate, C. N.
- Newport, Viscount
- Nicol, W.
- Noel, hon. G. J.
- North, Colonel
- Northcote, Sir S. H.
- Packe, C. W.
- Packe, Colonel
- Pakenham, Colonel
- Pakington, rt. hn. Sir J.
- Palk, Sir L.
- Palmer, R. W.
- Palmer, Sir R.
- Papillon, P. O.
- Parker, Major W.
- Patten, Colonel W.
- Paull, H.
- Peacocke, G. M. W.
- Peel, rt. hon. Sir R.
- Peel, rt. hon. General
- Peel, rt. hon. F.
- Pennant, hon. Col.
- Pevensey, Viscount
- Phillips, G. L.
- Potts, G.
- Powell, F. S.
- Powys-Lybbe, P. L.
- Puller, C. W. G.
- Quinn, P.
- Raynham, Viscount
- Repton, G. W. J.
- Ridley, Sir M. W.
- Rogers, J. J.
- Rolt, J.
- Rose, W. A.
- Rowley, hon. R. T.
- Salt, T.
- Sclater-Booth, G.
- Scott, Lord H.
- Scourfield, J. H.
- Selwyn, C. J.
- Seymer, H. K.
- Shirley, E. P.
- Smith, M.
- Smith, Abel
- Smith, S. G.
- Smyth, Colonel
- Smollett, P. B.
- Somerset, Colonel
- Somes, J.
- Spooner, R.
- Stanhope, J. B.
- Stanhope, Lord
- Stirling, W.
- Stewart, Sir M. R. S.
- Stuart, Lieut. Col. W.
- Stracey, Sir. H.
- Sturt, H. G.
- Sturt, Lieut. Col. N.
- Talbot, hon. W. C.
- Tempest, Lord A. V.
- Thornhill, W. P.
- Thynne, Lord E.
- Tollemache, J.
- Torrens, R.
- Trefusis, hon. C. H. R.
- Trevor, Lord A. E. H.
- Trollope, rt. hon. Sir J.
- Turner, C.
- Vance, J.
- Vansittart, W.
- Verner, Sir W.
- Walcott, Admiral
- Walker, J. R.
- Walpole, rt. hon. S. H.
- Walsh, Sir J.
- Watlington, J. W. P.
- Way, A. E.
- Welby, W. E.
- Whiteside, rt. hon. J.
- Williams, Colonel
- Woodd, B. T.
- Wyndham, hon. H.
- Wyndham, hon. P.
- Wynn, Sir W. W.
- Wynn, C. W. W.
- Wynne, W. W. E.
- Yorke, hon. E. T.

TELLERS.

- Colonel Taylor
- Mr. Whitmore

MARRIAGES, &c. (IRELAND) BILL

[Sir Edward Grogan].

[Bill 88.] CONSIDERATION.

Bill, as amended, *considered.*

Clause *added.*

Another Clause (Registrar not to grant Licences for Marriage in certain cases,)—(*Sir Edward Grogan,*)—*brought up,* and read 1º; 2º.

Amendment proposed, in line 1, after the word "licence," to insert the words "or certificate of publication of notice."—(*Mr. Butt.*)

Question, "That those words be there inserted," put, and *negatived.*

Clause *added.*

Another Clause *added.*

Amendments made.

Another Amendment proposed,

In page 2, line 33, to leave out the words "5. When the Marriage is intended to be contracted in the office of the Registrar, he shall, in addition to sending a copy of the notice to the minister of the church, chapel, or registered place of public worship as aforesaid, forthwith suspend a copy of the notice, on a printed form properly and legibly filled up, in some conspicuous place in his office, and keep the same so suspended,—in the case of a Marriage intended to be celebrated by virtue of a certificate, for twenty-one days,—and in the case of a Marriage intended to be celebrated by virtue of a licence, during seven days, next after the day of entry of the notice."—(*Mr. Butt.*)

Question put, "That the words proposed to be left out stand part of the Bill."

The House *divided* :—Ayes 70; Noes 50: Majority 20.

Another Amendment proposed, in page 3, line 19, to leave out the word "twelve," and insert the word "two."—(*Sir Hugh Cairns*).

Question, "That the word 'twelve' stand part of the Bill," put, and *negatived.*

Word "two" *inserted.*

Further Proceeding *adjourned* till *Tomorrow.*

SHEEP, ETC. CONTAGIOUS DISEASES PREVENTION BILL.

On Motion of Mr. Holland, Bill to extend the provisions and continue the term of the Act of the twelfth year of Her Majesty, chapter one hundred and seven, and of the Act of the seventeenth year of Her Majesty, chapter sixty-two, to prevent the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals, *ordered* to be brought in by Mr. Holland and Sir William Miles.

Bill *presented,* and read 1º. [Bill 98].

House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, April 30, 1863.

MINUTES.]—*Sat First in Parliament*—The Lord Dunmore, after the death of his Father.

Public Bills—*First Reading*—Elections during Recess (No. 84); Bakehouses Regulation (No. 85).

Second Reading—Corrupt Practice at Elections (No. 62); Hares (Ireland) (No. 52); Inclosure (No. 59).

Third Reading—Drainage of Land (Ireland) (No. 33), and *passed.*

ILLEGITIMATE CHILDREN (IRELAND) BILL—(No. 50.)

Returned from the Commons, with certain of the Amendments *agreed to,* and some *disagreed to;* together with their Reasons for such Disagreement: The said Reasons, and Bill, with the Amendments, to be *printed.* (Nos. 82 and 83.)

DRAINAGE OF LAND (IRELAND) BILL.

(No. 33.) THIRD READING.

The Earl of BELMORE (in the absence of Viscount Lifford) *moved,* That the Bill be now read 3ª.

Earl GRANVILLE said, he thought the Bill had better go on, as the Government had introduced a Bill that evening in another place, to effect the objects intended by what were known as Colonel Dickson's Clauses, which had been expunged from this Bill.

Bill read 3ª, and *passed.*

UNITED STATES—SEIZURE OF BRITISH SHIPS WITH MAIL-BAGS.

EXPLANATION.

Earl RUSSELL:—My Lords, as the question of the seizure of the *Peterhoff* and the detention of Her Majesty's mails has been recently the subject of discussion in this House, it may be convenient to your Lordships that I should state the substance of the information I have received this day from Lord Lyons. In his despatches Lord Lyons states, that in answer to his application with respect to the *Peterhoff* and the mail-bags, Mr. Seward informed him, that with respect to the ship and cargo, the Executive Committee of America had decided not to release the vessel, but to send her before the prize court. As for the mails, the American Government had determined, in conformity with the letter of the 31st of October, to send them to their destination; and the same procedure is to be adopted in all similar cases. Mr.

Seward also expressed the hope that some satisfactory arrangement might be arrived at between the two Governments. The law of nations, he said, did not lay down any precise or clear rule with respect to the practice, which is somewhat novel, of sending mail-bags by private ships, and therefore he wished to make a communication to Her Majesty's Government on the subject. He did not state what the nature of that communication would be, and, of course, it will be matter for subsequent consideration.

LORD CHELMSFORD :—Did I understand the noble Earl to intimate that in future the American Government will forward the mails to their destination without breaking the seals? I hope the communications which have passed on the subject will be laid on the table as soon as possible.

EARL RUSSELL said, the noble Lord had understood rightly. As to the production of the communications which had been received from America, Her Majesty's Government must first consider what answer they would give, and what proceedings they would take.

CORRUPT PRACTICES AT ELECTIONS BILL—(No. 62.)

SECOND READING.

Order of the Day for the Second Reading read.

Moved, That the Bill be now read 2ª: (*Earl Russell.*)

LORD REDESDALE doubted the expediency of giving the House of Commons so much power as this Bill conferred, of interfering with the constitutional right of elections by suspending the issue of writs. By Clause 10 there was a provision enabling the House of Commons, by its own Act, to suspend the issue of a writ for five years from the date of the Report. This he thought was unconstitutional.

LORD LYVEDEN objected to the clause (Clause 11) which threw on any county or borough where bribery occurred the cost of the Commission of Inquiry, and which seemed to proceed on the absurd principle that the respectable part of the community could control, and were responsible for, the doings of the rascally part. It was a pity that the clause disqualifying attorneys and agents from voting, which was originally in the Bill, should have been struck out. Those men were the only licensed class of bribees, and it was a common thing to engage a great many of them at an election for the sake of their votes. The fact was, this Bill was intended as a salve to the conscience of the Legislature, and to make it appear to be doing something which it was leaving undone. At present there was no strong public feeling against bribery, and until such a feeling was called forth it would not be extinguished by any number of Acts of Parliament. There was no one to prosecute for bribery except the defeated candidate, and it was not likely that he would take proceedings, when, if he succeeded, he would only unseat his opponent, without seating himself. A Member of Parliament suffered no loss of social position from bribing. If there were any sincere desire to put down bribery, it could easily be done; but there was no such sincerity. In his own case, he sat for a constituency for twenty-five years, and paid £4,000 on his first return, and £400 in his last. That reduction was entirely due to the zeal and exertions of his committee and constituents.

THE EARL OF VERULAM observed, that such a measure as this could only be effectual when supported by public opinion.

EARL GREY said, this was one of the most absurd pieces of legislation ever presented to Parliament. He did not know how any man could believe that a Bill of this sort could have the least effect in stopping bribery. He quite agreed in the observation, that if there had been a sincere desire to abolish corruption, no clause would have been more effectual than that disqualifying attorneys and agents. It was perfectly notorious that it was a common mode of bribery to retain a large number of agents and messengers nominally for their services, but really for their votes. It had often been shown, before Election Committees, that that was a most effectual mode of bribery. Yet the clause, which would have prevented that, was struck out and another inserted, throwing the cost of the Commission of Inquiry on the place where bribery was committed. The latter provision was manifestly unjust. He hoped that the expenses of the Commission would be made to fall only on those who had votes, and who might possibly be guilty, and not on their Lordships and others who had no votes to dispose of. He did not believe that bribery was to be put down by any legislative measure. If one set of men were anxious to give and another set to take bribes, no amount of ingenuity on the part of Parliament could track out or defeat all the various devices by which that object might be accomplished. In order to carry out the principle, it should be made penal for a landlord to let a farm somewhat under the usual rent, and so on. If they once entered on such a course of legislation, there was no saying where they were to stop. The only way to put down bribery, was to enlist public opinion against it, and to make such arrangements as should diminish, as much as possible, the opportunities for practising it. The present Bill would be useless and nugatory, and was only a piece of solemn hypocrisy, because it attempted to put down an evil by means which were well known to be ineffectual.

EARL RUSSELL said, that as the Bill consisted of detached clauses, he thought it would be better to defer the discussion until the Committee. It was, of course, difficult, if not impossible, to put a stop entirely to bribery, but legislation might, at least, impose some check on it; and the proceedings of some of the Committees of the House of Commons, had succeeded in putting a stop to bribery in some places. When a man spent several thousand pounds in getting returned to Parliament, and then was unseated, he was made to see that bribery was unprofitable. As to the clause alluded to, as having been struck out, which provided that agents should be disqualified, nothing could be easier than to evade it.

Motion *agreed to*; Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

THE FORTS AT SPITHEAD.

QUESTION.

THE EARL OF HARDWICKE rose to put a Question with regard to the Continuation of the Works on the Forts at Spithead. He said, that in the Session of Parliament of 1861, a very considerable sum of money was placed at the disposal of the Crown for the purpose of strengthening the fortifications and defences of the United Kingdom; and last year the Government began works of very considerable importance for this purpose. Among these works was one of great cost at Spithead; but after the expenditure of a very large sum of money, and when the foundation was nearly completed, a great difference of opinion arose in the public mind in respect to the expediency of carrying on the work, and the progress of the work was suspended. There was sunk under the water a very considerable sum of money —perhaps about £100,000, though he did not exactly know the amount—and the work was being acted on by time. Should it be suspended much longer, the public money expended on it would certainly be lost. Recently there had taken place on the other side of the Atlantic, in the port of Charleston, an occurrence which had awakened public attention, and induced him to take the opportunity of pressing the Government for a declaration as to their intentions in reference to the future progress of the work he had alluded to. A fortress had always had, from the most ancient times, the advantage over ships. He could cite an immense number of cases showing that from the beginning to the end fixed artillery and a fortress had the advantage over ships. For instance, in 1805, no less a person than Sir Sidney Smith attacked a single gun in a Martello tower with an 80 gun ship. After cannonading it for an hour, his first lieutenant went to Sir Sidney who was sitting in his cabin writing a despatch, and told him that (though there were a great many splinters round the Admiral) the fire had not been able to do the town any harm. Sir Sidney said, that under those circumstances, they had better go away; and so the ship was beaten off by a single gun. Other cases of a similar kind might be mentioned where two or three fixed guns were employed against heavy ships. At the battle of Copenhagen the victory was certainly with the English, but not in consequence of their artillery having an advantage over that of the Danes; but, in consideration for the population of that capital, it was thought proper to treat with the English rather than cause the town to be destroyed. At Algiers the case was different. No question arose there of a feeling for the population, but the battle was fought out; and so thoroughly were the English beaten that they cut their cables and got out of range, with the land wind. Afterwards the question was settled by the ingenuity and clever manner in which Lord Exmouth conducted the affair; but the ships went out of action with the loss of a thousand men, and with no means of renewing the action again. Then, again, in the Black Sea, the result of the attack of our fleet on the forts of Sebastapol was well known to their Lordships, and in the Baltic they only attempted the process of shelling a fort at long ranges. No doubt, in former times these operations were conducted by means of sailing vessels, which were exposed to the danger of their masts being shot away, or the wind falling off—inconveniences which were now obviated by the use of steam. Nevertheless, he maintained that fortresses and ships stood yet in the same comparative position as formerly; and notwithstanding the advantage given to ships by armour-plating, the fixed gun and the fortress, in consequence of the improvements made in artillery, were still superior to ships. They had a proof of this in what occurred the other day in America. Whether the attack on Charleston was a real attack or not he could not pretend to say, and what was the true history of the attack and of the defence they none of them as yet exactly knew; but one or two points were unquestionable—namely, that nine iron-plated ships, very heavily armed had been beaten off and obliged to retreat, one vessel being sunk, and several others being seriously injured; and that this was done while the Federal squadron was advancing up a channel very much resembling that which the channel at Spithead would be if the proposed forts were built. Under these circumstances, he ventured to bring under the notice of the Government the position in which the question now stood with regard to the forts at Spithead. Both past and present events proved that the fortress was the master of the ship, and he therefore begged to ask whether it was the intention of the Government to proceed with the plans previously arranged, or with any others, in regard to the fortifications of Portsmouth. A large sum of public money had been expended; and if the work remained untouched for another year, a very great loss would be the result. He would give no opinion with respect to the mode of constructing the forts; but the whole of the inland waters near Portsmouth formed a great basin for the protection of vessels; and if it was determined to carry out the work, he thought that one fortress should be erected on the Brambles, which constituted a central position, whence the guns could reach the shore on all sides.

The Duke of SOMERSET said, a Bill passed through Parliament last Session, by virtue of which certain works specified in the schedule, and no others, were authorized to be carried on. After a good deal of discussion in the House of Commons it was agreed that the construction of the forts at Spithead were to be not entirely abandoned, but suspended for a time. It was stated by the Government on that occasion, that as there were many works connected with the defences to be carried on, and as there was a doubt about the special advantage of the forts at Spithead, it might be as well to go on with the other works, and leave these for further consideration. A sum of £900,000 had been expended altogether, of which the expenditure on Spithead, up to July 1862, was only £15,000. A certain amount had been subsequently spent, owing to the engagement with the contractors, but the whole sum was not so large as the noble Earl seemed to think. In regard to what had occurred at Charleston, it was remarkable, that if the American Government had intended to carry out an experiment for our benefit in connection with this subject, they could not have done anything more to the point. The distance between our forts on the mainland and the sandbank was exactly 2,000 yards; and measuring on the charts the distance between Fort Sumter and Fort Moultrie, it would be found to be 2,000 yards also. In both cases there was a strong current, and in both cases similar facilities in approaching to within a certain distance of the forts. In both cases the same means of obstructing the attack, by means of fishing nets and other similar contrivances for fowling the screws and impeding the vessels, were talked of. Therefore, if we had asked them to try the experiment, they could not have selected a place more suitable than Charleston for that purpose. With regard to the vessels employed in the attack, he must admit that the experiment had not been equally satisfactory. It might be remembered that fourteen months ago we were told, by the American shipbuilders, that they had built the *Monitor* by way of warning to the British Admiralty. It certainly was a warning, for the first moment she met with a gale she went to the bottom. They built more *Monitors*, and these had failed in the first experiment of an action against forts. Had they built them more strongly and of a better class, we should have had a more interesting experiment, and should have known better what iron plated vessels could do against forts. The experiment, therefore, was not quite satisfactory. We did not know the description of guns that were employed, and the kind of shot and quantities of powder that were used, and many other particulars that were important to enable us to form an opinion upon that experiment. It was quite clear, however, that those vessels were completely defeated, and that another *Monitor* was sunk. So far it had been very decidedly in favour of the forts. With regard to Spithead, no money could be spent on the forts there at present. But it would be shortly necessary to come to Parliament for a grant of money, and that made it desirable that this question of the Spithead forts should be settled this year. If anything was to be done, the summer months ought not to be allowed to be lost. He hoped in a short time the Government would be able to bring the subject under the consideration of Parliament.

THE EARL OF DERBY said, he understood the noble Duke to say that the circumstances at Charleston and Spithead were precisely similar, and to speak of the distance as 2,000 yards. But he (the Earl of Derby) thought the injury which had been inflicted on the iron-plated vessels was inflicted after they entered the harbour, and had thus exposed themselves to a concentric fire from the batteries at a distance of from 300 to 500 yards. That was an important element in considering the subject.

THE DUKE OF SOMERSET said, as far as the charts went, and as far as he could make out, the vessels at the nearest point must have been very nearly 600 yards from Fort Sumter, and the other forts must have been at a much greater distance. When he spoke of 2,000 yards, he meant the distance from one fort to another.

EARL GREY said, he believed the iron-plated ships employed at Charleston were by all accounts inferior vessels, and yet they so far protected the men that scarcely any one on board was injured by the tremendous fire. Was not that the case? Was it not true that Charleston was six or seven miles from the place where the action took place; and, if the iron-plated vessels had been at Portsmouth instead of Charleston, would they not have been quite within range of the dockyard, so as to shell it, while allowing the forts to play on them?

THE DUKE OF SOMERSET said, he did not know exactly the amount of damage that had been done. His impression was, that the ships were too far from the town to enable them to do much harm. Any one who looked at the chart would see that the town was six or seven miles distant. The position of the ships with regard to the forts would, he thought, make it very disagreeable for any vessels to have strayed to shell the town.

House adjourned at a quarter before
Six o'clock, till To-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Thursday April 30, 1863.

MINUTES.]—SELECT COMMITTEE—on Ecclesiastical Commission, *nominated* (*List of Members.*)

PUBLIC BILLS—*First Reading*—Accidents Compensation [Bill 103]; Watchmen in Towns (Ireland) [Bill 102].

Second Reading—Customs and Inland Revenue [Bill 91].

Committee—Stock Certificates to Bearer [Bill 76]; Consolidated Fund (£20,000,000); Exchequer Bonds (£1,000,000); Borough Residence Uniform Measurement [Bill 60], *negatived*; Judgments Law Amendment (Ireland) [Mr. Whiteside] [Bill 71], *r. p.*; Jurors' Remuneration [Bill 36].

Report—Stock Certificates to Bearer [Bill 100]; Consolidated Fund (£20,000,000); Exchequer Bonds (£1,000,000); Jurors' Remuneration [Bill 101], and *re-committed.*

Considered as amended—Marriages, &c. (Ireland) [Sir E. Grogan] [Bill 88].

Third Reading—Telegraphs [Bill 78], and *passed.*

NAVAL BARRACKS.—QUESTION.

MR. ADDINGTON said, he wished to ask the Secretary to the Admiralty, Whether, in the naval barracks now building and ordered to be built at the different dockyards, provision will be made for the accommodation of the wives and children of sailors, in the same manner as exists at present for the families of soldiers in military barracks?

LORD CLARENCE PAGET said, in reply, that was a question which the Admiralty had considered very carefully, and they had come to the conclusion that at the present moment it would not be advisable to construct naval barracks with the view to give accommodation to the wives and families of sailors. The fact was, that naval barracks stood on a totally different footing from military barracks. Soldiers, with their wives and families, marched out from one barrack to another; but sailors only occupied barracks temporarily during their absence from their ships; and if accommodation were provided for their wives and families, when they themselves went to sea those wives and families would have to be turned out without any shelter. A very great inconvenience would thus be created, and it was not therefore proposed by the Admiralty that any provision should be made for the accommodation of the wives and families of sailors.

MR. ADDINGTON said, he wished to know whether it is proposed that any provision shall be made for the instruction of the children of sailors?

LORD CLARENCE PAGET said, that if the Admiralty saw their way to any provision for that purpose, they would willingly adopt it; but they were not at present prepared with any scheme upon the subject.

STAMPS ON DELIVERY ORDERS.

QUESTION.

MR. BASS said, he would beg to ask Mr. Chancellor of the Exchequer, Whether he will state the amount, or computed amount, of revenue which has been derived from stamps on delivery orders?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he was not prepared to give any answer to his hon. Friend which was worthy the name of an estimate. He could only give a conjecture as to the amount received. One or two other duties, which made use of the same stamp, were imposed with the stamp on the delivery orders; and it was only by deducting the probable amount of those other stamp duties that any attempt at forming an estimate could be made. The sum which was probably realized under the head of stamps on delivery orders was £40,000.

DANGEROUS LUNATICS IN IRELAND.

QUESTION.

MR. MACEVOY said, he wished to ask the Chief Secretary for Ireland, Whether the Government will this Session introduce a Bill to extend to Ireland such provisions of the Act 16 & 17 *Vict.*, c. 97, as will enable magistrates to commit dangerous lunatics direct to asylums instead of to the county gaols, as is now necessary?

SIR ROBERT PEEL said, no doubt considerable inconvenience existed from the present practice. The Government had, however, undertaken the erection of some lunatic asylums; and when they were ready, some alteration would no doubt be made in the existing law.

MR. MACEVOY said, he would beg to ask the right hon. Baronet if he is not aware, that although there are lunatic asylums at present, the magistrates are compelled to send criminal lunatics in the first place to gaols. He should be glad to know if there is any intention of bringing in a Bill to alter that state of the law?

SIR ROBERT PEEL said, the matter had been under consideration; and when the new lunatic asylums were completed, an alteration in the law would no doubt be made.

SCHOOL OF NAVAL ARCHITECTURE.

QUESTION.

SIR JOHN PAKINGTON said, he wished to ask the Secretary to the Admiralty, Whether the Board has considered the necessity of some revival of a School of Naval Architecture; and whether, in the event of such an institution being established on a basis approved by the Board, they would be disposed to extend to it encouragement and support?

LORD CLARENCE PAGET said, in reply, that the Admiralty were quite impressed with the absolute necessity of some step being taken for the promotion of that most important branch of science—naval architecture; and he could state that any proposal which might be made with a view to establish an institution for that purpose would be favourably considered by the Admiralty, who would render any assistance in their power to carry it into effect. No such proposal, however, had as yet been brought under their notice, but the subject was under their consideration.

COLONIAL BISHOPRICS.—QUESTION.

MR. LEFROY said, he rose to ask the Under Secretary of State for the Colonies, If any of the five Colonial Bishoprics which have been vacant has been offered to any of the Irish Clergy?

MR. CHICHESTER FORTESCUE said, that he should, perhaps, best answer the Question of his hon. Friend by describing the present state of those five Sees. They were Gibraltar, Goulburn in Australia, Quebec, Tasmania, and Nassau. With respect to the See of Gibraltar, his noble Friend (the Duke of Newcastle) was in communication with the Archbishop of Canterbury, with whom the appointment virtually rested. With respect to the new See of Goulburn, the appointment had been filled up, and the first Bishop was in fact nominated by the late Archbishop of Canterbury. With reference to Quebec, he had to state that a Bishop had been elected to that diocese by the synod of the province of Canada. In the case of Tasmania there was no actual vacancy, although one was likely soon to occur; and there was some doubt about the salary when it did occur; but the probability was that it would be found necessary to fill up the vacancy by an appointment to be made in the Colony itself. Finally, with regard to Nassau, the vacancy which had been caused by the death of Dr. Caulfield, who was an Irishman, had already been filled by his noble Friend the Colonial Secretary. The fact that the late Bishop of that diocese was an Irishman showed that there was no bar to the appointment of an Irish clergyman to a Colonial Bishopric. But he could not withhold from his hon. Friend a communication which had reached him within the last few hours. Since the notice of his hon. Friend had been placed on the Paper he had received a communication from a clergyman in Lancashire stating that he had been officiating in that county for the last twenty years, and that it was a singular fact that during the whole of that period there had been no instance of a Lancashire clergyman having been appointed a Colonial Bishop, although Lancashire contained a greater number of Churchmen than all Ireland. However that might be, he could assure his hon. Friend that the noble Duke at the head of the Colonial Office would be most ready and happy, when the opportunity offered, to show his respect for the Irish Church by choosing, if he could, a properly qualified Irish clergyman for a Colonial Bishopric.

UNEMPLOYED FACTORY OPERATIVES.

QUESTION.

Mr. FERRAND said, he rose to ask the President of the Poor Law Board, Whether the number of those Factory Operatives who have never applied for nor received relief are included in his Return of the unemployed; and, also, whether there is any Return of the number of unemployed unmarried women?

Mr. C. P. VILLIERS said, in reply, that the Return which had been made by the Poor Law Board included those unemployed factory operatives who applied for relief, as well as those who had not applied. In answer to the second Question of the hon. Gentleman, he had to state that no Return had yet been made of unemployed unmarried women, but such a Return was at present in the course of preparation.

THE CASE OF THE "ALEXANDRA."

QUESTION.

Mr. WHITESIDE said, he wished to ask Mr. Attorney General, Whether he can state when he expects the information against the owners of the ship *Alexandra* will be tried?

The ATTORNEY GENERAL said, that he was not able at present to answer the Question of his right hon. and learned Friend.

NAVAL MODELS AT SOMERSET HOUSE.

QUESTION.

Lord ROBERT MONTAGU said, he wished to ask the Secretary to the Admiralty, Whether the statement is correct which has been made by Mr. Scott Russell, in a paper read before the Society of Naval Architects on 28th March, concerning the collection of Models at Somerset House—namely, that " It has been thrust down into a cellar, shut up in the dark, and is now effectually kept out of sight"?

Lord CLARENCE PAGET, in reply, said, the collection of Models at Somerset House was not so satisfactorily placed as could be wished, owing to the want of room; but it was a very great exaggeration on the part of Mr. Scott Russell to say that they "had been thrust down into a cellar, shut up in the dark, and effectually kept out of sight." That was not the state of things.

DUTY ON CHICORY.—QUESTION.

Sir EDWARD CODRINGTON said, he would beg to ask Mr. Chancellor of the Exchequer, Was the Duty raised on Chicory by Resolution of the House, or must there be a Bill to raise the Duty?

The CHANCELLOR of the EXCHEQUER said, in reply, that there was an Excise Duty upon British Chicory corresponding to the Customs duty on Foreign Chicory. The same course had been pursued now that had been adopted upon other similar occasions. The increase of the Customs duty was levied immediately after the Resolution had been passed by the Committee, but subject, of course, to the condition that should the House afterwards not be pleased to confirm that Resolution, the difference of duty paid would be returned. With respect to the Excise Duty upon British Chicory, that was at present a dormant question, as there would be no British Chicory until the next crop was ready.

GALWAY PACKET CONTRACT.

QUESTIONS.

Lord DUNKELLIN said, he wished to ask the Secretary to the Treasury, If the details of the Galway Contract have been agreed upon, and the cause of the delay in laying the Contract upon the table of the House?

Mr. GREGORY said, that before his right hon. Friend answered that question he wished to put another upon the same subject. It had been stated in another place, that the stipulations of the new Contract would be based upon the conditions of the old one. But a difference of opinion had arisen between the Post Office and the Committee of the House of Commons, of which he (Mr. Gregory) had been Chairman, as to whether the ships of the Company should go to Newfoundland in three days. He wished to know whether the Treasury had considered the matter, and whether they were prepared to state if they would abide by the opinion of the Post Office or by that of the Committee?

Mr. PEEL replied, that the Admiralty Report upon the state of the Company's ships had only reached the Treasury about three days ago; and the conditions under which the Company should be allowed to resume that service had not yet been finally determined on. The matter, however, was in a forward state. In answer to the question of his hon. Friend the Member for Galway, he had to state that the Company's vessels, under the Contract of 1859, were bound to call at St. John's on their way out and on their way home, and to land passengers and also to deliver telegraphic messages at that port if they were required to do so. But there had been a difference of opinion between the Post Office and the Company as to whether the Company were bound to deliver mails at St. Johns. The Committee of the House of Commons expressed no opinion as to the obligations of the Company under the Contract, but they did express an opinion as to the intention of the parties entering into the Contract. Considering the larger subsidy that would be payable to the Company, he thought that they ought to render every service to the public which they could be reasonably called upon to do.

Mr. E. P. BOUVERIE said, he wished to ask whether any proposal has been made for alternating the destination of those steam-packets at the other side of the Atlantic; and, if so, whether the Government have come to any decision upon that point.

Mr. PEEL said, that no proposal had been made to the Government with reference to a change of the port of arrival on the other side of the Atlantic. But he had been informed that parties representing interests in Canada had been in communication with the Company, with a view to convert the fortnightly service into a weekly service.

CARLTON HOUSE TERRACE.

QUESTION.

Mr. LOCKE said, he wished to ask the Chief Commissioner of Works, Whether he intends to complete Carlton House Terrace upon the vacant ground where the Riding School stood; and, also, whether he will propose, during the present Session, the continuation of the carriage way from the Mall in St. James's Park to Charing Cross?

Sir HARRY VERNEY said, he wished to ask the right hon. Gentleman whether he will be prepared to open a road from the east end of Carlton House Terrace to the northern extremity of Spring Gardens?

Mr. COWPER said, that Carlton House Terrace would be continued on the ground that was at present vacant, and building leases of that ground had been granted by the Crown. It was not his intention to propose during the present Session a continuation of the carriage way from the Mall in the Park to Charing Cross. It was true that such an improvement had been recommended by a Committee of the House in the year 1856. But that Committee did not advert to the funds from which the cost of that improvement was to be derived. It would involve the pulling down of the house occupied by Messrs. Barnes and Ellis, and it would also involve the widening of the northern portion of Spring Gardens. Those works would be attended with a considerable outlay, and it seemed to him that that outlay would fall most properly on the funds either in the possession of, or to be obtained by, the Metropolitan Board of Works. In answer to the Question of his hon. Friend (Sir H. Verney), he had to state that the passage leading to the gate at the northern extremity of Spring Gardens was very narrow, and that there would be no use in opening the passage for carriages without pulling down some houses.

UNITED STATES—SEIZURE OF THE "PETERHOFF"—THE MAIL-BAGS.

QUESTION.

Mr. W. E. FORSTER said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether it is true that a satisfactory Despatch has been received this afternoon from America respecting the mail-bags on board the *Peterhoff ?*

Mr. LAYARD : Sir, I have much satisfaction in stating, that by a Despatch received this morning from Lord Lyons we are informed that Mr. Seward has given directions that the mail-bags, which were taken from the *Peterhoff*, shall be sent at once to their destination without being opened.

CUSTOMS AND INLAND REVENUE BILL.

[BILL 91.] SECOND READING.

Order for Second Reading read.

Moved, That the Bill be now read a second time.—(*Mr. Chancellor of the Exchequer.*)

Lord ROBERT CECIL said, he had given notice of his intention to take notice that it is proposed by Section 3 of the said Bill to impose a new charge upon the people ; but that the said proposal has not been referred to a Committee of the Whole House, as the custom and order of the House require. He had given this notice because, when he first saw the Bill, he was led to believe that the Chancellor of the Exchequer had been guilty of a neglect of the Orders of the House, in introducing into the Bill a provision for the taxation of charities without the preliminary form of a Resolution in a Committee of the Whole House. He had, however, received an intimation from the highest authority that that objection would not hold, and that therefore he could not move upon that ground that the Order for the Second Reading of the Bill be discharged. But he did think that the case was one in which it was his duty to call the attention of the House to the form of procedure adopted by the Chancellor of the Exchequer, and to the hasty and unprecedented manner in which he had attempted to press the Bill. He need not point out the extreme importance of a measure which proposed for the first time in our history to tax charitable funds devoted to the sustenance of the poor, for that subject would be dealt with by his hon. Colleague on another occasion; but the subject was one of great importance, as it was not a mere removal of an exemption, but a measure that would have a most serious effect upon the interests of those who derived the benefit from the charities of this country. The hospitals, which would be the principle subjects of the next tax, would be seriously maimed in their utility by its imposition. In the case of St. Bartholomew's Hospital, he understood the effect of the tax would be that hundreds of in-patients and thousands of out-patients would be deprived of the relief which, in the moments of their extreme necessity, they had been accustomed to receive from that institution. That was but one instance out of many such that would be affected by the tax, and therefore he might fairly regard the plan as an attempt to raise a revenue from the extreme necessities and diseases of the lowest and most helpless class for the community. It was a charge which one would have supposed the Chancellor of the Exchequer would have endeavoured to impose with the utmost possible forbearance and reserve. There was no precedent of such legislation—it was the first time that any political economist had attempted to wring a revenue from the relief afforded to those struck down by accident or disease. He did not say that therefore it was absolutely wrong ; but it was a matter of such extreme importance, especially as it regarded a class which could have no representatives in that House, that the utmost latitude of discussion should have been afforded. But the course of procedure now adopted was certainly unusual. The Chancellor of the Exchequer had shown such haste in the matter, that had he not been firmly resisted, he would have proceeded with the measure on Monday last, and they would have been considering what would have been practically the final stage on that evening. He had to complain that the right hon. Gentleman had departed from the routine which, if not absolutely prescribed, had become habitual in the House, and had given them less than the ordinary facilities for discussion. The rule of the House was that no tax should be imposed unless it had been first proposed in Committee of the Whole House. Taking the obvious meaning of the words, the tax upon charities had never been proposed in Committee of the Whole House ; it had been inserted in this Bill, and the first opportunity the House would have of deciding upon it would be when the Bill went into Committee. Two years ago the Chancellor of the Exchequer deprived the House of many opportunities for discussing tax Bills by lumping them all into a single measure. Before that time separate proposals were treated in separate Bills; and now the House was restricted to the single opportunity of resisting a financial project—namely, in Committee on the Bill. Having, on account of the supposed encroachments of the House of Lords in their proceedings in regard to the paper duty, limited to such a serious extent the privileges of discussion heretofore enjoyed by this House, he thought they ought to view with great jealousy any attempt on the part of a Minister to encroach upon those privileges still further. They had told the House of Lords that they would suffer no interference in matters of taxation; but a correlative duty thereupon rested on them of supplying all the checks and safeguards which the supervision of the House of Lords would otherwise have supplied. When the proposed imposition of a tax was discussed in Committee of the Whole House before it was embodied in a Bill, the House thereby took the nation into its counsels, and enabled the public to see what were the proposals of the Chancellor of the Exchequer; and between that time and the passing of the Bill there was ample time for the public to consider and to sift any such proposal. But if the House adopted the mode of procedure which the Chancellor of the Exchequer now for the first time proposed to introduce—namely, to set aside the preliminary Committee—many financial measures would pass through this House which the country would necessarily have no proper means of discussing. He understood that, technically, as the right hon. Gentleman's Resolution made use of the words "described as chargeable," instead of "charged," it was held to include all these matters. The point of order was a minute one, and he did not propose to raise it. But the tax in question had not been submitted to that amount of discussion which the forms of this House required; and now that there was only one stage in which a formal discussion of an objectionable tax could take place, he did hope that hon. Members would join him in pressing upon the Chancellor of the Exchequer that it was only fair to the House, and the institutions upon which the tax would fall, that time should be given to enable the public voice to be full expressed upon this question.

SIR HENRY WILLOUGHBY said, he agreed with the noble Lord the Member for Stamford upon the constitutional importance of allowing full information to the country as to any new tax which was proposed. He wished to know whether the Chancellor of the Exchequer was in a position to place on the table any document showing the exact bearing of this new tax upon charities, and the amount of property to which the tax on charities would apply, whether in the funds or in land. It had been mentioned that this tax would mulct Christ's Hospital alone of £1,600 a year; but the only impression produced by this fact upon the Chancellor of the Exchequer was, "What a fine property to tax!" No doubt that reflection was very natural for a Chancellor of the Exchequer, but the principle of taxation at which it pointed was not a wise one. The proposed tax on charities, and that upon clubs, would raise questions quite out of proportion to the amount which would be received; and he should think that it would be well for the right hon. Gentleman, for his own ease and comfort, to abandon these small and vexatious imposts. If hon. Members had anything to say respecting the national finance, this was the time to say it—upon the second reading of a Bill which raised £25,000,000 of revenue; and he wished, therefore, to call attention to the state of public finance for the last two years. He could not take the sanguine view of our finance which some hon. Members seemed to take; because he found that in 1860-1 and 1861-2 there had been a deficit of nearly £5,000,000—that is to say, this House had authorized expenditure, and had never inquired into the Ways and Means to satisfy that expenditure, to the extent of £4,970,000. That deficit the Chancellor of the Exchequer had met by very objectionable methods—by laying hold of the balance of monies on account of loans to the amount of £881,000, and taking from the balances nearly £3,000,000. There could not be a more rotten system of finance. Then, again, the payments from India of £3 10*s*. per head, which were made prospectively to meet claims when the men became aged and received pensions, had been taken into account, though this was merely anticipating the money necessary to meet a future demand, and could not be considered a fair item of public revenue. He confessed that he was not satisfied with the extent to which reductions had been made in public expenditure, nor did he think that this House was justified in voting £68,000,000 or £69,000,000 of taxes. As compared with 1842, the revenue now demanded had increased by £17,000,000 or £18,000,000. Nothing could justify such a reckless system of expenditure in a time of peace. He believed the Treasury was utterly powerless to control the Departments, particularly the War Department; and that it was absolutely necessary for the House to exercise the greatest vigilance, and to support the Treasury in its endeavours to assume a control over the public expenditure. Holding these views, he owned that he did not contemplate with any peculiar satisfaction the present state of the finances of the country.

Sir FRANCIS CROSSLEY said, he had given a general support to the Budget; but the scheme for making public charities pay the income tax was a thing he could not understand. By the scheme of taxing charities in the bulk the tax would be made to fall on a number of individuals each of whom did not receive £100 a year. Why should the recipients of charity be put in a worse position than other individuals with respect to this tax? The effect in the case of almshouses would be this:—That when a sum of money was left to them, the Chancellor of the Exchequer would, in the first instance, take 7*d.* in the pound for income tax; and, so much being lost to the charity, some of the persons whom it was intended to benefit by the bequest must be left to go unrelieved. It would be the same in the case of orphan charities; the deduction of the proposed tax would prevent them from supporting as many orphans as they now did. He could not think the House would agree to such a proposition as that. It was a most unwise one. Almshouses were exempted from poor rates, and he believed there was not a water company in the country that would receive payment for supplying them with water. He was of opinion that this proposal was unworthy of the high character of the Chancellor of the Exchequer.

Mr. HUBBARD said, he wished to call the attention of the House to the present state of the Income Tax. At that moment there was no such impost in the country. It had expired. As there was about to be a new imposition of the tax, he submitted to the House that they were entitled to ask the Chancellor of the Exchequer for something more of his mind on this subject than he had given them in his financial statement. Formerly, when the Chancellor of the Exchequer asked the House to reimpose the income tax he told them something about its duration—he announced that it would decline year by year, and ultimately expire. In later times he told them that the tax was a most inconvenient one, but that it would come to an end in twelve months. They used to receive those periodic commentaries on the income tax; and he thought they were entitled now to have the Chancellor of the Exchequer's opinion as to the future of this fiscal engine of oppression. If it was to be of short duration, they ought to have the preliminary comfort to be derived from an assurance to that effect;—they had a right also to expect that the tax, if reenacted for a year only, should be let alone, or, if altered, be altered in the way of alleviation, and not by the removal of provisions which served to compensate for its many aggravations. He knew that there were hon. Gentlemen who thought, and not without grounds, that a duly-adjusted income tax would be one of the fairest and best of taxes, and might be made a permanent source of revenue; but be that as it might, the House were expecting from the Chancellor of the Exchequer a statement as to his views on the subject. On other subjects the House had consolidated all the statutes bearing on the same matter. That might be done in the case of the income tax. All the statutes bearing upon it might be reviewed and deliberately adopted or rejected by Parliament. But in the absence of any declaration of his intentions he was obliged to turn to what had been said by the right hon. Gentleman in his financial statement, and draw his inferences from what the right hon. Gentleman had stated there. One of the Chancellor of the Exchequer's propositions was, no doubt, a considerable concession to a large class of those who paid the tax. He proposed to start at £100 a year as the lowest income to be taxed, and from that sum up to £200 he proposed a continuous deduction of £60 from the amount of the income previous to assessment. He himself (Mr. Hubbard) had proposed an almost identical scheme; but his proposition was confined to industrial incomes, to the persons who earned their incomes by the sweat of their brow, or the work of their brain. He accepted the proposition of the Chancellor of the Exchequer as a concession to that class; but he regretted to find that his right hon.

Friend gave to capital the same advantages as to industry, skill, and intelligence. He must raise his voice against the part of his right hon. Friend's proposition which had reference to incomes of from £100 to £200 a year derived from real property. He agreed with the Chancellor of the Exchequer, that £60 a year might fairly be taken as the minimum at which the income tax should begin, since that sum had been considered as the equivalent of unskilled labour. But it was obvious that they could not commence taxation at £1 or £2 over that minimum; they must make a certain leap, and in that way they arrived at £100, which gave them £40 a year to charge. That principle was fairly applicable to industrial incomes of £100 a year. But the concession proposed by the Chancellor of the Exchequer to fixed incomes from £100 to £200 a year, was not warranted by any accepted principle of political economy or sound legislation. It was wholly at variance with the principles laid down by Adam Smith, and was one which the House ought never to allow to be introduced into the legislation of this country. The right hon. Gentleman, in answer to the hon. and learned Member for Sheffield (Mr. Roebuck), made a declaration which implied that social position ought to be taken into consideration in assessing the income tax. Such an axiom was certainly a most dangerous one. He talked, too, of there being a relative poverty among men which it was necessary to consider in adjusting the income tax.

The CHANCELLOR of the EXCHEQUER: Those were not my words. They were put by me into the mouth of a person with whom I supposed myself to be arguing.

Mr. HUBBARD said, he was aware of that; but what he complained of was, that the right hon. Gentleman had said that there was nothing wicked or unjust in such a proposal;—indeed, he had himself, to some extent, introduced a graduated scale of income tax. Certainly such a policy was exceedingly dangerous, and must give rise to all kinds of difficulties. He heartily agreed with one expression of the right hon. Gentleman that there should be a uniform tax upon all incomes. But then the question arose what was income for the purpose of taxation? Did the Chancellor of the Exchequer mean to rank on an equality the interest on capital, the gross rents of lands and houses, the earnings of industry, and the repayment of monies lent? If he ranked them differently, why did he tax them alike? If he ranked them alike, he would ask for an answer to these three questions:—Why do you remit taxation on the premiums paid for life policies on the very plea that they are not income; why do you permit local taxation to be levied not upon the gross rental but on the net ratable value; and why do you specifically enact that the landed gentry who have borrowed from the State shall not deduct income tax on the capital repaid through the Terminable Annuities? He challenged the right hon. Gentleman to give the House a distinct reply on those points.

Mr. CLAY said, he desired to bespeak the Chancellor of the Exchequer's attention to a case of peculiar hardship which would be worked should the right hon. Gentleman's disastrous proposition—as he would call it—for taxing charities be carried out. When the Harbour Dues and Passing Tolls Act was passed it, affected the revenue of certain corporate bodies, which were derived from certain differential duties and dues on shipping. A compromise was proposed, which was sanctioned by Parliament, the object of which was to continue the bodies in question, seven in number, in the receipt of those dues for a certain term of years, during which it was calculated they would be able to lay by a surplus sufficient to maintain their charities thereafter. The body in which he was most interested was the Trinity House of Hull. The Trinity House at Hull was to receive the dues until the year 1872, by which time it was calculated that a surplus would have accrued which would enable them to keep up their existing charities. It was calculated, that if the right hon. Gentleman's proposal were carried, he would come down upon them for £550 a year; and the surplus therefore, which was extremely narrow, would be too small, when the year 1872 arrived, to maintain the charities according to the intention of Parliament.

Sir JAMES FERGUSSON hoped that the right hon. Gentleman, when he made his statement, would enter into further details with regard to his proposal for extending the income tax to charities, so that these bodies might really know what they had to face. Institutions of the nature of hospitals derived their incomes from various sources—from annual subscriptions, fees from students attending lectures, funded property, and extensive buildings used for hospital purposes, but which produced no revenue. It was desirable to know whether the right hon. Gentleman meant to treat all these as sources of income. Annual subscriptions and fees from students must be very fluctuating, and it would be unjust to tax the hospitals on a single year's revenue from these sources, or even on an average of three years. It was most important that the House should insist on the maintenance of all those palliatives and safeguards which were devised when the tax was first enacted, and especially that its administration should be left as much as possible in the hands of local authorities. Of late years there had been a disposition, on the part of the authorities of the Inland Revenue Department, to centralize the administration of the tax. It was of great advantage that the assessment should be made by the local authorities, because of the local knowledge which they possessed, and because they were looked upon with less jealousy than Government officials. In the Bill of last year it was provided that no fresh assessment should take place under Schedules A and B. This was done with the view of saving about £2,000; but it could be shown that they had lost more than this by the loss of the additional receipts on increased income. Either they must make an arrangement for the appointment of an assessor, or an assessment must be made by the central authority. There was an illustration of the objectionable character of the transfers of duties from local to Government authorities in the change made in 1860, transferring the collection of duties on the incomes of railway officials from Schedule D to Schedule E. Previous to the transfer, those who were in the receipt of weekly salaries amounting to £100 a year were exempted by the local authorities, for the obvious reason that such an uncertain income was not like the fixed income of persons employed by the year; but they were now charged, and in the result the railway companies who employed them had to pay, and were therefore taxed double.

MR. BAINES said, that no one approved the Budget more than he did, but he could not approve the proposition in respect of the taxation of charities. He did not think the Chancellor of the Exchequer could have made a worse sweep than sweeping into his net the three objects of education, religion, and benevolence, and imposing a tax upon them. The fair view of a charity was that it was not individual property, but property divisible among numerous recipients. There were extremely few cases of any recipient getting £100 a year; but, when any person did get that sum, he would leave him to the tender mercies of the Chancellor of the Exchequer. At all events, they ought not to bring the impost to bear upon existing charities, but make it applicable only to charities which might, in future, be created. If the right hon. Gentleman withdrew this clause, a Budget which had been received with great favour would become the most popular ever presented to Parliament.

THE LORD MAYOR (Mr. Alderman ROSE) said, that being connected, for a period at least, with more charities than any other Member of that House, he desired to express his concurrence in the remarks of the hon. Member for Leeds. If these charitable institutions were taxed, the effect would be that their utility would be *pro ratâ* diminished. The Sons of the Clergy, the Royal Hospitals, the Blind Schools, and many other institutions in the City, would have their recipients reduced in numbers in proportion to the amount deducted from their incomes by the tax; and the charitable gifts not only of persons living in the present day but of past generations would be interfered with. We might sympathize with a Chancellor of the Exchequer having to find new sources of taxation; but the amount that these charities could be made to yield would not compensate for the mischief that would follow.

MR. BASS inquired why, when other penny taxes were swept away, the penny tax on delivery orders was to be retained?

THE CHANCELLOR OF THE EXCHEQUER: Although there is no *omnibus* Bill before the House, I fear I must make an *omnibus* speech in answering all the various questions that have been addressed to me. I will endeavour to satisfy the minds of hon. Members on the questions they have put; and I will begin with the noble Lord who commenced this discussion (Lord R. Cecil). I am sorry to be obliged to express my dissent from every statement made by the noble Lord (Lord R. Cecil), excepting the general *dictum* that it is the duty of the House to pay great attention to the financial proposals submitted to them by the Government in their different stages. The noble Lord says that he could not persevere with the Motion of which he had given notice because I have used the word "chargeable" instead of "charged." The noble Lord is entirely wrong; the word has nothing to do with it. If the noble Lord had applied himself to the meaning of the technical language which is necessarily used in financial Bills, he would have been aware that the whole of the property which he thinks is not charged is charged. Exemption is properly a return of duty upon proof of certain facts; but the charge of duty is a prior operation which is made according to the law on the property of charities just as on any other property. A certain portion of that property is discharged altogether, but not according to the law, but by the discretion of the Government, from the almost hopeless difficulty of working the law; but according to law the whole property is actually charged. I think it is agreed that it is not desirable for me to anticipate the statement on the subject of charities which, on the part of the Government, I intend to make to the House. But, at the same time, I am obliged to take notice of the tone of exaggeration which marks a few of the statements which have just been made. The noble Lord speaks of a hundred in-patients in St. Bartholomew's Hospital being refused admission in consequence of the proposal of the Government. Has the noble Lord examined into the cost of an in-patient in St. Bartholomew's Hospital, and does he know the amount of burden which St. Bartholomew's Hospital will have to bear? I cannot speak precisely, because my knowledge of the cost of in-patients in the London hospitals rests on statistical documents; but if the noble Lord has better materials, he can correct me if I am wrong. I believe that the average cost of in-patients in hospitals generally is £25. The cost varies a good deal. It is sometimes lower; but St. Bartholomew's, I should think, was higher than ordinary. The noble Lord will, perhaps, correct me if wrong.

Lord ROBERT CECIL: I have no right to interrupt the right hon. Gentleman; but he appeals to me, and if he desires to be accurate, he ought to be aware that it is stated upon the authority of the Treasurer that the inevitable result of this proposal will be that several hundred in, and several thousand out-patients, must annually be excluded from the benefits of St. Bartholomew's Hospital. That is a statement made by the authorities of St. Bartholomew's Hospital, and not by me.

The CHANCELLOR of the EXCHEQUER: If the statement was not made on the responsibility of the noble Lord, I am sorry that I ascribed it to him, and I will endeavour to make myself as accurately acquainted as I can with every particular before I discuss the statement of persons who must be well informed. But this I may say, that the amount of the tax which would under this measure be imposed upon St. Bartholomew's Hospital would, upon an income of something more than £30,000, be about £700 a year. The annual income from their property is £36,000, and the tax which they pay now £201 a year. Deducting that £201 from a mere trifle over £1,000, which would be the gross amount, the tax imposed under the new system would be £700. What compensation they will receive for that increased taxation, I will show on a future occasion; but it is a matter which belongs so entirely to the general discussion, that it would be better for the present to avoid it. The noble Lord has complained that I have departed from the usual course, and have attempted to force the House to a final decision on the subject of charities to-night. He is entirely mistaken. The decision in Committee upon the Bill is not final. Formerly, according to the system of procedure in this House, Amendments could be moved and discussions raised at any stage between the Committee and the passing of a Bill; and when, a few years ago, the power of moving Amendments at stages of the progress of a Bill subsequent to the Committee was modified and limited, it was distinctly understood, that if further general discussion and further Amendments were desired, the proper course would be to move the recommittal of the Bill. That has been done over and over again, and it is a course which is entirely legitimate. The noble Lord says that I have abridged the opportunities of discussion and departed from the usual form of proceeding. I have done no such thing—there has been no abridgment of the opportunities of discussion in regard to the present Bill. The complaint of combining together the principal financial propositions of the year has no effect whatever on the matter. The question of the exemption of charities from income tax could not possibly be dealt with, except in the Income Tax Bill, and consequently could not possibly be treated otherwise than according to the present mode. The noble Lord states very boldly that I have departed from routine and order; but he has not pointed out in what manner I have done so. What are called charities in this country have certain property, and that property has been included within the general words of every income tax Resolution which, as far as I know, has been passed during the last twenty years. The general words of my Resolution precisely correspond with those of every other income tax Resolution, and a little reflection will show to the noble Lord that nothing could be more inconvenient and impracticable than to attempt to indicate in a Resolution not only the general character of the profit and gains and property which it is intended to tax, but likewise the different orders and descriptions of proprietors to whom they belong. The hon. Member for Buckingham (Mr. Hubbard) might as well complain that I had not indicated in the general Resolution the particular orders of proprietors for whom he is interested. Not only has there been no departure from routine, but really I had no option as to the course which I should pursue. The hon. Baronet (Sir H. Willoughby), who followed the noble Lord, invariable speaks upon subjects of finance with such a conscientious care, with such a perfect public integrity, and with such an entire absence of all personal and party objects, that although I frequently come under his stringent criticisms, I cannot listen to him otherwise than with pleasure, even when I am not able to concur with him in his views. The hon. Baronet has spoken to-night upon more than one topic. He says that I admit that the imposition of the petty charges which I now propose to repeal was a false step. I think, that when a man has to give up a measure of his own, he had better do it frankly and broadly; and I have acted upon that principle in making my financial statement; but when pressed by the hon. Baronet, I am by no means prepared to admit that the imposition of these duties was a false step. Although I think it would be inexpedient that these charges should be permanently retained, I, at the same time, maintain that they were a necessary instrument for effecting a great financial relief to the country and a great administrative reform. It was upon a sweeping reduction of the tariff that there depended not only the vast impulse given to trade, but also the great diminution which we have been able to make in the Customs establishment; and therefore I am not prepared to say that the imposition of these duties, which we may now find it expedient to part with, was at the time inexpedient. My hon. Friend the Member for Derby (Mr. Bass) asked, "Why not give up all the charges that have been imposed in 1860?" I see no reason whatever why, because a tax was imposed in 1860, it should be given up in 1863. The two charges are not of the same nature. The charge which is called the "penny inward" upon imports entails a great deal of labour, considerable obstruction, and impediment to the progress of business, and the expenditure of a good deal of time; and that being so, it is attended with a considerable additional tax in the shape of the labour which is imposed upon the taxpayer. The charge to which my hon. Friend refers entails no such additional taxation, because a delivery order, like a receipt stamp, costs no more in time when stamped than when it is unstamped—it is precisely the same to the revenue, and is open to no serious objection. It is the intention of the Government to adhere to the declaration which I made in their name with reference to the very moderate surplus which in the present state of the finances of the country we propose to reserve, and to resist, to the best of our power, all attempts at its diminution by the repeal of any existing tax. The hon. Baronet the Member for Evesham says, that this is not a moment of pressure, and therefore not one at which any addition to the revenue of the country, such as we have proposed, ought to be asked for. We do not say that the necessities of the country are such as to compel us to go groping and boring here and there to pick up £10,000, £20,000, £50,000, or £100,000; the ground on which we desire that these proposals should stand or fall is that of their justice. If they are just to the community, let us adopt them. If they are unjust, by no means let us import any such charges into our fiscal system, even if the necessity was much greater than it is. The hon. Baronet went on to say that during the last two years there has been a deficiency of £5,000,000. I confess that I am completely puzzled, and quite at a loss to discover his meaning. If I separate from the nominal expenditure of the year 1861-2 a sum of nearly £300,000, which belonged to the previous year, what I find is this — that there was a deficiency in 1861-2, and a surplus in 1862-3, and that the surplus in 1862-3 was larger than the deficiency in 1861-2. The hon. Baronet may say, "That is true; but then there is the charge for fortifications." There was expended upon fortifications during those two financial years a sum of nearly

£2,000,000. The hon. Baronet must speak either with regard to form or with regard to substance. If he speaks with regard to form, then in point of form there was no deficiency on account of these £2,000,000. If he speaks with regard to substance, then it is perfectly true that £2,000,000 were spent for fortifications, for the gradual liquidation of which provision was made by Parliament. [Sir HENRY WILLOUGHBY explained that he referred to the years 1860-1 and 1861-2.] Then, I fall back upon my previous statements as to the financial results of a period of four years, to which I regret that I have not the assent of the hon. Baronet. My hon. Friend has raised a particular point with respect to the Indian charge of £3 10*s*. per man for the non-effective service, which, he says, the Government have no right to consider as revenue. I entirely differ from him. For a long period of time the Treasury of this country has been paying, year by year, to sustain the non-effective services of India probably three times as much as it as been receiving; and although the absolute and full justice of the charge may not be fully equal to the reimbursement for some short time yet to come, yet upon the whole we are neither reimbursing or nearly reimbursing ourselves for what we have spent. It is a mistake to say that by the system we adopt we are making a prospective demand; on the contrary, we are only offering a very light compensation to the English Exchequer for the charge it has long been paying and enormously in excess of the £60,000 a year previously received. My hon. Friend the Member for Buckingham (Mr. Hubbard) has re-opened, as far as in him lay, the whole question of the income tax, and of his favourite plan, and he has put to me six questions. With the greatest respect for my hon. Friend, I beg to be excused from answering any of these at present. We had a debate on this very subject of the income tax when my hon. Friend made his Motion; we had another debate introduced by the hon. and learned Member for Sheffield; and if we are to have a third debate upon equal and unequal income tax, it will be impossible to mix up a general and abstract discussion of that kind with the practical consideration of details of the financial arrangements for the present year. The hon. Member further demanded that I should give my views as to the future of the income tax. He is quite entitled to make that request, but in complying with it, I am also entitled to limit my explanation to what appears to be safe and prudent; and certainly I, of all men, have had warnings in regard to prophecies with respect to the income tax. In 1853 I made a computation, and submitted it to the House, in the belief that the expenditure of the country was likely to continue at the level at which it then was. In 1857, after the Russian war, it appeared to be the disposition of the country, with regard to its peace establishments, greatly to increase its expenditure. I objected very strongly to that expenditure. I will not say that I stood alone, but I was in a minority; others thought differently, and I had no controlling power. We have now a different scale of expenditure; but having once seen the expenses of the country raised, it is not for me to determine what may be the prospective wants of the country in future years, or to venture on any rash predictions as to what our outlay may be. I see no reason why the level of our expenditure should rise higher; on the contrary, I see great reason to hope that it may fall lower; but beyond that I am not disposed to go. With respect to the question of revenue, what I have said and will venture to repeat is this:—That if the country can meet its expenditure with a sum of from £63,000,000 to £65,000,000 a year, it will be possible at some future and not very distant period to conduct the Government of the country without resorting to an income tax. But the question whether we should or should not resort to an income tax in time of peace is one of the most important that can be conceived. Because, while, on the one hand, the objections to the tax are of the weightiest and most serious nature, on the other hand, the recommendation it possesses in the eyes of many is that it has some tendency towards equalizing the burden of taxation between the higher and lower classes of society. I come next to an hon. Gentleman who has not interposed in the present debate, but has intimated a desire to be informed of the intentions of the Government on a point of general interest. He wishes to know what would be the effect of extending the exemption of £60 through all classes of income, and what means I have of computing the effect of the measures I have proposed to the House. Our means of knowledge are partial, because while we do know the number of persons charged under certain schedules, we do not absolutely know the number of persons charged under certain other schedules. The best we can do is to take the proportions as they stand in those schedules which we do know, and extend them to the schedules generally. And as that was the manner in which we proceeded in 1853, when we had to extend the income tax downwards, I have no doubt that though the result will not be mathematically correct, the practical error will not be of serious moment. What we calculate is, that the incomes between £100 and £150, which are to be relieved, amount to £13,500,000, and the relief of those incomes will cost £160,000; the incomes between £150 and £200 are £8,222,000, and the relief will cost £240,000 — the House will remember that these incomes do not at present enjoy the benefit of the lower rate, and consequently the apparent proportion of relief is somewhat greater in this class. The sum of these items is £400,000. Then we take the incomes of upwards of £200, with the particular amounts of which I will not trouble the House; but the general result is, that the amount of income relieved by carrying the deduction of £60 upwards to all incomes, however high, will be £17,700,000; and the charge of relieving these higher incomes will be £514,000. This, added to the other sum, will make a total relief of £914,000. I do not know what effect that statement may have on the mind of my hon. Friend, but I confess I think it quite conclusive that the effect of extending the £60 reduction to all classes of income would be a very wanton and purposeless waste of public money. You may say that it would be very convenient if it were extended to persons with incomes of between £200 and £300; and so it may be; but I am not willing to depart from the traditional limits established in former Acts of Parliament, in which—even in those most favourable to the taxpayers—the sum of £200 is mentioned as that at which everything in the nature of exemption should cease. The hon. Baronet (Sir James Fergusson) has referred to what he thinks centralizing tendencies in the administration of the income tax, and certain circumstances connected with the assessment of last year. The machinery for collection in Scotland is somewhat different from that in England, and I will not now discuss its nature further than to assure the hon. Baronet, that whenever a change of a centralizing tendency is contemplated, it ought to be brought under the full notice of the House; moreover, I think the subject one on which the Government ought not to make any proposal, unless calculated to prove beneficial, and therefore acceptable to the people. The hon. Baronet likewise referred to the question of charities with mixed receipts, where, as I understand, the bodies, having a certain amount of chargeable expenditure, derive their income from three sources:—First, from endowment; secondly, from voluntary subscriptions; and thirdly, from the fees of students. As regards charitable endowments, it is to them that the proposal of the Government refers. As regards fees, these are not the subject of any exemption at present, and they will be dealt with on the same principle as other revenues. As regards voluntary subscriptions, these are entirely outside the proposals of the Government, and will be unaffected by them. The machinery and terms of the law would not give us the means of getting at these voluntary subscriptions, and would require fresh and separate legislation, if such legislation were desirable—which, in my opinion, is far from being the case. Every shilling of these voluntary subscriptions, in the hands of the persons from whom they come, has been already subjected to taxation. The machinery of the income tax enables us, with regard to property, to go to the source, and levy the tax before the income reaches the receiver; it gives us the power, likewise, of calling on persons to declare their receipts from trades, professions, or property held for their own enjoyment. But it is quite clear that neither of these categories would include voluntary subscriptions which are received by persons not for their own benefit. The hon. Member for Hull (Mr. Clay) has referred to the Act relating to passing tolls. This morning I received a statement, which still engages my attention, the general effect of which I understand to be that there is a positive Parliamentary compact between the Government and the local authorities, and that therefore the matter ought to be considered outside general legislation. If such should turn out to be the case—and I am by no means certain, on the *primâ facie* appearance, that it may not be so—it will by no means fall within the principle of the proposal now made by the Government. I should be sorry to be misunderstood by the hon. Member for Leeds (Mr. Baines). In one portion of his speech he said that the effect of the Government proposal in regard to charitable institutions would be to turn out patients, and to diminish the number of persons now in the enjoyment of incomes from charitable sources. That is not the case, because the Bill contains a double provision for the protection of individuals. Any one now in the enjoyment of receipts and allowances would not be liable at all, but would have the same privilege of claiming the return of income tax as the possessor of an ordinary income beneath the ratable amount. Over and above that, the Bill contains another and very important protection—namely, that where there is a margin of other funds from which the tax can be paid, in no case shall deductions be made from life *bénéficiaires* and recipients of charity under fixed allowances. With regard to the declaration of the hon. Baronet the Member for the West Riding (Sir Francis Crossley), I wish he could have permitted me to state the case before he declared his opinion, inasmuch as, if I gather from him the real nature of his views, I should be entitled, on the principle on which he seems disposed to proceed, to claim what I very highly value, and what I have often enjoyed—the advantage of his support. My hon. Friend says that the property of charities, which ought to be considered as distributable among individuals in small amounts, ought to be on no worse footing than corresponding property going straight to private individuals. I will undertake to show my hon. Friend, that under the proposal of the Government, the property of charities will not be upon a worse, but upon a better footing as to taxation than the corresponding property of private individuals with incomes which are under £100 a year. The case is a very complicated one, and I own I have had myself considerable difficulty in acquiring the requisite knowledge with respect to it. I will, however, make a full statement on the subject on Monday; and I can assure hon. Members that the desire of the Government is, that whatever course the House may take in the matter should be taken with its eyes open. It is upon grounds of the strictest justice that we wish to make the proposals which we have to submit to its notice; and if we establish our propositions upon these grounds, the House will adopt them; while if we do not, it will be for hon. Members to reject them as not entitled to their sanction.

SIR STAFFORD NORTHCOTE said, that though quite agreeing with the right hon. Gentleman in the opinion that it was undesirable to attempt to enter upon a discussion of this question at the present moment, he was nevertheless anxious to point out the position in which they stood with regard to it. He thought it desirable that some preliminary explanation should be made with regard to the provisions of the Bill, in order that the country might be better able to understand a complicated proposal, and that the Members of the House might be in a position to discuss them with advantage on Monday next. Certain questions had been put, the answers to which seemed to imply that particular charities would not be affected in the manner in which the hon. Gentlemen who put the questions supposed. Now, they had got the Bill on the table; but, as far as he could understand the clauses of it, there was no provision to protect the charities alluded to. He referred to such a case as the Patriotic Fund. There were questions in which public opinion was forming itself really in ignorance of what the proposal of the Government was. His hon. and gallant Friend behind him (Sir James Fergusson) had put a question—Supposing you have a mixed revenue, partly arising from endowments, and partly from voluntary subscriptions, on which do you propose to lay the tax? The answer was, "We propose to lay it on the revenue from endowments, and not on the revenue from voluntary subscriptions." But take the case of the Lancashire Distress Fund, where a large voluntary subscription was raised; there being more than could be expended at once, with a view to economy and profit a portion of it was put into the funds for a short time to be drawn out by degrees; a dividend was paid upon it, and upon those dividends he supposed the tax was to be deducted. Now, were these contributions to be treated as voluntary contributions (which they really were), and to be exempted from the tax, or were they not to be exempt from the tax? It would certainly be a matter of convenience if they knew exactly what was the nature of the proposal of the Government, and in what respect the Government proposed to modify the Bill, so that they might be prepared for the discussion on Monday night.

THE CHANCELLOR OF THE EXCHEQUER said, that the principle on which the Bill proceeded was to lay a tax on the great mass of endowments. The word "endowments" in its generally accepted sense meant those investments which were made with a view to a permanent object, while those investments to which his hon. Friend referred were of a temporary and partial character, made to meet a great calamity, to the progress of which the public bounty could not be held to adapt itself. Now, he maintained it to be entirely in conformity with the proposal of the Government that they should introduce a provision for the purpose of distinguishing such cases from others; but he had not, at the same time, thought it wise to complicate the Bill by introducing into it a number of minute reservations until after its principle had been discussed, and he should then hold himself entirely free to proceed according to the general view of the expediency of the case.

LORD ROBERT CECIL asked when the details of such reservations would be laid before the House?

THE CHANCELLOR OF THE EXCHEQUER said, he should take care that ample notice was given on the subject.

MR. WALPOLE: The financial statements of the Chancellor of the Exchequer are usually so clear that it is very easy to understand them; but I venture to say that hardly any hon. Member understands what is the exact nature of the right hon. Gentleman's proposal with regard to charities. I understood my right hon. Friend to argue that the tax which would fall on St. Bartholomew's Hospital, with an income of £36,000 a year, would, according to his proposal, be about £700 or £800 a year; but that can hardly be accurate, inasmuch as, according to the ordinary computation of the tax, it would amount to £1,000 per annum. [The CHANCELLOR of the EXCHEQUER: The income tax is at present paid by the Hospital to the amount of £201 a year.] But, be that as it may, my right hon. Friend has given no explanation of that important part of his scheme which was so forcibly referred to by the hon. Member for Leeds. Are you to treat the recipients of charities as separate individuals, or to look upon the trustees as individuals receiving an amount of income on which, as individuals, they will have to pay the tax? That is a very grave question; because my right hon. Friend will bear in mind that every principle we have ever laid down in regard to charitable property has addressed itself to that very distinction. I will explain myself by a simple case. Everybody knows that the legacy duty is applicable to charities when property is given to charities generally, but not if it is given to individual recipients. Thus, let me suppose that I devise the whole residue of my property to trustees to be disposed of for charitable purposes—that residue will pay 10 per cent duty; but if I devise the whole of it to trustees on condition that they should give a sum not exceeding £15 to each recipient of the charity, it will be exempt from duty. The reason of the distinction is this. The Courts consider, that inasmuch as no duty is payable on any sum under £20, then if you give your residue to trustees for charitable objects, none of the recipients taking as much as £20, not a shilling of tax ought to be paid upon that bequest. But if you give it in such a manner that there is no charity impressed upon it until it gets into the hands of the recipients, then the duty is payable. I do not find that my right hon. Friend has taken that ground of distinction, which, in my opinion, ought to be adopted with regard to the taxation of charitable property. If you deal with charitable property where people are receiving large sums which they may dispose of generally for charitable purposes, without affecting retrospectively particular objects of the charity who have hitherto been entitled to particular sums without deduction, I could understand—upon the principle that every property ought to contribute its fair share to the expenses of the State—that something ought to be taken out of the aggregate fund. But when once you split up the property into small sums, and bring it under the operation of this tax, it seems to me to be utterly inconsistent with your own proposal to extend the exemption to people of £200 a year, since, in the case of those charities, you are taking away the privilege of exemption from those who are receiving very much less than £200. I do not wish to go into this question, and I should not have said so much upon it, unless it had appeared to me absolutely essential that the Government should favour us with a more distinct view of the nature of the proposition we shall have to consider when we go into Committee. If my right hon. Friend would rather postpone the discussion until Monday, I will say no more; but if he is prepared to make an explanatory statement to clear up these points, so that the House and those who are affected by the tax may know its operation, he could easily take advantage of the forms of the House to do so. I do not wish, however, to press him to make such a statement if he would rather do it on a future day, but I do press upon him that before we consider the Bill in Committee, he will let us understand the exact nature of his proposition.

Mr. BAGWELL would warn the Government that the proposal of the Chancellor of the Exchequer in regard to charities was likely to receive very considerable opposition from the Irish Members. The House was aware that the principal charities in Ireland were Roman Catholic charities, and that the Roman Catholic Church and its charities were maintained by voluntary contributions. The Chancellor of the Exchequer stated the other night, that the losses sustained by the people of Ireland from the bad harvests of the last three years amounted to £36,000,000. It appeared that the only proposal which the Chancellor of the Exchequer had to make for the relief of Ireland was to tax her charities. He was certain that the Government would increase their existing unpopularity in Ireland by such a proposition. If such a thing were done in Ireland, it would be considered on this side of the water as a bull; but, as it was proposed in England, he supposed it would be considered as an act of "justice to Ireland."

Mr. HENLEY: The Chancellor of the Exchequer has told us with great candour that this is a very intricate subject. I think he even went the length of saying that he himself had some difficulty in making himself understand it. I venture to say that after this discussion no one except a member of the Government will get up and say that even by the light of this Bill they understand, in the least degree, what the House will be called upon to vote on Monday. If this subject is intricate, it cannot be denied that it is also of great interest. I have no notion whether, and to what degree, this proposition is to be retrospective or prospective. I made a vain endeavour to gain something from the Chancellor of the Exchequer. I understood him to say, in answer to the hon. Member for Leeds, that it is not to be retrospective. But how does it apply to a bed in a hospial? Is a man now in a sick bed in a hospital to lose no benefit, and is a man who comes in afterwards to come under the tax? The right hon. Gentleman ought to put his proposition into print, and give time to the House and the country to understand exactly what it is we are called npon to vote. What has happened to night? He tells the hon. Member for the West Riding of Yorkshire (Sir F. Crossley), "You quite misunderstand me; upon your principle you ought to support me." That certainly is a very odd state of things. We have the Bill to look at, and we try to form the best opinion we can upon it; but it is like looking into a thick hedge—no man can get his eyes through it, much less his head and body. The right hon. Gentleman says he merely intends to deal with endowments, and then he says he should have no objection, in case a little surplus were invested, to consider whether that ought not to be let off. How is it to be told, when a charity invests £500, whether they intend it to be permanent or not? Take almspeople who have £10 a year apiece coming out of an endowed estate of £110 a year. Is each of those unfortunate people to have his income tax deducted, while the man at £90 a year is to go scot-free? I do not understand how all this is to work. All I hope is that we shall have more time, and that the right hon. Gentleman will not attempt to force this matter through without giving not only this House, but also all the charities in the country, an opportunity of knowing what he wishes to impose upon charities. It is the first time I have heard that it is just to rob the poor. We have had considerable pressure in this country since the income tax was first imposed sixty years ago, and during that period—which some of us can recollect—that view of justice has never been taken until it came into the mind of the right hon. Gentleman. His sense of justice is to take something from the poor, the lame, the halt, and the blind. That is a new system of justice—a new code of morality, which has not been arrived at in a moment, and I trust the right hon. Gentleman will give us full time to digest his new code.

The CHANCELLOR of the EXCHEQUER said, that when he stated that his proposal would make a difference of from £700 to £800 to St. Bartholomew's Hospital, he did not profess to speak within a £100 a year. When he said the question was one of great intricacy, he did not advert to the proposal of the Government, which was quite intelligible and not by any means intricate, but to the operation of the present law. The Government had made what appeared to him to be a most intelligible proposal; but if any hon. Member would put any question before the discussion came on, he would state to the best of his ability what would be the operation of the proposal in any given case.

Lord LOVAINE said, that the statement of the Chancellor of the Exchequer did not tally with that of the Governors of St. Bartholomew's Hospital. The cost of a bed at the hospital was stated at £25 per annum. The fact was, that by the bed of a hospital was meant a room occupied not by one person, but by a succession of patients in the course of a year. He agreed with his right hon. Friends, that the House required all the light that could possibly be shown on the operation and effect of the proposed tax.

Sir MINTO FARQUHAR said, that the question was one of the utmost importance and interest. There was scarcely a part of the country where endowed charities did not exist, and the trustees were most anxious to know exactly how the proposal of the Chancellor of the Exchequer would affect them. It was necessary that full time and opportunity should be given for the consideration of this subject. He trusted that the House would have full time allowed it for considering the question.

Lord JOHN MANNERS said, that he thought the original statement of the Chancellor of the Exchequer to-night was one of the most alarming and perplexing that he had ever heard, for the right hon. Gentleman made the declaration that on Monday he would deliver to them a most complicated, most intricate, and very long statement upon the subject of this proposal. That he (Lord John Manners) thought a most alarming statement—for this simple reason, that they were at the moment to be asked to vote upon the proposal of the Chancellor of the Exchequer, which he had led them clearly to understand was so elaborate and complicated that he himself could hardly master the principles and the details. Upon that statement many hon. Members had expressed their opinion; and had asked, not unnaturally, that neither the House nor the country should be called on at the moment to pronounce a deliberate opinion upon a proposal which, upon the face of it, was unusual, novel, and unprecedented. But after these comments had been made on both sides of the House, the Chancellor of the Exchequer explained — and what was his explanation? Why, that all those epithets which they had thought he applied to the statement to be made on Monday, he meant to apply only to the existing law. He told them that the House would hardly be able to comprehend on Monday what were the principles and practice of the existing law. But surely the House was not in that state of benighted ignorance of the state of the law which the right hon. Gentleman seemed to suppose. They were perfectly conversant with the existing law, and they were also perfectly content with it. They did not want to hear a long statement as to what the law was; but what the House and the country did want to know was, what were the principles on which it was proposed to interfere with the existing law, and what were the provisions by which he proposed to carry his novel principles into practice. He (Lord John Manners) had never been more astonished than when he heard the Chancellor of the Exchequer give his explanation. On Monday, he had no doubt, that they would have a most interesting and eloquent exposition of the very complicated proposal of the Chancellor of the Exchequer, which affected deeply the interests of a very large class of poor and suffering people; but he thought that after such a statement there ought to be conceded to the House this, that they should not be asked to come precipitately to a decision on a proposal which then only for the first time be practically before it.

Sir JAMES FERGUSSON explained, that the question he had asked the Chancellor of the Exchequer was, why the 44th section of the Act of last year was not proposed to be repealed in the Act of the present year as well as the 42nd and 43rd sections?

Lord HARRY VANE also hoped that this question as to charities would not be further urged upon the House until an opportunity had been given hon. Members to ascertain the general feeling of the country on the scheme. He thought the subject would require a very detailed statement from the right hon. Gentleman to remove the unfavourable impression which generally prevailed with regard to the proposal. Representations had been made to him from various quarters, proving that there was a strong feeling adverse to the measure. It certainly was believed that the right hon. Gentleman had adopted a retrograde policy in proposing such a measure, and it seemed to him scarcely wise to raise so large a question when the result was to be so small. If the right hon. Gentleman could establish the points he had brought forward—if he could prove that great benefit would arise to the revenue, and that the recipients of charity would not be the sufferers which the public anticipated, then he would make good his case; but he (Lord H. Vane) thought the right hon. Gentleman would be acting very unwisely in attempting to force this measure too hurriedly upon the country.

Sir JOHN PAKINGTON said, he did not rise to enter into any discussion of the details of the proposed tax, or of the Bill before them; but he wished to make a suggestion in consequence of the nature of the discussion which had taken place. He thought that it must have become quite clear to the right hon. Gentleman that this proposal to tax charities was regarded with very great anxiety by hon. Gentlemen on both sides of the House; and further, the right hon. Gentleman had himself very candidly admitted that the proposal was of a somewhat complicated and difficult nature. [The Chancellor of the Exchequer: No, not the proposal, but the present law.] He feared that the law would not be simplified by the addition that the right hon. Gentleman proposed to make to it. This was clear, that for the sake of the country at large, and especially of those most interested in the subject, they should clearly understand what was the course which would be taken by the Government, and what was the nature of the proposition. He would therefore suggest that the right hon. Gentleman should take until to-morrow to consider what course he would think it right to pursue, so as not to involve the House in any difficulty, and that he should state to-morrow what course he would take on Monday. The course which he (Sir John Pakington) would suggest was, that on Monday, with the Speaker in the chair, the Chancellor of the Exchequer should make a clear statement of the whole of his proposition, and that then he should allow a reasonable time before they were called upon to come to a vote upon that proposition. Without presuming to press this particular suggestion, he would submit that, at all events, it would be convenient for the right hon. Gentleman to announce to-morrow what course he would take on Monday.

Mr. MALINS thought that it must be admitted that the proposal to take 3 per cent from every charity in the country was certainly not a light one. St. Bartholomew's Hospital was the greatest hospital in the country; but still there were a great many more similar institutions. The right hon. Gentleman said that the measure would take away about £700 from St. Bartholomew's Hospital, and that sum would support forty in-patients if they remained in the establishment the whole year. But experience showed that they did not remain there more than a month or five weeks, and therefore the effect would be that the number of in-patients who would be affected was about 400. Add to St. Bartholomew's the eight or ten other great hospitals, and they would have no fewer than 3,000 or 4,000 poor patients excluded from the London hospitals alone by the effect of this taxation. What was the amount of revenue which it was supposed would be derived from this novel principle, which was repugnant to the feeling of the whole country, and which the right hon. Gentleman must have great difficulty in carrying into operation? He (Mr. Malins) could not conceive anything more unpopular than to diminish the amount of the charitable funds of the country; and he would suggest, not in an adverse spirit—for he cordially supported the Budget, though he regretted that on this, as on other occasions, the propositions were disfigured by some deformities—that this subject should be further considered. The two blots upon the present Budget were the tax upon clubs, by which, for the sake of getting some £2,000 a year, the right hon. Gentleman had broached a most unpopular principle, and the tax upon charities. The right hon. Gentleman had done that which neither Pitt nor Peel had ventured to do; and had violated the sacred principle that the property of charities should be kept intact. He would suggest that the right hon. Gentleman should between that time and Monday turn over in his mind the advantages and the disadvantages of his proposition, and consider if it would not be the wisest and most graceful thing for him to come down to-morrow, and say that he would abandon this part of his financial scheme.

Mr. KINNAIRD entirely concurred with what had fallen from the right hon. Gentleman the Member for Oxfordshire (Mr. Henley). This was a tax on the very spirit which, of all things, they ought to encourage in the country, and he thought it would be well if his right hon. Friend gave a statement of what he intended to do, and then afforded the House time to consider it.

MR. CARDWELL must say he had heard with considerable regret the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) speak of the Chancellor of the Exchequer as if he for the first time had introduced the principle of robbing the poor. That was one of the inconveniences of the present discussion; for, while his right hon. Friend had all along felt that the real debate on the merits of the question, with every consideration of justice and argument, should be reserved till Monday, many objections on one side were stated and insisted on. He was surprised to find this charge made against his right hon. Friend; for he thought, even in the discussion of this question, even if it were not already a matter of history, it could easily be proved that of all the men who had managed the financial or commercial affairs of this country there had been few who had conferred upon the poor such great and important advantages as those they had received from the hand of his right hon. Friend. He understood it to be agreed that they should not discuss the question, in which it was said by so many Members that the feelings of the community out-of-doors were so greatly interested, in a piecemeal or partial manner, but after a full statement of its principle, with all the facts and details, by his right hon. Friend; but the question was raised whether that course of proceeding was the right and proper one. The plan appeared to the Government to be simple, clear, and just; the difficulty and complication were believed by the Government to rest not in the principle of his right hon. Friend, but in the present cumbrous and minute operation of the law. That would be shown to the House on Monday. Surely, then, it was right that they should reserve themselves for the discussion when the House was in Committee; when after hearing the proposal, statements, and arguments of his right hon. Friend, full opportunity would be afforded of forming any judgment which to the general body of the House should appear expedient and right. What he asked then was, that the House would now permit the Bill which contained the general legislation for the year to be read a second time, on the understanding that on Monday in Committee this clause of exception might be dealt with as the House in its wisdom should determine.

Motion *agreed to.*

Bill read 2°, and *committed* for *Monday* next.

Mr. Kinnaird

STOCK CERTIFICATES TO BEARER BILL—[BILL 76.]—COMMITTEE.

Order of the Day for the House to go into Committee read.

THE CHANCELLOR OF THE EXCHEQUER, in moving that the House do now go into a Committee on the said Bill, said, that on a former occasion he had promised to give an explanation of this Bill, but he would not in giving it detain the House at any unusual length. The Bill, however, was one of importance, and it was regarded with great interest out of doors, and therefore it was right that he should state its object more distinctly than he had yet been enabled to do. The public debt of this country was a debt the machinery of which was somewhat peculiar; it was an admirable machinery for its own purpose, and was worked, upon the whole, with the greatest skill, fidelity, and efficiency by the Bank of England as to the great bulk of the debt, and by the Bank of Ireland as to that portion of it relating to Ireland. It was not intended by this Bill that this system should be altered; neither, again, did the Government propose by the Bill that the present arrangements of the money market should be fundamentally or extensively changed. He believed, that although this country was so adverse to centralization as a rule, the London money market was by far the most perfect and beautiful example of centralization in the whole world. The fact was this—that no man in England or Scotland who had a banker could pay £10 to his account, or could take £10 from it, without acting the next morning upon the foreign exchanges, though, of course, in an infinitesimal degree. To render the effect perceptible, instead of £10 the amount must be £100,000 or £1,000,000; but the fact was, that no addition to, or withdrawal from, the banking fund could be made in any part of the country without its being immediately represented in the London market by a fresh accession or withdrawal, and thus affecting the exchanges. It was not from want of belief in this system, or from thinking that for ordinary purposes the management of the national debt by the system of registered stock was not perfectly adequate, or even the best for its purpose that could be devised, that he made his present proposition. It was, however, perfectly consistent with what he had just stated as to the general merit and efficiency of the system of registration of the national debt, to hold that for certain purposes it was capable of being improved. In the first place, it was obvious that it did not offer the greatest possible degree of facility to a very important class of holders of stock, those who held for the purposes of commerce, with a view to borrow upon their stock in order to carry on their business and to fulfil their engagements as occasion might suggest. At present, a person who desired to perform an operation of this kind must undergo the expense of a double transfer. Suppose he had £20,000 stock which he wished to borrow on; he could not make that an available security without transferring the stock; and, if he did not execute a power of attorney, he must appear personally, attended by his broker, who, however excellent a man he might be, did not undertake that function for nothing. When the loan had fulfilled its purpose, the stock must be re-transferred to him, and at a new expense. It sometimes happened that it was desired that this double transfer should occur within the limit of a single day; but the Bank of England had adopted a rule—which he had no doubt was recommended by convenience and regard for the efficient performance of its functions—that the same stock could not be transferred twice in a single day. This Bill proposed to establish perfect freedom in borrowing upon stock—that there should be no limit or restriction whatever, but the stock represented by a certificate payable to bearer should be transferred from hand to hand with the same facility as a bank note. Of course, it would not represent a precise and uniform sum, but still up to a certain point stock was money; and if this measure should give a character of easy circulation to stock, it would be of great convenience, for the owner could use it for borrowing purposes; and by giving increased convenience and facility there would be caused a higher appreciation of the stock in the market, and thus it would improve the value of the public credit, which was no unimportant part of the scheme which he proposed. Besides the borrowers on stock for commercial purposes, they might likewise look to the country and foreign holders of stock; among whom an increased demand might reasonably be expected under the operation of this Bill. At present, under the system of registration of stock at the Bank of England the dealing in stock, so far as he could learn, was a thing almost unknown in the provincial markets—that there were no cases he would not presume to say, but they were certainly very rare, and it was the opinion of intelligent gentlemen conducting large transactions in these markets, that the dealings in stock might be beneficially and very much extended in the country if it were not for the restrictions and the charges for employing intermediate agents in London only. In the country, gentlemen had no means of having stock conveyed to them on the spot, even though there was in the locality a branch of the Bank of England. There were wheels within wheels in this matter, and undoubtedly the Bill would affect the business of brokers and bankers. With respect to bankers and brokers, this Bill was, to some extent, a decentralizing measure; but whilst it had been received with general approval in London, he had received no remonstrance from those whose private interests might be supposed to be affected by it. The main provision of the Bill was this—it was proposed to give to the holder of stock the option of changing his registered stock into certificates to bearer, with interest payable by coupons. It was a matter for consideration as to how long the certificates should run. That question would be decided upon the best advice. At present, the opinion was, that it should not be for less than, or longer than, ten years. It must be understood that they could not transfer by those certificates fractional sums, and therefore a person having registered stock to the amount of £105 6*s.* 8*d.*, could not convert the £5 6*s.* 8*d.*; he could have a certificate for the round £100, and must deal with £5 6*s.* 8*d.* as he pleased. The certificates would come down as low as £50 capital, bearing a yearly interest of 30*s.*, payable half-yearly. The benefits of the Bill lay mostly on the surface—facility of circulation, universality of holding, and the removal of restraints upon money dealings. With regard to the possible dangers and inconveniences attending the certificates, that was a matter for serious consideration. The first danger which would be presented to the minds of hon. Gentlemen approaching the subject for the first time, was that of forgery. The question was, whether it was likely that forgery would be extensively, or commonly, or even rarely practised. Of course, the best means would be adopted to prevent such a contingency, but in this matter they had the guidance of experience. In respect to the coupons, the whole of the interest on railway debentures, amounting to about

£100,000,000. was paid by coupons, and they were never forged. But the debentures themselves, except in certain cases in Scotland, were not transferable from hand to hand, as these certificates would be. They had also the experience of foreign countries with respect to their national debts. In France he had been assured on the highest authority, where thirty or forty millions were held on the system of certificates payable to bearer, forgery was almost, if not entirely, unknown. The six-monthly presentation of the coupons aided the security against forgery. Another difficulty which might present itself to the minds of hon. Gentlemen was the case of fraud among joint holders of these securities. There were only, in the main, two classes of joint owners—private firms and commercial incorporations. As to the first, it would be perfectly unnecessary, if not irrational, to attempt by law to secure partner against partner ; that was no business of Parliament, but a matter entirely for themselves. But there was another description of proprietary, that was in the case of trustees —and the amount of trust property held in this country was enormous—a vast portion of it was invested in the public securities, and the amount was constantly increasing ; and he thought it would be wrong were Parliament, in the case of trustees who had no such close individual relationship as the partners in a mercantile firm, to leave open any door for fraud. They therefore proposed, with respect to this class of proprietors, to do two things. First, they introduced a disability clause, by which trustees were disabled from holding these certificates to bearer, and it was made a breach of trust to do so. It would naturally suggest itself to any rational mind that there would be great objection and difficulty in a trustee holding such securities. They proposed, as a further security, that notice of this—the provision of this section as to the disability of trustees—should be printed on every certificate, so that it could hardly fail to meet the eye of any person taking the certificate into his hand. He would next touch on one or two minor points. In the Bill they proposed that the Bank should at once provide means to effect this conversion in the case of the Consols and New Three per Cents, the stock most generally dealt in ; but they reserved to themselves the power of extending this provision to other descriptions of stock. The hon. Member for Greenwich (Mr. Alderman Salomons) had expressed a great desire that the provision should be extended to the Reduced Three per Cents, and he did not see how they could very well resist that request, and they would not be justified in withholding the same facilities in the case of other stock which did or might hereafter exist to any considerable amount. With regard to the probable extent of the conversion that would take place under the Bill, it was difficult to form an opinion. He was convinced that the great bulk of stock in this country and in Ireland would always continue to be held under the registered form—not only the trust stock which must be held in that form, but the vast proportion of miscellaneous stock ; but the operation of the Bill would be very satisfactory if only a small portion, say 2 or 3 per cent, was converted. There was another point he desired to mention—namely, the nominal certificates. The House was aware that Exchequer Bills were drawn payable to blank or bearer, and any possessor of an Exchequer Bill might, if he thought fit, by inserting his name, make it secure against those who might abstract it. The Government had not thought it right to withhold the same advantage from the holders of the stock certificate to bearer. Many holders of these certificates, while desiring to avail themselves of the facilities afforded by the payment of interest on coupons, might likewise desire to prevent these instruments, if abstracted, from being paid away almost like money. It was therefore proposed to draw them so as to allow the holder to insert his own name if he thought fit. If, however, he did so, he must be prepared to part with some of the facilities which he now enjoyed. It was not possible to combine the highest degree of facility with the highest degree of security. It would therefore be necessary to require, where the certificate had been made nominal, that it should altogether part with the facilities of transfer which attached to the certificate to bearer. It would be said, "Why not permit the nominal certificate to be transferred by endorsement?" *Primâ facie* that was desirable, but the practical difficulties which such a system would entail were so great that the Bank would hardly be prepared to cope with them. The Bank would be responsible for the investigation of the signatures of all persons who by endorsement might have become proprietors. The House would understand, therefore, why it had been felt necessary to require, that when the certificate became nominal, it should revert, practically, to the condition of registered stock, which could not be transferred except on going through the operation of regular registry and transfer. Then came the question of the probable effect of the change on the revenue of the country. The revenue would lose in a certain way. It was quite possible, though he hoped such would not be the case, that the measure would entail additional trouble and charge on the Bank; and if that were so, the Bank would be entitled to claim at their hands additional remuneration, because they had a positive covenant with the Bank which fixed the remuneration according to the amount of the National Debt, but which proceeded all along on the supposition that the present system of registry continued. The change would entail the necessity of keeping new books, of creating a new material for the certificates; it would also entail considerable labour in preparing and issuing the certificates, and considerable changes in the payment of the dividends. Whether this would cause increased trouble, he would not venture to say. On the other hand, the Bank would have less trouble with regard to transfers, and it would be a matter for consideration and examination as to what arrangement should be made in respect of the expense of the management of the National Debt. Then there were other ways in which the Bill would have a bearing adverse to the revenue. It would tend to diminish the number of powers of attorney, and therefore deprive the revenue of some portion of the stamp duty. It was plain, also, that so far as the Bill tended to encourage the holding of stock in foreign countries, it would deprive the revenue of a certain portion of the probate duty. At present a large portion of stock held by foreigners became practically liable to the probate duty. It was also plain on the passing of this Bill, it would have a tendency to restrain the use of Exchequer Bills, as the certificates would be preferred, by those who looked to a permanent investment, to the Exchequer Bills, that were liable to vary from six months to six months. In proportion to the issue of these certificates there would be additional labour, as large sums would be broken into smaller ones, and the forms would be repeated and multiplied; and partly on the ground of expense to the public, and partly on the ground of the great advantage and saving of expense to those who became holders of the certificates, the Government thought it perfectly right to take such measures as should bear the State harmless. its creditors, it was a fair and equitable When the State improved the property of demand that it should not be placed at a positive loss by the new machinery used for effecting that purpose. On that ground the Government proposed the schedule of fees, which would be found on the last page of the Bill. The Government were empowered to fix a fee of so much per cent, limiting it to a maximum of one quarter per cent, which he thought was not an unreasonable limit. The next clause in the schedule was intended to prevent unnecessary labour in the multiplication of these certificates. They authorized the Bank to make a certain very moderate charge in cases where they were taken out on a large scale for very small amounts. A man might divide £20,000 into 400 certificates, upon each of which a separate dividend would be payable half-yearly, in lieu of a single dividend on the entire sum; and they therefore thought it desirable to make a small charge on the original certificates, when the number issued exceeded in a certain proportion the amount of stock. They also gave a power to charge a fee on the conversion of a nominal certificate to a certificate to bearer, not exceeding half the fees charged on the issue of a new certificate. They could not afford to convert these nominal certificates to certificates to bearer for nothing; if they did, these conversions would be constantly made. Again, where persons who had bought certificates to bearer wished to re-convert them into registered stock, power was taken to charge, not a percentage, but a simple fee of 5*s*. Such were the main provisions of the Bill, and there was only one other point to which he desired to call attention. The Bill, as it stood, extended to England only; and as we were going to have the National Debt represented in a document which should have no relation to any particular place, but which was meant to circulate uniformly over the world, he owned his preference for having the certificates to bearer issued at the Bank of England alone. But a great desire had been expressed by influential persons for the issue of certificates in Ireland also; and since it had been represented to him that the certificates would be very popular in that country, he had no hesitation in saying—what he had already stated to the Members for Dublin—that he would carefully examine the working of a practical scheme for extending the Bill to Ireland; and that unless he should find himself encountered by serious difficulties, he should at a future stage propose to adapt the provisions of the measure so as to permit the issue of similar certificates in Ireland to those which were intended for England. He should be very ready to give any further explanations that might be required in Committee.

MR. HUNT thanked the Chancellor of the Exchequer for his able and lucid statement, which was certainly much needed, if, as he believed, very few Members had read the clauses of the Bill. He agreed with the right hon. Gentleman in thinking that great advantage would be derived from the operation of the measure. The risk of forgery would, he thought, be very slight; but a considerable amount of fraud might arise in the case of joint holders, and the House could not be too careful in its precautions for the prevention of improper dealing with trust funds. Upon this point, indeed, his apprehensions were so great, that he should be glad if the Chancellor of the Exchequer would consent to refer the Bill to a Select Committee. It was true that the 4th clause provided that no trustee should apply for or hold certificates of title, unless the power was expressly given in the trust deed; but that would be only what might be termed a "hobgoblin clause," because the same clause provided that the Bank of England should not be bound to inquire whether a person applying for a certificate was or was not a trustee, nor be liable to any consequences, nor was the certificate, if granted, invalid. Breaches of trust were committed every day by investments in railway shares and other securities of that kind, and he was afraid that under the Bill, as it stood, the objects of trusts would not be sufficiently protected. In the case of a trust consisting of three or four persons only, one of them could hold the certificates to bearer, and consequently the whole power of dealing with the stock would be placed in that individual. Again, where all the joint holders but one had died, the survivor, on proving the death of the others, would be entitled under the Bill to have the certificates in his own name. The Chancellor of the Exchequer had referred to the experience of the Bank of France; but we had no means of knowing whether in France trust monies were invested in public stocks to the same extent as in this country.

THE CHANCELLOR OF THE EXCHEQUER explained, that he had referred to the experience of the Bank of France with respect to forgery, not with respect to fraud.

MR. HUNT wished to put another case. If a man took out stock certificates, he might dispose of them on his death bed. He did not suppose that legacy duty would apply to such a case; and he thought that was a point to be guarded against. When the Bill was being considered in Committee, great care must be taken to guard against frauds as regarded trust funds.

MR. MALINS expressed his unqualified approbation of the Bill, which, in his opinion, would not give rise to those dangers which his hon. Friend, who had just addressed the House, seemed to apprehend. He would suggest whether the Chancellor of the Exchequer might not effect another improvement in regard to stock. He thought that a great deal of trouble and annoyance with respect to dividends might be saved, if the same rule were adopted at the Bank of England with regard to dividend warrants that was in practice with the railway companies—namely, that they should be sent by post to the persons entitled to them. At present a man could only receive his dividends by applying personally at the Bank for them, or by giving a power of attorney; whereas if a man held railway stock, his bankers could receive the dividends for him. He thought the right hon. Gentleman, in concert with his hon. Friend the Member for Bridport (Mr. K. D. Hodgson), the Governor of the Bank of England, might adopt a system by which the person entitled to dividends at the Bank might, on putting his name down in a book at that establishment, have his warrants sent to him.

MR. KIRKMAN D. HODGSON said, that the Bank of England had been in communication with the Bank of France, and they had been assured that the amount of frauds in France, to which the hon. Member for Northamptonshire (Mr. Hunt) had referred, was so small as to be scarcely appreciable. He thought it clear that there would be no greater chance of frauds by trustees after this Bill passed than there was at the present moment. With regard to the suggestion of his hon. and learned Friend the Member for Wallingford (Mr. Malins), there were many indirect modes of getting what he wanted. He could assure his hon. and learned Friend, that if he opened an account at the Bank of England, they would be happy to receive from him a power of attorney, and to do his business. In his opinion, the Bill was calculated to do good by facilitating dealings in the public stocks of the country. At the present time there was in the minds of many persons a great objection to holding stock, because there was no positive representative of its value which they could keep in their own hands. They were informed that there was something in the books of the Bank which entitled them to money; but under this Bill they would be able to keep in their own possession an actual title to that money. He thought this would be a great inducement to foreigners to invest in the English funds. There were now upwards of £18,000,000 invested in the funds of our National Debt by foreigners resident abroad, and there could be very little doubt that the amount would be largely increased when the system which the Bill would establish became known in other countries. The Bill would also be an inducement to persons of small capital in distant parts of England and in Ireland to invest in the public funds. In this way the measure would have the effect of increasing the interest of the population in the welfare of the country, for nothing was a greater inducement to persons to feel a strong interest in the prosperity of a country than the fact that they had property invested in its funds.

Motion *agreed to.*

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 to 3 *agreed to.*

Clause 4 (Restriction as to Trustees taking Certificates of Title).

Mr. HUNT said, that the Bill provided that trustees who were guilty of breach of trust should be "punishable accordingly." He wished to know what was intended to be the effect of these words.

The CHANCELLOR of the EXCHEQUER said, that trustees were liable to make good whatever breaches of trust they might be guilty of. In certain cases also a breach of trust was punishable by indictment as a criminal offence, and it was to that class of cases the words alluded to by the hon. Member applied.

Clause *agreed to.*

Remaining Clauses, with Amendments, *agreed to.*

House *resumed.*

Bill *reported;* as amended, to be considered on *Monday* next, and to be *printed* [Bill 100.]

TELEGRAPHS BILL—[Bill 78.]

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."—(*Mr. Milner Gibson.*)

Lord ALFRED CHURCHILL moved an Amendment, that the Bill be read a third time that day six months. He did so upon the ground that the House had confined themselves to the discussion of the details only, and had not discussed the principle of the measure. He believed this Bill was founded upon the United Kingdom Telegraph Companies Act, and because it was so similar to that Act he had not attempted to raise any discussion upon the principle of this Bill; but he was sorry to find that during its passage through the House it had been so mutilated that it would restrict the operations of the Company—which was intended to establish cheap, or people's telegraphs, as they might be called, throughout the country—with which he was connected, and it would virtually affirm the monopoly obtained by the other telegraph companies. He believed the Amendments made in this Bill had been promoted by the agents of the other companies, who had stated that the provisions of the United Kingdom Telegraph Companies Act enabled the directors to pass through drawing-rooms, and over property of the most private kind, in the hope of defeating the operations of the company. Their Act did not enable them to go over private property, but to pass along public roads, and for doing that the company had to pay their share of the highway and poor rates. The wires so much complained of by the hon. Member for Westminster (Sir John Shelley) were erected by the company presided over by the hon. Member for Liverpool (Mr. J. C. Ewart), and the United Kingdom Telegraph Company had not interfered with the hon. Baronet's property at Preston. The provisions of the Bill before the House would virtually repeal the provisions of the United Kingdom Telegraph Companies Act, which was passed only last year, after being fully examined by a Committee of each House of Parliament and opposed by the other companies. This measure was in a very crude and imperfect state, and before leaving that House it ought to be amended. He would instance the 10th clause, which enacted that no telegraph line should pass within ten yards of a dwelling-house, which might be construed to mean a small country lodge or a factory. He thought the law in reference to telegraph lines should be assimilated in the same way as the law in regard to railways, and that the whole of the Acts of telegraph companies should be consolidated by consideration in reference to a Committee of the Whole House. Instead of passing the Bill, the Government should bring in another, placing telegraphs under the control of the Board of Trade.

SIR FREDERIC SMITH seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. F. S. POWELL said, that the advice tendered by the noble Lord, that the House should obey the dictates of a Committee upstairs, was entirely in keeping with what were said to be the tactics of the telegraph companies upstairs. As for the companies being earwigged, as the phrase was, by Members of Parliament, he certainly thought that the earwigging, if there had been any, was quite the other way. If the Bill were imperfect, it was competent to the noble Lord to move any Amendments he thought necessary; but that was no reason why the Bill should not now be read a third time; and he felt sure that the House would not regret the labour it had spent upon it.

SIR FREDERIC SMITH said, he was connected with no company, cheap or dear, but he was in favour of cheap companies rather than dear, because he thought they were favourable to commerce. The cheap companies, he thought, would bring down the prices of dear ones. He should vote for the noble Lord's Motion if he went into the lobby.

MR. MILNER GIBSON believed, that while various useful Amendments had been introduced relating to procedure, the principle of the Bill remained unchanged. That principle was to afford protection against private property being interfered with without the consent of the owner, and without compensation; but whatever rights were given were given to all companies, and whatever restrictions were imposed were imposed on all companies, whether old or new. He could not see how the Bill could be said to favour monopoly, and he hoped the noble Lord would not insist upon a division.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 3°, and *passed.*

NAVAL MEDICAL SUPPLEMENTAL FUND SOCIETY WINDING-UP ACT (1861) AMENDMENT BILL—[BILL 93.]

SECOND READING.

Order for Second Reading read.

Moved, That the Bill be now read a second time.—(*Sir George Grey.*)

MR. LYGON said, he had the honour of serving on the Select Committee to which the Act was referred, which this Bill proposed to amend, and he thought it due to the House that some explanation should be given of the necessity for amendment.

SIR GEORGE GREY said, there was no Member of the Government present who could explain it.

LORD ROBERT CECIL said, that the second reading of a Bill should not be moved in the absence of the Member of the Government who had charge of it, as the Government would be open to the obvious interpretation that they took the chance of getting a Bill through without opposition.

SIR GEORGE GREY said, that notice of opposition was required; and if notice had been given, he should not have moved the second reading: but he had no objection to adjourn the debate.

MR. LYGON said, that the title of the Bill indicated that it was a matter of some complexity.

Second Reading *deferred* till *To-morrow.*

BOROUGH RESIDENCE UNIFORM MEASUREMENT BILL.

[BILL 60.] COMMITTEE PUT OFF.

Order for Committee read.

MR. VANCE said, that in the absence of the hon. Member for Knaresborough (Mr. Collins), he desired that the Committee should be postponed. ["No, no!"] There was an understanding with the right hon. Gentleman the Member for Kilmarnock

(Mr. E. P. Bouverie) that it should not be brought on. ["No, no!"]

Motion made, and Question proposed, "That this House will, To-morrow, resolve itself into a Committee on the said Bill."

Mr. M'CANN moved that the Order be discharged.

Mr. DENMAN seconded the Motion. He felt that the House had not been treated with courtesy in being kept there the whole evening upon some understanding between two Members, that if the Bill came on after a certain hour, it was to be discussed; and if before a certain hour, it was to be postponed. He knew there was a strong feeling on the part of several hon. Members that the Bill had been allowed to pass through its previous stages as it were, *per incuriam*, and that it did no credit to the House.

Amendment proposed, to leave out from the word "That," to the end of the Question, in order to add the words "the Order for the Committee on the said Bill be discharged,"—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. VANCE believed that the present was the first occasion that advantage had been taken of the absence of an hon. Member who had charge of it to endeavour to discharge a Bill which had been only once under discussion. There was a distinct arrangement between himself and the right hon. Member for Kilmarnock, who was to lead the Opposition to it, that it should not come on before ten o'clock; and he certainly did not think hon. Members opposite were acting with courtesy in adopting the course which they were pursuing in the absence of the hon. Member for Knaresborough (Mr. Collins), who he knew would be in his place had he thought it probable the Government business would have terminated so soon. He trusted hon. Members would not persist in pressing a Motion which, if carried, would bring discredit on the proceedings of the House. ["Oh, oh!"]

Mr. HUNT thought, that considering the course which had been taken with respect to the Bill which stood upon the paper immediately before that under discussion (the Naval Medical Supplemental Fund Society Winding-up Bill, which had been deferred), it would be dealing out but scant courtesy to the hon. Member for Knaresborough if the Motion for rejecting his Bill were in his absence persevered with.

Mr. KNATCHBULL-HUGESSEN denied that those on his side the House were acting in a way which could fairly be regarded as discourteous. It was a more discourteous proceeding to put a Bill down for discussion, and to leave the question of whether it should come on or not to depend upon the circumstance whether its supporters happened or not to have come back from dinner. He asked the hon. Member for Knaresborough yesterday whether he meant to bring in his Bill to-night, and he distinctly replied "Yes." The Bill had been read a second time; and it was highly disrespectful to the House to say, that if an hon. Member happened to come down to the House after dinner in time, the Bill should go on; but if not, that it should not.

Sir MATTHEW RIDLEY moved the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."

Mr. WHITESIDE thought there had been some slight mistake in the matter. He understood the right hon. Gentleman the Member for Kilmarnock, who was to oppose the Bill, had been consulted, and that there was an understanding it should not come on before ten. It could not be expected that the Naval Medical Supplemental Fund Society Winding-up Act (1861) Amendment Bill, would have been so speedily disposed of.

Sir GEORGE GREY was of opinion that some explanation was due to the House from the hon. Member for Knaresborough (who had now entered the House) on the subject. If he had intimated to his Friends on the other side of the House that the Bill would not come on that evening, then it was rather a want of courtesy not to have given a similar intimation to other hon. Members who were opposed to the measure.

Sir MATTHEW RIDLEY said, he had been distinctly informed that the Bill would not come on till after ten o'clock.

Mr. COLLINS (who spoke amid much interruption) said, he did not exactly know at what stage the proceedings had arrived. He might, however, state that it was his intention that the Bill should come on that evening. He, at the same time, knowing that it was a Government night, and not expecting that the Government business would be finished so early, had not deemed it necessary, having been occupied elsewhere, to come into the House before ten or eleven o'clock. It was, indeed, somewhat extraordinary that the programme laid down by the Government should have been exhausted by half past nine. He recollected no previous instance in which so formidable a programme had been so speedily disposed of. [*Cries of* "Question!"] He would be heard, and hon. Members might, therefore, call out "Question!" as long as they pleased. Such a mode of transacting Government business as that to which he was adverting was most inconvenient, inasmuch as it gave Ministers a control over the whole evening on Government nights. He knew, of course, that the theory was that hon. Members ought to be always in their places, but in practice they sometimes went to their dinners. The Government might, at any time they pleased, by postponing one or two of their Orders, bring on the Bills of private Members at a time when those who had charge of them, or those who were friendly to them, were not present. He was very reluctant to "speak against time," but he had been driven to do so by the course which had been adopted by hon. Gentlemen opposite. The Ministerial benches were well lined, while those on his side were almost empty. The hon. Member accordingly addressed the House at great length; but amid so much interruption and confusion that little consecutive argument could be heard.

MR. MARSH said, he was not a party man, but he had no hesitation in describing this Bill as a job. It was a Bill to encourage bribery and corruption. Who were the freemen but the persons who could be bribed and corrupted?

SIR HERVEY BRUCE denied that the Bill was a job, and thought it was not a proper imputation to make against those who had voted for it upon a former occasion. He would call the attention of the House to the difference between freemen in large towns and those in small towns. Was it fair that the freeman who lived out of town should be disfranchised because his residence was more than seven miles from the centre of a large town, while if the town had been less extensive, the centre would have been within that distance of his house? For himself, he thought that the classes of freemen whom the Bill would revive was the class most free from corrupt influences.

MR. E. P. BOUVERIE reminded the House that the Question before it was simply whether the debate should be adjourned. He would suggest that that Motion should be withdrawn and that the hon. Member for Drogheda (Mr. M'Cann) should also withdraw his Motion for discharging the order, and then they could discuss the Motion for going into Committee. The hon. Member for Knaresborough (Mr. Collins) seemed to be annoyed at the course that had been taken, but it was he who was to blame. It was unprecedented that an hon. Member should complain that a Bill of which he had charge had come on at an unusually early hour. After the understanding that had been come to respecting the first Order on the paper, it was expected that the Government business would be disposed of at an early hour, and therefore many hon. Gentlemen who were anxious to oppose the Bill had remained in the House at some inconvenience; but when the Order was called, the hon. Member for Knaresborough was not present. It was natural, under such circumstances, that some annoyance and indignation should have been expressed. It would have been only in accordance with that courtesy that was almost universally practised in that House if the hon. Member had given notice to Members generally that he did not intend to bring on the Bill if it was called on at an early hour. He thought that the hon. Gentleman, in speaking so long "against time," had been wanting in that courtesy which was usually practised in that House. As he once heard said in this House, the rules of this House were made by gentlemen for gentlemen; and if those rules were to be disregarded, the sooner they were changed the better.

SIR JOHN PAKINGTON thought that the proposal just made as to the course of proceeding was a perfectly fair one, and he hoped it would be acceded to; but he was bound to add that he thought the latter part of the right hon. Gentleman's speech was by no means fair. An attack had been made upon his hon. Friend (Mr. Collins), to which he was by no means open. That had happened to him which might at any moment happen to any Member of this House having charge of a Bill—the progress of public business was quicker than he anticipated, and he was not present when the Bill was called on. But neither was the right hon. Gentleman who had given notice of an Amendment present to make it; and if his hon. Friend had neglected his duty, the right hon. Gentleman had neglected it rather more, for he came into the House last. Altogether, he had never heard an attack which seemed to him to be in worse taste than that made by the right hon. Gentleman.

MR. LIDDELL protested against the remark that the whole body of freemen were corrupt. No doubt many of this class of voters had been corrupted, because they were poor; but the blame was upon those who corrupted them. The freemen who were not corrupt, or who were not likely to be corrupt, were the very men to whom this Bill would apply; and he asked the House of Commons to deal with the anomaly which had been pointed out by the hon. Member for Knaresborough.

SIR MINTO FARQUHAR said, he was astonished at the arguments used by hon. Members who professed to be anxious to extend the franchise. If a £6 franchise were created, a large proportion of these freemen would become voters, and then he trusted that the language of hon. Gentlemen opposite would not be forgotten.

MR. BONHAM-CARTER said, that as one of those who had been in the House from an early hour expecting that the Bill would come on, he must say he thought there had been an absence of the usual courtesy on the part of the hon. Member who had charge of the measure. When a Member was in charge of a Bill, the House might reasonably expect that he should be in his place when it came on, at whatever time that might be.

MAJOR HAMILTON said, that on this question an appeal had been made by the hon. Member (Mr. Collins) to Scotch Members possessing a knowlege of Scotch law. He was a Scotch Member, but knew nothing whatever of Scotch law, the study of his life having been to keep out of all law, and especially of Scotch law. He knew the feelings of the Scotch people, however, and had no hesitation in saying that they wished that the number of Scotch voters should be increased. He regretted that the great Liberal party which sat opposite should have endeavoured to put down the hon. Member for Knaresborough when making a Liberal speech. His idea of Liberalism was that every person who was entitled to vote under the Reform Act should be permitted to exercise the franchise. As the Bill was intended to effect that object, he should give it his cordial support.

MR. VANCE said, he had informed the right hon. Member for Kilmarnock, that if the Bill should be called on before ten o'clock, it would be postponed; but that if it should not be taken till after that hour it would be proceeded with. No discourtesy had therefore been shown to the right hon. Gentleman or his Friends.

SIR MATTHEW RIDLEY said, he would withdraw his Motion for the adjournment of the debate.

Motion, by leave, *withdrawn.*

Question again proposed, "That the words proposed to be left out stand part of the Question."

Amendment, and Original Question, by leave, *withdrawn.*

MR. COLLINS moved that Mr. Speaker do now leave the chair, in order that the House might go into Committee on the Bill.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. E. P. BOUVERIE proposed an Amendment, that the House should go into a Committee that day six months.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee,"—instead thereof.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided* :—Ayes 139; Noes 182: Majority 43.

Words *added.*

Main Question, as amended, put, and *agreed to.*

Committee *put off* for six months.

JUDGMENTS LAW AMENDMENT (IRELAND) BILL [MR. WHITESIDE]—[BILL 71.]

COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 and 2 *agreed to.*

Clause 3 (Repeal of certain Acts).

MR. BUTT said, that this Bill proposed to make the law of Ireland similar to the law of England with regard to the law of judgments. But the law in England was based on the writ of *elegit,* whereas this measure did not propose to restore that in Ireland. The result of the measure, if passed, would be to force the estates of the landed proprietors in Ireland into the Incumbered Estates Court.

Mr. WHITESIDE said, that the Bill proposed to make the law in Ireland really what the law of England was under Lord St. Leonards' Act. The writ of *elegit* had only been issued once in Ireland during the last two years. The measure he proposed would do away with the system of receivers; it gave a facile and inexpensive mode of proceeding.

Mr. BUTT said, that it would be impolitic to abolish all remedies for debt against lands in Ireland except that of a sale. He did not object to the law of *elegit* as it at present existed.

Mr. WHITESIDE said, that the existing law of what were called judgment mortgages was the worst contrivance that the wit of man ever conceived. They were neither mortgages or judgments properly so called, but a hovering lien which no lawyer could understand.

After some further conversation Sir Robert Peel proposed that the further consideration of the Bill be postponed.

House *resumed.*

Committee report Progress; to sit again on *Wednesday* 13th May.

ECCLESIASTICAL COMMISSION.

NOMINATION OF COMMITTEE.

Mr. HENRY SEYMOUR moved that the Select Committee consist of sixteen Members.

Motion made, and Question proposed, "That the Select Committee on the Ecclesiastical Commission do consist of sixteen Members."

Mr. LYGON moved an Amendment, that the Select Committee consist of seventeen Members.

Amendment proposed, to leave out the word "sixteen" and insert the word "seventeen," — (*Mr. Lygon,*)—instead thereof.

Question, "That the word 'sixteen' stand part of the Question,"—put, and *negatived.*

Word "seventeen" *inserted.*

Committee *nominated*:—

Mr. Henry Seymour, Mr. Lowe, Mr. Walpole, Mr. Locke King, Mr. Edward Pleydell Bouverie, Lord Robert Cecil, Mr. Alderman Copeland, Mr. Fenwick, Sir Henry Willoughby, Lord Fermoy, Mr. Newdegate, Mr. Tite, Mr. Kinnaird, Mr. Scourfield, Mr. Selwyn, Mr. Hunt, and Sir William Heathcote:—Power to send for persons, papers, and records; Five to be the quorum.

ACCIDENTS COMPENSATION BILL.

On Motion of Sir James Fergusson, Bill to regulate the Compensation for Accidents, *ordered* to be brought in by Sir James Fergusson and Mr. Thompson.

Bill *presented,* and read 1°. [Bill 103.]

WATCHMEN IN TOWNS (IRELAND) BILL.

On Motion of Mr. Bagwell, Bill to make more effectual provision for the appointment of Watchmen in Towns in Ireland, *ordered* to be brought in by Mr. Bagwell and Mr. Waldron.

Bill *presented,* and read 1°. [Bill 102.]

House adjourned at half after One o'clock.

HOUSE OF LORDS,

Friday, May 1, 1863.

MINUTES.]—*Sat First in Parliament*—The Lord Sherborne, after the death of his Father.

Public Bills—*First Reading*—Telegraphs (No. 86); Cayman Islands [H.L.] (No. 88).

Second Reading—Vice Admiralty Courts [H.L.] (No. 79).

Report—Inclosure (No. 59).

VICE ADMIRALTY COURTS BILL.

(No. 79.) SECOND READING.

Order of the Day for the Second Reading read.

The Duke of NEWCASTLE, in moving the second reading of the Bill, said, its object was to facilitate the appointment of Vice Admirals and officers of the Vice Admiralty Courts in Her Majesty's possessions abroad, and to extend the jurisdiction and amend the practice of those Courts. The Vice Admiralty Courts in the British Colonies were under the jurisdiction of the High Court of Admiralty in England, and the appointments to the judgeships of these Courts rested with the Admiralty at home. The inconvenience which this Bill sought to remedy arose from the small amount of business in these Courts, which rendered it necessary that the Judges in them should discharge other functions. Whenever a judgeship in a Vice Admiralty Court became vacant, notice had to be sent home, and months often intervened before a new appointment was made, during which time a cessation of the Judge's functions took place. The provisions of this Bill were, that the Governor of any colony in which the office of Vice Admiral shall become vacant shall be *ex-officio* Vice Admiral until a formal appointment shall be made by the Admiralty. On the office of Judge of a Vice Admiralty Court becoming vacant, the Chief Justice or other principal Judge of the Colony was to be *ex-officio* Judge of that Court until a new Judge had been formally appointed. As to the Registrars and Marshals, on any vacancy occurring, the Judge of the Court, with the approval of the Governor, may appoint a person to act until some person shall have been appointed by the Admiralty. There were some other minor alterations, but the above were the principal features of the measure. The Bill had been drawn by Mr. Rothery, Registrar of the High Court of Admiralty—a fact which he thought would have weight with their Lordships in considering its merits.

Moved, That the Bill be now read 2^a.

LORD CHELMSFORD said, he had read the Bill, which appeared to him admirably drawn, and met with his full approbation.

Motion *agreed to ;* Bill read 2^a.

CAYMAN ISLANDS BILL [H.L.]

A Bill for the Government of the Cayman Islands—Was *presented* by The Duke of Newcastle, and read 1^a. (No. 88.)

House adjourned at a quarter past Five o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, May 1, 1863.

The House met; and Forty Members not being present at Four o'clock, MR. SPEAKER adjourned the House till *Monday* next.

HOUSE OF LORDS,

Monday, May 4, 1863.

MINUTES.]—PUBLIC BILLS—*First Reading*—Duchy of Cornwall Management (1863) [H.L.] (No. 90).
Committee—Hares (Ireland) (No. 52); Vice-Admiralty Courts [H.L.] (No. 79).
Report—Hares (Ireland) (No. 52).
Third Reading—Inclosure (No. 59), and *passed.*
Royal Assent—Post Office Savings Banks [26 & 27 *Vict.*, c. 14]; Gardens in Towns Protection [26 & 27 *Vict.*, c. 13]; Office of Secretary at War Abolition [26 & 27 *Vict.*, c. 12].

ALBERT BRIDGE BILL [H.L.]

MOTION OF RE-COMMITMENT.

LORD CHELMSFORD *presented* Petitions from Inhabitants of Chelsea and Battersea in favour of this Bill, and moved that the Bill be recommitted to the same Committee which had previously considered it. In taking that course he begged to say, that he did not do so out of any disrespect to the Select Committee; but because he thought there had been some misconception in the matter. The object of the Bill was the construction of a bridge, to be called the Albert Bridge, between Chelsea Suspension Bridge and old Battersea Bridge, beginning at Oakley Street, Chelsea, and ending in Battersea Park. The project was very popular in Chelsea and its neighbourhood; and there was not the slightest opposition to it, except from the proprietors of old Battersea Bridge, who naturally enough were anxious to protect their tolls. When the promoters of the Bill informed the Committee that they had witnesses to speak to the great convenience of the bridge, they were told that this evidence was not required; and therefore they were greatly surprised at the Resolution to which the Committee came to reject the Bill, on the ground of their unwillingness, without a more pressing necessity than had been shown in this case, to sanction the erection of a new proprietary bridge over the Thames, with tolls in perpetuity. He was assured that the promoters would have been willing to introduce into the Bill a clause enabling the public to redeem the tolls upon the proposed bridge by the payment of the cost of the structure and 10 per cent. It was obvious, therefore, that the Resolution of the Committee did not meet the case before them, and that the question which they should have decided was whether the preamble of the Bill had been proved or not. The Committee further recorded their opinion that the whole question of bridge accommodation within the metropolitan districts should receive the early consideration of some public Department, especially with the object of providing for the abolition of all tolls as far as possible. Many years had elapsed since a similar recommendation was made by a Select Committee of the House of Commons; but up to the present time nothing had been done, probably because of the immense sum of money which would be required. The proprietors of Southwark Bridge alone required £300,000 for the purchase of their bridge. The whole matter, in fact, was tied up. But here was a Bill which would confer great benefits upon the public, which would open a more convenient access from a populous neighbourhood to Battersea Park, which was opposed only by the proprietors of old Battersea Bridge, and which would so enhance the value of the property in its vicinity that in four years the increase would pay the whole cost of the bridge. He hoped their Lordships would agree to his Motion that the Bill should be referred back to the Select Committee.

Moved, That the Bill be re-committed to the same Select Committee to which the Bill was referred on the 14th April last.

LORD TAUNTON, as Chairman of the Select Committee, opposed the Motion. He trusted their Lordships would not disturb the decision of the Committee, who were more competent to decide a question of the kind than the House, and who had inquired into the matter for two entire days, and had examined nine witnesses on one side and three on the other. He therefore called upon their Lordships to support their decision. He had great difficulty in answering the noble and learned Lord, whose experience and ability in stating a case of this sort were, perhaps, unrivalled in their Lordships' House; but this circumstance of itself should warn their Lordships against being led away by *ex parte* advocacy, and coming to a too hasty decision. Now, here was a Committee that had heard both sides, and the presumption was that justice had been done. He was fully ready to admit, that if a case of grievous irregularity were established against the Committee, the case should be reheard and justice done. Now, here the accusation was that the Committee had unduly excluded evidence, and that they had not permitted all the witnesses to be called. He would state to their Lordships what took place. Nine witnesses of the highest character attended before them; and there never was a case better stated as to either facts or opinions. There were Sir Charles Fox, the eminent contractor, who came from Frankfort for the purpose; Mr. Freake, the great builder, and seven others. They stated their views in the clearest and most forcible manner; and at the close of the evidence (the fact appeared on the shorthand-writer's notes), Mr. Rodwell, the counsel, said, that he had other witnesses who would speak to the same facts if the Committee thought it necessary to hear them; and the Committee did not think it necessary to do so. It was one of the duties of a Committee to prevent the examination of witnesses from being drawn out to an unnecessary length—and in this instance the Committee thought, considering the clear and forcible way in which the case had been stated, that further evidence was unnecessary. He therefore thought it was a little too much for the petitioners to ask that they should now be permitted again to come forward with an altered case. He wished to say nothing against the high repectability of the Gentlemen who asked for this further inquiry. He had no doubt they would be glad to see not merely one, but five new bridges spanning the river; and the Committee themselves were very far from saying that it might not be desirable to erect a bridge at this spot at some future day. All they said was that the time had not yet arrived for the erection of another toll-paying bridge. A very short time ago Chelsea bridge had been opened, and in that instance the bridge was required to be free on Sundays, and the Committee were of opinion that a case had not been made for sanctioning the erection of another toll-paying bridge in this neighbourhood during this Session. The Committee also participated in the feeling which was now general among their Lordships and the public, that the time was come when there ought to be a survey of the metropolitan bridges as well as railways, and of the metropolitan communications generally. He trusted their Lordships would not think it necessary to refer the Bill back to the Committee. If they were to do so, he did not know how the Committee were to deal with it. They had already heard so much evidence that it was utterly impossible that any further evidence could throw any more light on the question. At least, he hoped, if their Lordships were to refer the Bill back to the Committee, they would at the same time give the Committee an instruction how to act with respect to it.

LORD DE ROS said, that as the dissenting Member of the Committee, he thought that his noble Colleagues had come to a wrong decision. The Committee was appointed to consider the Bill, not to consider the whole question of metropolitan bridges. The bridge would have been of great value; and he would be glad to see the Bill re-committed, as he understood that much additional evidence was likely to be brought forward in its favour.

THE EARL OF CAMPERDOWN said, he fully concurred with all that had fallen from the noble Chairman (Lord Taunton). He had sat upon many Committees, and had never come to a clearer conclusion in his life than upon this question. It might, perhaps, have been advisable if they had not entered into their reasons so fully; but they had reason for believing that a number of new bridges of the same character were about to be thrown across the river, and he thought it high time that the attention of the public should be called to the question. The counsel who had the conduct of the case himself admitted that it was unnecessary to call further evidence. It would be most unwise to overturn the decision the Committee had arrived at after careful consideration.

LORD CRANWORTH said, that the duty of a Select Committee was one of so difficult and delicate a nature, that if this were a proposal to interfere with its functions, he (Lord Cranworth) should be most unwilling to support it. But it did not appear to him to be a proposal of that nature. It rather resembled what was known in the law as an application for a new trial. Such an application was made upon various grounds; but if made on the ground of evidence, it was generally made on the ground that some evidence which ought to have been received at the time was not received. Now the case of these Petitioners was not precisely analogous. They said they had new evidence to offer, and that they would have been willing to introduce into the Bill clauses for the redemption of the tolls. This was not quite satisfactory, because the Petitioners did not say they were ready with the evidence at that time, or that they intended to propose to introduce the redemption powers into the Bill, but that they were ready to do so now. On the whole, he was in favour of the re-committal of the Bill.

LORD TRURO fully concurred that it was impossible that more patience could be shown by any Committee than was displayed by this Committee, and he never saw less disposition to interfere with the evidence than was manifested by the noble Chairman.

THE EARL OF DERBY said, he knew nothing of the merits of this question beyond what he had heard in the House. He felt quite sure that no one in their Lordships' House would desire to cast any blame whatever upon the Committee, and it was admitted that they had heard the evidence with the greatest patience and attention. If, after hearing the promoters of the Bill and the evidence in opposition to the Bill, the Committee had decided that the preamble was not proved, their Lordships would bow with implicit deference to the opinion of the Committee; but, so far as he could collect, the terms on which the Committee proceeded were not that the preamble was not proved—on the contrary, they sought rather to infer that so much had been established that a bridge in this position would be an advantage to the public. The ground on which the Committee came to a decision was one that had not been submitted to them — namely, whether it was better to have no bridge at all here, or to have one with a toll. That was a point on which no evidence was taken and no counsel heard. The point before them was whether it would be for the advantage of the neighbourhood to have a bridge built at that spot; and, with great deference to the Committee, he thought the just, natural, and Parliamentary course would have been to have said that the preamble had been proved, and then, in considering the clause imposing the tolls, to have recommended any modifications they thought desirable. He thought that the Committee having erroneously decided against the Bill on a point which was, by some means, never brought before it, that their Lordships would do well to consent to its re-committal.

LORD TAUNTON said, the Committee did hear a very able speech from Mr. Hope Scott on the subject of the tolls.

THE EARL OF DERBY: Yes, that was the case for the opponents.

LORD TAUNTON: That was so; but the question of tolls was an element in the general question as to the necessity for the bridge. This Bill was promoted by a very powerful body, and it would be a great misfortune if their Lordships, in regard to this measure, should swerve from the usual course, which was the only safe one that could be pursued in the conduct of business, and most worthy the character of that House.

EARL GRANVILLE said, the Commissioners of Works thought the bridge would be an important advantage to the public. He agreed that it was a serious thing for the House to upset a decision of its Committee, but there were cases where their decision might be re-considered without casting the smallest reflection on the Committee, who might, as had been done in this instance, have considered the questions submitted to it with the greatest patience and impartiality. In this case the Committee had given reasons why they should not sanction this Bill, those reasons referring to points which had not been brought before them. They were not to blame for that; but in order that evidence should be taken on these points, he thought the Bill should be re-committed. One reason the Committee had given for rejecting the Bill was, that they were unwilling to sanction the assumption that a new proprietary bridge with tolls was required over the Thames. But was it to be determined by a Committee of that House that they would never give their sanction to toll bridges over the river? He did not see any likely way of obtaining free bridges without tolls being payable in the first instance, and two toll-paying bridges would have an advantage over one. While most reluctant to interfere with any decision to which a Committee of that House had arrived, he thought in the present case that it would be right and agreeable to the general feeling if their Lordships were to agree to re-commit the Bill.

Lord TAUNTON said, he could not consent to the re-committal of the Bill; and he had a strong impression that the course suggested would not redound to the credit of their Lordships' House. The Committee had alleged reasons for the decision to which they had arrived; and if their Lordships disagreed with those reasons, they could scarcely refer the Bill back to the same Committee.

Lord REDESDALE said, the House was placed in a position of some difficulty. He thought that the decisions of a Committee ought, as a general rule, to be supported; while, on the other hand, there might sometimes be reasons why it would be desirable that the decisions should be re-considered. In this particular case it would be unfair to refer the Bill back to the Committee. Their Lordships could not ask the Committee to give up their honest and conscientious opinions, and must, if they re-committed the Bill, appoint another Committee. If their Lordships were called upon to vote, it ought to be understood whether the Bill was to be re-committed to the same or to another Committee.

Lord CHELMSFORD said, he should be very unwilling to refer the Bill to another Committee, unless the noble Lord (Lord Taunton) who was Chairman of the former Committee considered it desirable.

Lord TAUNTON said, he should oppose either course. It was not a personal matter, but in the interest of the honour of their Lordships' House he should oppose any re-committal of the Bill.

Earl GREY said, he could not concur in the reasons given by the Committee for the rejection of the Bill. The presumption was always in favour of a new communication, unless there were cogent reasons against it. The very fact of persons being willing to invest their money on the proposed bridge, on the speculation that the tolls would pay for its construction, was a proof that further accommodation was required. He must concur, however, in the opinion that it would be hardly fair to refer the Bill back to the Committee upon a point of policy which they had already considered and decided.

The Marquess of CLANRICARDE said, that no Committee now appointed could be expected to come to an impartial decision, as the debate which had taken place in their Lordships' House could not fail to influence the Committee; nor could it enter upon the consideration of the subject without knowing that the feeling of the House had declared itself against the construction of bridges with tolls in perpetuity. He thought that the better course would be not to refer the Bill to any Committee, but for the House itself to deal with it upon its merits, and come to a decision for themselves.

The Earl of WICKLOW said, that noble Lords seemed to think that the only ground upon which the Committee had refused to sanction this Bill was that it was intended to be a toll bridge. This, however, did not strike him as being so. What the noble Chairman stated was this—that the bridge was to be in such close proximity to two other bridges that the convenience of the public did not require it, and that the navigation, and also the view of the river would be impeded by it. These matters had not been answered during the discussion; and under the circumstances he felt strongly inclined to vote with the noble Chairman of the Committee.

The Duke of NEWCASTLE said, that his vote would be equally at variance with those of some of his noble Friends upon the Government bench, and with those of noble Lords on the bench opposite. Several propositions had been made to their

Lordships; and this showed the danger of departing in particular instances from the general principles which had been laid down for the conduct of private business. First, it was proposed to refer the Bill back to the same Committee; but that, in his opinion, would be an unfair and inconvenient course. The next proposition was to refer it to another Committee—a course which, indeed, was not without a precedent—though any precedent found would, to his mind, be a bad precedent for any case where, as in this instance, there was no charge against the Committee. Then there was the further proposition to refer the Bill to a Committee of the Whole House; and in reference to that he must express his opinion that it would be dangerous to depart from the principles upon which private Bills had hitherto been disposed of. He agreed with what had been said, that they could not have too many bridges; but still the only ground for interfering with the decision of the Committee seemed to be that the Committee had assigned reasons which they need not have done; for if they had pursued the usual course, they would simply have reported that the preamble was not proved. In his opinion their Lordships ought not to discourage Committees from giving reasons; and, under all the circumstances, he thought that they ought, even at the risk of not having the bridge for a time, to negative the Motion.

THE EARL OF CAMPERDOWN stated, that in the Committee the preamble was declared not to have been proved.

THE DUKE OF SOMERSET said, he was anxious, on all ordinary occasions, to support the decisions of Committees, but in this instance he was unwilling, without some pressing necessity were shown, to sanction a declaration the effect of which must be to stop any more bridges from being built across the Thames. If private enterprise were excluded, as it must be by the statement that no more toll bridges would be sanctioned, it followed that in every case where a bridge was needed the Government would be applied to. The best course would be to refer the Bill to a different Committee, with an instruction that the members were not to investigate the general propriety or non-propriety of tolls, though they might consider their amount, duration, and manner of redemption. This could be done without casting any imputation upon the late Committee.

Motion, by leave of the House, *withdrawn.*

Then it was *moved,* That the Bill be recommitted.

On Question *Resolved* in the *Negative.*

DUCHY OF CORNWALL MANAGEMENT (1863) BILL [H.L].

A Bill giving Power to sell and dispose of Lands Parcel of the Possessions of the Duchy of Cornwall, and to purchase other Lands to be annexed thereto, and to regulate future Grants of Leases of the Possessions of the said Duchy; and for other Purposes—Was *presented* by the Duke of Newcastle, and read 1ª. (No. 90.)

House adjourned at a quarter before Seven o'clock, till To-morrow a quarter before Five o'clock.

HOUSE OF COMMONS,

Monday, May 4, 1863.

MINUTES.]—PUBLIC BILLS—*Resolution in Committee*—Judgments Law Amendment (Ireland) [Stamp Duty].

Second Reading—Naval Medical Supplemental Fund Society Winding-up Act (Amendment) [Bill 93]; Courts of the Church of Scotland (*Lords*) [Bill 92]; Watchmen in Towns (Ireland) [Bill 102].

Committee—Customs and Inland Revenue [Bill 91]; Savings Banks [Mr. Chancellor of the Exchequer] [Bill 79]; Salmon Fisheries (Ireland) [Bill 1]—R.P.

Report—Customs and Inland Revenue [Bill 91]; Savings Banks [Mr. Chancellor of the Exchequer] [Bill 79].

Considered as amended—Stock Certificates to Bearer [Bill 100], *Debate adjourned.*

Third Reading—Exchequer Bonds [£1,000,000]; Consolidated Fund [£20,000,000]; Marriages, &c. (Ireland) [Sir Edward Grogan] (Bill 88): and *passed.*

LOAN SOCIETIES ACT.—QUESTION.

MR. NORTH said, he wished to ask the Secretary to the Treasury, What course the Government intend to pursue with reference to the "Loan Societies Act," which will expire in August next?

MR. PEEL said, in reply, that it was intended, in the course of the Session, to introduce a Bill for the purpose of making the present Act permanent.

THE AUSTRALIAN COLONIES.

QUESTION.

MR. MARSH said, he wished to ask the Under Secretary of State for the Colonies, Whether any, and, if any, what Petitions have been received within the last three years at the Colonial Office, for presentation to Her Majesty, from different districts in Australia, praying for separation from the existing Colonies, and the formation of new Colonies?

MR. CHICHESTER FORTESCUE said, that in 1861 two Petitions were received from the Clarence and Richmond districts of New South Wales, praying for a separation from the Colony and annexation to Queensland; and another was received in the same year from the New England district to the same effect. In 1862 a Petition was received from certain inhabitants of the Western portion of the Colony of Victoria, praying for separation from the Colony, for the purpose of forming, together with a portion of South Australia, a new and distinct Colony. These were the only Petitions which had been received on the subject.

THE ISLAND OF SOMBRERO.

QUESTION.

MR. MAGUIRE said, he rose to ask the Under Secretary of State for Foreign Affairs, Whether the Government have received any information that Captain Tatham, of Her Majesty's ship *Phaeton*, has lately found the United States flag flying on the Island of Sombrero, and had caused it to be hauled down; and whether Her Majesty's Government have any objection to produce the Correspondence which has passed on the subject?

MR. LAYARD said, in reply, that it was a mistake to suppose that the Island of Sombrero was discovered ten years ago by an American. The island was well known, and had long formed part of the British possessions in the Caribbean Sea. It was surveyed in 1810 by Captain Hayes, a British officer, and again in 1850 by a British officer. In 1856 Captain Johns, of the United States, discovered upon the island some deposits of phosphate of lime, and since that time the mine had been worked, and people had settled upon the island. When Captain Tatham recently visited the island, he found the United States flag hoisted upon it. Being a British officer, he thought that by allowing the United States flag to remain hoisted while he was there it might be inferred that he thereby acknowledged the sovereignty of the United States. He requested that it should be hauled down, and, on refusal, he caused it to be pulled down. No correspondence, however, had passed on the subject.

METROPOLITAN AND CITY OF LONDON POLICE AMALGAMATION BILL.

[BILL 89.] QUESTION.

SIR JAMES DUKE said, he would beg to ask the Secretary of State for the Home Department, What course the Government propose to take with reference to the Bill for amalgamating the City with the Metropolitan Police Force?

SIR GEORGE GREY replied, that as the Bill in question proposed to repeal part of an Act which, in Parliamentary language, was entitled a Local Act, a question had been raised as to whether notices should not have been served. The Bill had been referred to the Examiner of Standing Orders, and he had reported that the Standing Orders, requiring notices to be served in November and December last, had not been complied with. Since the Examiner reported, the Bill had been referred to the Standing Orders Committee, and, until they made their report, no further step could be taken with reference to the measure.

Afterwards—

COLONEL FRENCH ventured to remind the Home Secretary that he had not given a distinct answer to the Questions put to him by the hon. Baronet the Member for the City of London (Sir James Duke). He (Colonel French) wished to know what was the ultimate determination of the Government in reference to the Bill for the amalgamation of the Metropolitan and City Police. He hoped the right hon. Gentleman would relieve all their minds by telling them that he did not intend to proceed with the Bill.

SIR GEORGE GREY said, the Examiner had not reported whether the Bill was to be dealt with as a private measure or a public one; but he apprehended that no one conversant with the forms of the House would assert that it was strictly a private Bill. The measure dealt with two subjects—it repealed a private Act as to the City Police, and dealt with a public Act as to the Metropolitan Police. The most that could be said was, that it was a hybrid Bill, and must pass through a Select Committee up-stairs, and afterwards through a Committee of the Whole House. All that the Examiner had reported was, that the Standing Orders were applicable to it, and it would have to go to the Standing Orders Committee, who would report whether the Standing Orders ought to be enforced or dispensed with. If the Committee should report that the Standing Orders were to be enforced, then the Bill could not proceed, the necessary notices not having been given. But if they reported that the Standing Orders might be dispensed with, then the Bill might go on. He could exercise no option at present as to the future progress of the Bill, for he had no power in the matter.

PUBLIC BUSINESS—ORDERS OF THE HOUSE—THE "NO HOUSE" ON FRIDAY.

OBSERVATIONS.

Lord ROBERT MONTAGU said, it was desired by a great number of Members, that before proceeding to the consideration of the public business, he should bring under the notice of the House an event which had occurred on Friday. He was aware with what jealousy the House regarded the exercise of the privilege of moving the adjournment, in order to interpose between the House and the business of the day. But those whose opinion was of the greatest weight in the House had assured him that the matter was of sufficient gravity and importance to warrant him in taking such a course. What he desired to bring under the notice of the House was, that on Friday last the Orders of the House had been broken by Her Majesty's Government. The distinct pledges and promises which had been given to a too confiding Parliament when the change with respect to the business on Fridays had taken place in 1862 had been recklessly violated and infringed. The Speaker would remember that on Friday last, when he entered the House, he mounted the chair, and proceeded to count the hon. Members present. The right hon. Gentleman gave the Government the utmost possible latitude, and counted so slowly and deliberately that each count sounded like a minute-gun or a signal of distress; and, from the appearance of his face, it would appear that he was very much distressed at this instance of bad faith in the Government, and grieved when he found that the requisite forty were not present. He considered that the conduct of the Government on that occasion was a direct violation of the distinct pledge which the Government had given last year, when the Orders of the House underwent some alteration. Previously to the change of last year, the adjournment of the House till Monday had always been moved on Friday. If that Motion was not carried, the House had to meet on Saturday; and if no House could be got together on Saturday, an attempt had to be made to form one on Sunday. The consequence was, that the Government had always been obliged to keep a House on Friday till the Motion for Adjournment had been agreed to. This Motion for Adjournment gave hon. Members an opportunity of bringing their Motions, or what were technically termed "grievances," before the House. But when the change to which he had referred was made, it was arranged that Friday should be a Government night. Supply was to be put first upon the paper, and it was made an Order that "the House on its rising shall stand adjourned till Monday." He was not going to lay any stress upon such an expression as this; which, however, had been purposely introduced: such a ground would be too much like the quibble on which a legal mind might rest his case. A lawyer might argue that the House could not rise until it had been made, and had sat. He hoped, however, that he should be able to show that the provision recommended by a Committee of that House and sanctioned by the House itself (for affording to in-independent Members the same opportunity under the new system as they had enjoyed under the old of bringing forward matters in which their constituents were interested) had been totally and entirely set aside. In the Committee which had considered this matter there was a discussion whether it would not be more regular to let the debates on grievances take place on a Motion for Supply rather than on a Motion for the Adjournment of the House; it being agreed that such debates should in no way be curtailed or restricted: yet on the other hand it was urged, that if all those debates took place on the one question for going into Supply, considerable inconvenience to the public business might ensue from the very desultory character of the debate which would be the result. The Speaker proposed that the rule of "Progress" should apply to Committee of Supply as well as to other Committees; but the Committee, "from fear of unduly limiting the opportunities of debate, and of the discussion of grievances" by independent Members, refused to agree to that proposition. In support of the rule to have those discussions on going into Supply, it was stated by the Committee, that if Supply was put on the paper, Members would have the same opportunity of discussing grievances that they formerly possessed in the Motion for the Adjournment of the House, and Ministers would have an interest in keeping a House. The words of the Report are as follows—

"On the other hand, it must be remembered that the statement and consideration of grievances before Supply are among the most ancient and important privileges of the Commons, and this opportunity of obtaining full explanation from the Ministers of the Crown is the surest and best. Before going into a Committee of Supply, the Ministers have an interest both in making a House and in keeping a House."

The Resolution was therefore agreed to by the Committee, on the condition that on Fridays Supply should be the first Order of the Day throughout the Session. That condition was made in order to throw upon Government the onus of keeping a House. The recommendation of the Committee is given in the following terms—

"Section 17.—Your Committee think it therefore expedient to adopt the Standing Order recommended by the Committee of 1854, whereby the House, at its rising on Friday, without motion made, would stand adjourned to the Monday following, unless the House shall otherwise resolve; but on this condition, that Friday be a Government Order Day throughout the Session, and that a Motion for a Committee of Supply, or of Ways and Means, stand first among the Government Orders on that day."

That is to say, this recommendation was made on condition that as full an opportunity for debating grievances should be given to independent Members as they formerly possessed; with this sole difference, that a greater regularity of form in the debates should be obtained. The Committee stated, that the effect of their recommendation would be that the House would be kept, for two reasons—1st. That this has always been the case; 2nd. That it would be the interest of Ministers to keep a House. The 32nd section of the Report is in these terms—

"An indirect effect also of this recommendation may be anticipated. It is remarkable, that since the year 1856, on no one occasion has the House not been made at four o'clock. . . . It may be conjectured that Ministers on Tuesdays, having little business of their own fixed for that day, are indifferent as to keeping a House. The contingent right to bring on Supply at a later hour of the evening would give to the Ministers an interest in keeping a House."

The opportunity of the Motion for Adjournment had always been preferred by the House, before other days, because of the certainty that the Government would make and keep a House on that day. The Speaker himself took this view of the feeling of the House, as appears by Question 107—

"Have you formed any opinion as to the circumstances which induce Members to prefer having notices put on the paper for the Adjournment Motion on Friday to taking the ordinary course of giving notice?—I apprehend that the reason why Members take that course is, that they are quite certain to be able to have an opportunity of expressing their opinions on Friday."

It followed, therefore, that every arrangement which did not interfere with the free discussion of grievances, which existed at that time, must possess the same character—namely, a certainty that the House would be made and kept; while, on the other hand, if such occurrences as that of Friday last were repeated, independent Members would be deprived of all opportunity of bringing forward the grievances of their constituents. When the noble Lord at the head of the Government, on the 7th of February 1861, moved the appointment of the Committee, he made use of these words—

"Undoubtedly, we ought to be very cautious in changes of this description. . . . We meet for the purpose of giving a full and ample consideration to all the matters that come before us, and we ought not to adopt any shortened forms of procedure that might prevent the full and ample discussion of the questions that are brought under the notice of the House."

And when the noble Lord proposed the Resolutions of the Committee, on the 3rd of May 1861, he said—

"They were unwilling to recommend anything . . . . . which should tend to narrow that ample scope for discussion and debate which is so essentially necessary."

He stated that the House of Commons was the mouthpiece and organ of grievances, &c.

"They studiously eschewed anything that would . . . . deprive Members of the opportunity they ought to possess for making the sentiments of any of their constituents known."

Then he proceeded to show the advantage of the Friday's arrangements; namely, that—

"On Tuesdays the Government and their supporters have sometimes no great inducement to remain in the House;"

So that the Mover

"is rendered liable to the arithmetical test."

Then with regard to Friday—

> "It will be a security for private Members, whenever Committee of Supply is fixed, that those who are interested in carrying on the business of the Government will be in their places, and there will be less chance of private Members being defeated by the scantiness and thinness of the House."

That this was the predominant feeling in the House is manifest from the fact, that a noble Lord behind him (Lord Hotham) had thought it necessary to raise a warning voice, on the same occasion, against the too sanguine expectations and too easy confidence of the House, and said—

> "It was alleged, that Supply being at the top of the list, Government would keep a House; but no one could persuade him, that in the face of two or three hostile Motions, or even of one inconvenient Motion, the Government would keep a House . . . When observations were made about counting out, he would remind him that Mr. Canning held it to be the duty of Government to keep a House."

On taking up the Notice List for Friday last, he found that the first Motion was "a hostile Motion,"—namely, the Motion of of the hon. Member for Sunderland (Mr. Lindsay), for considering the relative merits of Armstrong and Whitworth guns, and the effects of shot and shell on iron plates. Considering what had recently happened at Charleston, that was a question in which the Government must be supposed to take an interest, because of their pet fortification project. Perhaps the noble Viscount was afraid of the hon. Member for Sunderland disclosing the fact that the iron plates which had been sent out from this country to the Federals had all been previously tried by the Government here, and had been found utterly worthless; and, consequently, that the conflict had no real bearing on the question of Ships *versus* Forts. The next Motion was that of the hon. Member for Galway (Mr. Gregory) on the question of Turkey; and on that subject it was well known that the Government were very sensitive. "Oh Gregory! where was then thy swashing blow?" Then there was the Motion of a gallant Colonel (Colonel Dunne) on the depressed condition of Ireland; and probably the Government would not have been well disposed to have the miseries of the Irish thrust on their attention, or to let it be disclosed that Ireland had been brought to such a condition under their administration. Before 1860 the Government had but two Order days, Monday and Friday, and on Friday there was the Motion for Adjournment. So that independent Members had Tuesday, Wednesday, and Thursday, together with the right to bring forward subjects in which they took an interest on the Friday's adjournment. Two years ago the Government had taken Thursdays from private Members; in 1862 they had changed the Motion for Adjournment to a Motion for going into Supply; and now in 1863 they got rid of private Members altogether by not making a House. There were plenty of Members outside at four o'clock on Friday; but, of course, a gentle pressure was put upon them to keep them out of the House. He could not help comparing this act with the system which was being carried out by the Ministers in the Prussian Parliament; while he himself was only imitating Professor Sybel, who, in that Parliament, had just carried a Resolution to compel the attendance of Members. In fact, there was a Resolution on the Journals of the House respecting the attendance of Members, which applied, of course, with double force to Members of the Government—

> January 25, 1709. "*Resolved,* That such Members as absent themselves without leave be reputed deserters to their trust and neglectors of the duty they owe to the House and the country."

The noble Lord concluded by moving that the House do now adjourn.

MR. DARBY GRIFFITH seconded the Motion. He trusted that the Government would not attempt to evade their responsibility for what had occurred by any subterfuge. It was no accident. There were thirty-seven Members, including the Speaker, at four o'clock; and if the official organ of the Government, the hon. Member for Lewes (Mr. Brand), had been present, with his two satellites, they would have made a House. There was therefore evidently an intention on the part of the Government to evade some of the Motions on the paper, and he hoped they would point out which was the peccant one. The noble Lord (Viscount Palmerston), when he proposed the change, dwelt very eloquently on the importance of giving the greatest possible opportunities to the House for expressing its opinions on every subject which might be brought forward; and the late Sir George Lewis distinctly stated that Government would put Supply down as the first Order, which would give private Members an opportunity of making Motions and speeches. This was not an accident, for not only was the House not made by the Government, but a House was actually prevented from being made, for there were Members sufficient in the lobby to have made one.

Motion made, and Question proposed, "That this House do now adjourn."

MR. BAILLIE COCHRANE said, he thought it very desirable that there should be an understanding for the future what was the position of the Government with respect to Friday evenings. At four o'clock last Friday there was not a single Member of the Government in his place; and the Gentlemen who went by the name of "whips" were busy outside preventing Members from coming in. ["No, no!"] So at least he was assured by hon. Gentlemen who were in the lobby at the time. He had told his hon. Friend the Member for Galway (Mr. Gregory), who had a Motion on the paper, that he was astonished at his trusting to the Government to make a House for him. He himself, when his Motion on the affairs of Greece was coming on, had so little confidence in the Government, that he wrote to his friends, asking them to come down and make a House; and on that occasion, though he had once postponed his Motion to suit the convenience of the noble Lord, the whips actually tried to prevent Members from coming in to make a House. It was desirable to know whether the Government did not consider themselves bound, if not to keep, at least to make a House on Fridays, and he would therefore ask the noble Lord what his view on the subject was?

VISCOUNT PALMERSTON: It would be affectation in any Member of the Government, in referring to the House not being made, to say that he was as grieved and distressed as you, Sir, were represented to be; but I can sincerely say that I am sorry that the House was not made on Friday. The noble Lord (Lord R. Montagu) has alluded to several Motions down for that night, which he assumed that the Government were afraid or disinclined to meet; but I can assure him we very much regret that the House was not enlightened by those conclusive speeches which we should have addressed to the House on the other side. The questions then to be discussed would, I am confident, have been settled by the preponderance of the arguments which we should have brought forward. It is said there was a promise made that on Fridays a House should be made and kept by the Government. There was an understanding that the Government would do what was usual for that purpose, and I can assure the House that it was purely accidental that a House was not made on Friday. There was no prevention on the part of the Government. It was stated by the noble Lord opposite that there were thirty-seven Members in the House and fifty outside. [Lord ROBERT MONTAGU: I did not mention any number.] Well, a great many, then, were outside. But I must say that there is a fellowship of duty in making up the number necessary to constitute a House. No doubt the Government ought to contribute their quota. And here, in passing, I beg the House to keep in mind the admission made by the hon. Gentlemen who have spoken that we are entitled on Friday to the remainder of the night after the miscellaneous discussions are over; because the other night, when we wished to go into Supply at nine o'clock on a Friday night, we were told that it was too late, and that Friday night was a private Members' night. [An Hon. MEMBER: It was half past eleven.] I claim the admission now made, and I hope we shall not have this objection repeated on another occasion. I repeat that there was no prevention last Friday, for there were Members enough in the lobby to have made a House. There is a fellowship of duty in this matter. Those hon. Gentlemen who have Motions to make, and their friends who wish to support them and to make speeches, ought to come down. Hon. Gentlemen ought to do like the hon. Member for Bridport (Mr. Baillie Cochrane)— get their friends to come down to make a House and keep it. Let me remind the House, that though we have been sitting now three months, this was the first occasion on which the House has failed to be made. There has been only one occasion, too, on which the House has been broken up on the arithmetical question of numbers. The House has only been counted out once, and that was at past one o'clock in the morning, when the hon. Member for the King's County being —what is unusual with him—more desirous of going to bed than to carry on business here, took notice that there were not forty Members present. I can only assure the House that we regret that any private

Member should have been put to inconvenience by the failure to make a House. It was really no preconcerted scheme, and not due to any action on the part of my hon. Friends to prevent the twenty or thirty Members in the lobby from entering the House. I can, however, assure the House that the Government will endeavour to prevent the recurrence of such an event in future.

Mr. DISRAELI: Sir, as I was a Member of the Committee on Public Business, and as I took a large share of the responsibility attached to those who recommended the change in question, I think it my duty to say that I for one deeply regret what occurred last Friday. This is not a question of a mere count-out—that is often regretted when it occurs—I am of opinion that a count-out ought to be regretted at all times. But this case is a violation of what I consider, and what I believe the House considers, to be a very solemn compact as to the management of the business of the House. Certainly my impression is, that both privately in Committee and afterwards publicly in debate there was an undertaking on the part of the Government that the House should be made on the Friday night. For myself, like the noble Lord the Member for Huntingdonshire (Lord R. Montagu), I was opposed to the change being made, and I saw no objection to the system by which the business on the Friday was then conducted. It was, I thought, a safety-valve that had acted very well. But the opinion of those to whom the consideration of the business of the House on Friday was referred being in favour of the change then proposed, which made the proceedings more regular, more methodical, and perhaps more logical—when their Report was made I bowed to it as well as the noble Lord opposite. But certainly it was then understood that the privileges of what are termed independent Members should not be trenched upon or placed in danger. It must be recollected, in the first place, that under the old system a House was secured on the Friday, and that was an advantage of which every Member was perfectly aware — an advantage which was prominently put forward in the discussion at the time by those who were opposed to the change, the argument being that they were asked to forego a positive advantage. It was therefore from no neglect on the part of the House, nor from hon. Members being unaware of the advantageous position which they occupied under the old system, that they gave up that advantage. They gave up the advantage from the general sentiment that it was for the furtherance—for the more regular and satisfactory conduct—of our business, and in deference to the strong recommendation of Her Majesty's Government. I understand from the noble Lord now that the clear undertaking on the part of the Government to make a House on the Friday evening is fully recognised, and I trust, therefore, that such a thing will not occur again. But, with regard to the circumstances of last Friday, the complaint is not, as the noble Lord stated, that there were thirty-seven Members in the House, and that hon. Members who were going to bring forward Motions ought to have influenced their Friends in a sufficient number to make a House. The thirty-seven Members who happened to be in the House on last Friday were, I believe, what are called independent Members. The complaint is that the Government were not in the House, but that they were in the lobby. Although I am very willing to put the interpretation on the whole affair which the noble Viscount has given it, nevertheless I think that the noble Lord the Member for Huntingdonshire has acted with great propriety in bringing forward the question. It is a question which concerns individually every Member of this House; and had it been allowed to pass unnoticed, it perhaps would have been drawn into a precedent, and might produce ultimately very serious consequences in reference to the invaluable privileges of Members.

Mr. BENTINCK said, that having taken the sense of the House upon the change when it was proposed two years ago, he might, perhaps, be allowed to say a word upon the subject. His noble Friend (Lord R. Montagu) complained of Her Majesty's Government. Now, it was not his (Mr. Bentinck's) province to defend Her Majesty's Government; but he did not think that blame attached to them on this occasion, but rather to the House of Commons itself. When the discussion upon this question took place two years ago, he ventured to call attention to the effect of conducting business upon the plan proposed—a plan which had been urged, not only by the Government, but by the Gentlemen who usually occupied the front benches on each side of the House. He cautioned the House at that time as to what would be the result of the change in the mode of conducting the business of the House on Fridays; and he ventured to think that the circumstances to which his noble Friend referred showed that his (Mr. Bentinck's) warning had been well founded. He thought the House had only itself to blame when it relinquished its old privileges, and those privileges were now nearly extinct. He would ask the House to re-consider this question, and to decide whether the time had not arrived when they ought to revert to the old rules under which the business of the House was conducted. The right hon. Gentleman the Member for Buckinghamshire had told them that he disapproved of the change; but if his (Mr. Bentinck's) memory served him right, the right hon. Gentleman supported it when it was debated in that House, and voted for it—he was therefore at a loss to know in what manner the right hon. Gentleman had disapproved of it. If the House would take the trouble to turn to the list of the division, they would find that the proposed alterations were supported by every Member on the two front benches. He ventured to suggest that the House ought to take the question into their own hands, and not allow their privileges to be curtailed in the way they had been.

Motion, by leave, *withdrawn.*

CUSTOMS AND INLAND REVENUE BILL.

[BILL 91.] COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 *agreed to.*

Clause 2 (Provisions of former Acts to apply to this Act).

SIR JAMES FERGUSSON rose to call the attention of the Committee to the appointment of Assessors of the Income Tax under Schedules (A) (B) and (D). In the Income Tax Act of last year several changes were made, and the Chancellor of the Exchequer, not expecting any large increase of revenue under those Schedules, proposed to take the assessment of the year previous as sufficient for the current year. It was pointed out that by that arrangement the revenue would lose, and the representations that were made induced the right hon. Gentleman to make new assessments, by which £467,000 was added to the revenue Now, for the present year the Chancellor of the Exchequer proposed to have a new assessment under Schedule (D), notwithstanding that he had repeatedly stated in that House that no change in the assessment was intended by him. It was proposed that the assessment should be made by the Surveyors of Taxes under the Board of Inland Revenue. He (Sir James Fergusson) thought that the local assessments had worked well, and he saw no reason why they should be placed in the hands of the Government officials. When the income tax was re-imposed by the late Sir Robert Peel in 1842, that right hon. Baronet laid great stress upon the fact that the tax was to be administered by local authorities, and not by Government officials; and he (Sir James Fergusson) must say that the local Commissioners had administered the income tax in a manner which relieved it from its offensive character as regarded the public on the one hand, and saved the Government from being robbed under it on the other. A Return, which had been laid before the House with respect to the Kettering, Northampton, and Peterborough districts, showed distinctly the difference which existed in the working of the tax in the case of local Commissioners and in that of the Surveyors. Out of the number of charges made by the local assessors, there had been only seven appeals; while out of 148 appeals in the case of the Government Surveyors, their assessment had been sustained in only four instances. Under the circumstances, he trusted the Committee would not sanction the system of centralization which had been set on foot, and would support him in moving that the following words be added to Clause 2, "or the forty-fourth section of the said Act, directing that no assessors shall be appointed for Duties under Schedules (A) and (B)."

THE CHANCELLOR OF THE EXCHEQUER said, he was at a loss to know the object of the hon. Baronet, or whether he spoke on behalf of the public or on behalf of the assessors. The paper to which the hon. Gentleman referred related to new assessments under Schedule (A), and had nothing to do with the matter in question. It involved a case of shameful and scandalous neglect on the part of the assessors. When new assessments were spoken of under the Act, they referred to Schedule (A.) New assessments under Schedule (B) were a totally different matter, entailing very little trouble. That being so, he proposed last year, and Parliament agreed, that as there was no new assessment, the assessors should not be paid for making the new assessment. But it was stated at the same time that the very limited amount of labour that would arise under Schedule (B) might be discharged by the officers of Inland Revenue, who might call in the local authorities to their aid, and pay them for what they did. That was exactly what had been done. The hon. Baronet did not deny that, as regarded the principal business, there was no new assessment last year; but, as regarded this altogether secondary business of assessment, which went on from year to year, the assessors were, in certain cases, employed and paid for it. The hon. Baronet made a proposal to the House, under the plea of objecting to centralization, that the Government should give them the full payment, just as if they had performed a great mass of business, which they had not done. He did not think the Committee would accede to any such proposition as that. The pledge he (the Chancellor of the Exchequer) had given the House as regarded centralization in respect to the income tax was, that if any proposal should be made by the Government as regarded the mode of assessment or collection, it should not be done without due notice and general assent.

SIR JAMES FERGUSSON said, that the right hon. Gentleman misunderstood his position. What he stated was, that last year the right hon. Gentleman proposed to have no new assessment under Schedule (D); but on its being represented that great loss would accrue to the revenue from there being no new assessment, he did have such an assessment made; but having in the Act taken powers not to employ local assessors, as usual, to make such assessments, Government officers and surveyors under the Income Tax Act were employed, and they, not having sufficient local knowledge, were obliged to employ local assessors, who received certain payments according to a scale fixed by the Board of Inland Revenue; but this did not amount to the value of the poundage they would have received had they been employed in the first instance. He (Sir J. Fergusson) now proposed, not that the local assessors should be paid for work they did not perform, but that they should be intrusted with the work they had done well in times past—namely, the assessment under all the schedules of the income tax, and that they should receive their usual poundage of 1½*d.* in the pound.

THE CHANCELLOR OF THE EXCHEQUER said, that was exactly the point; but there being no new assessment under the principal schedule, and that under Schedule (D) being a secondary matter, the hon. Baronet proposed that the assessors should be paid as if there were a new assessment; and to that proposal he (the Chancellor of the Exchequer) decidedly objected; but the best way to bring the matter before the House was to move for a Return of what had been paid, and what would have been paid if the hon. Baronet's plan had been adopted.

SIR JAMES FERGUSSON said, he should continue to consider his position a good one, unless the right hon. Gentleman could give a good reason why no new assessment should take place this year under Schedules (A) and (D).

THE CHANCELLOR OF THE EXCHEQUER said, it was quite a mistake to suppose that there had been a new assessment annually under Schedule (A). The practice had been to make a new assessment only at intervals—perhaps every third year. A new assessment under Schedule (A) was a very serious matter, giving rise to a great deal of trouble and expense. That was the reason why there would be no new assessment under Schedule (A).

MR. HUNT said, that reference had been made to a Return for which he had moved, which showed that taxpayers in his part of the country had a great grievance to complain of, which arose from the system of appointing assessors. He believed it would be much better for the Government surveyor to make his assessment in the first instance; and the right hon. Gentleman had said that he should have been glad to propose that to the House, but that there was a strong feeling in the country against it. A great many of the grievances of the taxpayers arose from the slovenliness of the local assessors, who made faulty returns, which compelled the Government surveyors to surcharge, and thus put the taxpayers to the trouble of appealing. If the Government surveyor made the assessments in the first instance, the taxpayers would have sufficient security in having an independent local commission to appeal to; and in his opinion the assessment would be so much more correct that four-fifths of the appeals that were now made would be avoided.

MR. HENLEY said, he was glad to hear the right hon. Gentleman say that he was not a friend to the annual assessment of Schedules (A) and (B), on account of the inconvenience the process occasioned. When a holding, however small, was assessed under Schedule (A), the person assessed could not be discharged from that assessment until the Government officer had the means of examining him, generally before a Commissioner, as to whether he had any other property; and that led to such a vast number of appeals that he was sure no possible gain from repeated assessments could compensate for the trouble and vexation which they would occasion to many very humble people. It was absolutely impossible that a Government officer could tell whether a man had property elsewhere, and therefore the person assessed must go up and be questioned on that point. As a Commissioner he had seen a great deal of this, and it was a very disagreeable business; but he was bound to say that the Government officers, so far as he had seen, had always done all in their power to lessen the disagreeableness, both to the Commissioners and to the parties brought up. They struck off a vast number of persons from previous information, and did all they could to lessen trouble; but still there were many doubtful cases, the parties must come face to face, and there was a good deal of trouble and vexation. He was glad, therefore, to hear the Chancellor of the Exchequer say he had no intention to make the assessment yearly; and he hoped that the course pursued would not be affected by the question of the poundage payable to the assessors.

MR. HUBBARD asked the right hon. Gentleman whether, since the second clause of this Bill re-enacted the provisions of former Acts, he intended to cause further assessments to be made under Schedules (A) and (D).

SIR JAMES FERGUSSON asked the right hon. Gentleman if he meant to say that no new assessments took place under Schedule (A) last year. He had a letter from Manchester which stated, that in the case of property built and tenanted during the year the assessment had been made by the Government surveyor, who obtained the aid of the local assessor. That illustrated his position and complaint that Government surveyors were appointed instead of the usual assessors.

THE CHANCELLOR OF THE EXCHEQUER said, that when he spoke of a new assessment he spoke of it in the usual and established sense. Surely, the hon. Baronet did not suppose that the taxes of the country were levied on so lax a system that new property erected after a general assessment would escape in the intermediate years. He believed that the last new assessment was in 1861; and it was not his intention to depart from the practice of triennial assessment. No Government ought to depart from it without the fullest notice. In that sense, undoubtedly, there would be no new assessment this year; and consequently poundage would not be paid to assessors for work they did not perform.

Amendment *negatived.*

Clause *agreed to.*

Clause 3 (Certain Exemptions not continued except as herein mentioned).

THE CHANCELLOR OF THE EXCHEQUER: Sir, in proceeding to redeem the pledge I have given to the Committee, I shall address myself exclusively to the main question. It is one of quite sufficient difficulty, magnitude, and importance to justify a separate discussion. I shall altogether decline to embarrass myself, and I think also the Committee, by entering upon peculiar cases, which may be urged upon peculiar grounds. The question which, on the part of the Government, I wish to raise is this:—Whether the law shall be modified which at the present moment extends to bequests for charitable uses an immunity, as I shall show, from all direct taxation whatever, while, at the same time, very heavy charges have been undertaken on behalf of those charities by the State. The question of dealing with these endowments I shall not perplex by asking myself whether one or two cases, such as the Patriotic Fund, where we have to deal with temporary and expiring arrangements, ought to be included in the scope of this proposition or not. I shall not even discuss whether the provisions we have made for saving what is termed the "vested interests" of actual holders of the fruits of charities are sufficient or not. The discussions that have taken place, and the information that has reached me, lead me to believe that those provisions will require little modification. It is, however, my intention to propose in the fourth clause of the Bill to insert a certain qualification of that enactment which obliges trustees to draw from any other funds in their possession rather than to make deduction or abatement in respect of the income tax from the recipients of small doles; it is my intention to propose to insert words to prevent that enactment from falling on the residue in cases where that residue has been either under deed or customarily disposed of in salaries, because there are certain classes of cases which require provisions of that kind. In the same manner an important question has been raised as to limited amounts which are held by way of reserve by funds dependent upon voluntary contributions—that is a question wholly distinct in principle from the very large, and as I think, very important question upon which I am about to invite the attention of the Committee.

Now, Sir, as to the proposal itself, it would be absurd in me to affect ignorance of the amount of opposition that has been excited in the country, and which, by a process that is perfectly legitimate, has found, and is likely to find, abundant expression in this House. The conviction of the Government is, that the proposal they make is a wise one—that they are offering a mild and temperate compromise, equitable, and even lenient in a high degree, as respects the mass of charitable property; and, moreover, that they are offering a compromise upon a matter which is quite certain to grow to such urgency before any very great length of time as almost by compulsion to invite the attention of Parliament, probably for purposes, in many respects, much more stringent than any to which the assent of Parliament is now invited. Having that opinion, I at once, on the other hand, make the admission to the Committee that this is not a proposal which either can be or ought to be carried—if, indeed, it could be carried—unless with the free and deliberate sanction of this House. It is not a proposal in respect to which the influence of an Administration to any greater or lesser degree ought to be brought to bear. This, which is obvious to all in regard to this subject, is freely admitted by the Government; but they are under the belief that this is a new question, and that the facts which it contains, and the reasons which can be brought to bear upon it, ought to be brought out into the light of day; and I have that confidence in the fairness and justice of the House which induces me fearlessly to appeal to them for a candid hearing of the statement which I am about to submit to them.

I have said, that this is a question upon which, up to the present time, no verdict of Parliament has been taken. I may be told, and I have been told here and elsewhere, that the authority of Mr. Pitt and of Sir Robert Peel can be quoted against me. I demur to that assertion. The income tax of Mr. Pitt was a personal income tax, and it was hardly possible, by its machinery, for him to have got at the revenues of corporations. The first endeavour, and the endeavour most consistent with the principle of an Income Tax Act, was an endeavour to obtain a return from individuals in respect of real property just as of personal property. It was by Lord Sidmouth, and not by Mr. Pitt, as I consider, that authority was first given for the exemption of charitable institutions from taxation. But I am bound to point out, that upon the point of charitable institutions little or nothing was known, except one thing indeed, and that is that their state was one shameful to their administration. That point has been placed upon record from no reforming or radical authority, for Lord Eldon, in a case before the Court of Chancery in 1807, says—

> "It is necessary to be perfectly understood that the charity estates all over the kingdom are dealt with in a manner most grossly improvident and of a most direct breach of trust."

And here I must advert to another point for a moment. It is very difficult to assert a negative as to the voluminous records of Parliament, and therefore I should be slow to say that the matter never has been discussed; but the only discovery that I have made of any discussion upon the subject is one of a very short debate in 1812, when Sir John Newport proposed to repeal a tax which is sometimes quoted as a tax upon charities, which has, in certain cases, a limited bearing upon them, but which, as a general rule, is not felt to be a tax upon charities, for it is a tax upon estates—namely, the 10 per cent paid upon legacies bequeathed to charities. On the 23rd of January 1812, Sir John Newport moved for leave to introduce a Bill to exempt all bequests for charitable purposes from that duty. He was opposed by Mr. Perceval, who said it was not advisable to recognise the policy of encouraging bequests of the description alluded to—that is, deathbed bequests—because a person on his deathbed might give to a charity that portion of his property to which his immediate relations were entitled, and the Legislature was not called upon to administer to the wishes of such persons. That is the only declaration I have been able to find, although others may possibly have been more fortunate in their researches. Then we are told that Sir Robert Peel is to be quoted as an authority for this exemption because he did not remove it. Sir Robert Peel removed from the income tax—and I can well concede, but I might venture to say, more than that—Sir Robert Peel refrained from mooting that of which he disapproved in his heart, because he did not think it wise to undertake what was entirely beyond his force to perform—he removed from the income tax a multitude of exemptions that would appear strange indeed in our eyes. There was the exemption of foreigners, and the opposition which he had to encounter in carrying his Income Tax Bill through the House showed that he had undertaken as much as it was possible for him to carry into legislative effect. But I am told that Sir Robert Peel was against the extension of income tax to charities. Why, Sir Robert Peel proposed by one of his Bills relating to charities—by a Bill introduced by Lord Lyndhurst on behalf of Sir Robert Peel's Government in the Session of 1845—he proposed a tax of 6*d*. in the pound upon charities—within one penny of the sum that would have to be paid at the present rate of income tax. The same objections were made then as now. The objection, in point of fact, is not so much the paying much or little as to paying anything. It is to the principle, in working, of that exemption, and to the nature in general of exemptions, that I wish to call the attention of the Committee. In the first place, it is hardly possible to overrate the consequences of the misuse of words; and I must venture, with the greatest respect, to suggest that there can hardly be an instance more marked of the truth of that proposition than the magic charm carried by the term "charities" as exempted from income tax. What are these charities? I will venture to say that nineteen-twentieths of them at least—and I believe that to be an under-statement—consist of deathbed bequests. Now, deathbed bequests in most countries are, I believe, to a considerable extent, restrained by the law. In our own country they are restrained by law when they take a particular diction. It is generally, and I think justly, considered a remarkable illustration of the mode in which freedom is left to the will and even to the caprice of individuals in this country that no attempt has been made to limit the amount of choice, of discretion, or of indiscretion, with which individuals may bequeath property to what is termed charitable uses. ["Hear, hear!"] But, notwithstanding a cheer that proceeded from an hon. Friend of mine opposite, I confess I am sanguine enough to anticipate an assent to my proposition when I say, that what a man wills on his deathbed, when he can no longer keep it in his own hands, is not charity in the same high fixed sense, nor, I will venture to say, in the only legitimate sense which it is when he gives what is his own to give or to enjoy. Upon a deathbed I do not deny that a man may have laudable motives; but, on the other hand, I am sorry to say that sometimes he has motives which are not at all laudable. But let the motive be what it may, a man is giving in a particular manner that which it does not rest with him to retain. There is not a quarter of the charities of the country properly so called that is not taxed. Every voluntary gift of the living, everything saved by every man, everything recovered or gained by the severest self-denial, it may be out of an income which the giver might have enjoyed—all is taxed, and taxed without the smallest favour or regard. The charities of England are taxed, and bequests in England for charitable uses are relieved from taxation. Those two things are totally different. For charity, properly so called, you must have a giver as well as a receiver; and where there is a giver as well as a receiver taxation is imposed without mercy or remission; but where there has been a deathbed bequest, in the overwhelming majority of instances, whatever may be the testamentary disposition, the law steps in and accords a preference that would more naturally be due to the alms of the living. I have said already that I do not admit that the 10 per cent charged upon legacies is a tax upon charities. I conceive that in every case (except where the whole estate is bequeathed for charitable purposes) it is a tax upon the estate itself. If a man desires to give a particular sum to a particular charity, he gives it free of legacy duty; or if he gives it without any such condition, he knows well that it is subject to the 10 per cent deduction, and therefore it is his intention to give 10 per cent less than the sum he names. I must say I do not think it is very wise for the State to give these temptations to making deathbed bequests. I proceed all along upon the assumption—nay, more than the assumption, upon the assertion—that an exemption is a gift. If that is contested, we differ on first principles; but I think it is not a bold, or, at all events, an audacious demand to make upon the reasoning faculties of the Committee, when I say that what the State remits to a man it gives to him. If a gentleman has carriages and horses, he is liable to pay a guinea for each horse, and two guineas or so for every carriage; and if those sums be levied from his neighbour, and not from him, it is the same thing as if they had not been levied on him, or had been given back to him. I dispute the general wisdom of giving these temptations to men, by gifts of public money, to endeavour to immortalize themselves as founders. ["Oh, oh!"] I may be wrong, but I state that opinion in accordance with the liberty of debate which exists in the House. And what do we do in that way? We tell a man that he may gather wealth, and enjoy the accumulation till his death; and that with that enjoyment he may also enjoy the merit of almsgiving by making a will which will not operate until after his death, and that he may achieve the fame of being the founder of this or that institution; when, if he had gone through the commonplace process of providing for others while he was living, his name after his death might have been consigned to obscurity. ["Oh!"] I quite admit that there are many laudable motives which may actuate a man to leave bequests of that nature, but these men will have perfectly free scope if you leave them to act without a premium in the shape of an addition from the public money. It is to the addition of public money I object, and to which I desire to direct the attention of the Committee. I am free to confess that this is a point which admits of a difference of opinion; but a payment of public money for the purpose I have stated, which payment can only be obtained by levying it off the rest of the community, appears to me and to my Colleagues to be wrong in principle and dangerous in its consequences. I observed a sneer when I spoke of some of those bequests taking a direction that was not satisfactory, and the views I have stated seem to some to be remote and visionary. Sir, I am cognizant within my limited sphere of a case in which a sum of £150,000 was left for a charitable use for no other cause whatever than the aversion of the testator from his immediate relatives—for no other cause whatever. The real property of the testator was left to a stranger for the same reason. The relatives endeavoured to impeach the will on the ground of insanity, and naturally enough they failed. Here is another case:—I hold in my hand a letter which I received, a few days ago, from a gentleman who pays income tax on a professional income. He states that J. D., by the peculiar construction of a will, obtained a fortune intended for his elder brother. This elder brother died and left a child; J. D. died, and by a codicil executed a few days before his death gives the whole of his property to a public charity. I put it to the House that such charities as these are objects which it is neither politic nor just for the Legislature to encourage with gifts of the public money. I deny the justice of such a proceeding. I do not say the State ought to interfere with individual liberty so far as to intercept such bequests; but I say not only that it ought not to add to those bequests by gifts of public money, but that when it does so, it commits an offence against the interests of the public and against the laws of justice with regard to the entire community. The case, then, of the "charities" of England as they are called, that is to say, of endowments for charitable uses, is that they are generally untaxed. There is an enormous exception, however, to this, in the case of the bequests for religious uses, which are taxed. On what principle of consistency such a difference is justified I do not know. Perhaps you think those charitable bequests are untaxed because what are called "charities" are generally distributed in sums under £100 a year. But the law is, that if the charity is distributed in sums over £100 a year it is exempt from taxation. There are cases of men having much more than £100 a year; and those incomes being paid out of charities, according to the legal construction of charitable uses these men are exempt from taxation. The State has, however, long thought that with respect to religious endowments it was desirable, owing to their nature, to pass laws with a view to limit their growth—such laws, for instance, as those for the emancipation of leaseholds and for the commutation of tithe. There have been no such enactments with regard to charitable bequests, and what some of these are we shall presently see. I will not speak of the minor inequalities in the law, such as its unequal distribution in the three countries. My hon. Friend the Member for Clonmel (Mr. Bagwell) rose the other night and told me that this proposal of mine would be resented in Ireland. Certainly, I am at a loss to see why a proposal to change the existing system should be resisted in Ireland—it can only be on some peculiar view; for while that country pays

7 per cent of the income tax, she only receives, as far as I can learn, 3 per cent of the exemptions. A consequence of this system is that inequalities exist as to the distribution of the charges between the two countries. I do not wish, however, to dwell upon matters of that kind, which are not of great magnitude. I do dwell upon what I consider this great anomaly and inequality—namely, that no proof whatever of monies expended in charity by the living is admitted as a ground of exemption from income tax, while proof of monies so expended, if under the disposition made in a will by the dead, is received as ground of exemption. It is to be observed, that in the vast majority of cases, the testators who make these bequests are in reality only making an addition to voluntary subscriptions and donations, and, that instead of remaining in the nature of an endowment, the sums which they bequeath pass away with the annual expenditure of the institutions in whose favour they have been made. The charities of which I speak, almost the whole of which have come down from times remote, are now comparatively insignificant. They are charities in the nature of deathbed bequests, and as such they have enjoyed an entire immunity from taxation. The next question was, what was the cost to the state of these exemptions? He asked whether the Legislature was to accord to these posthumous bequests a pecuniary premium at the expense of the rest of the community; and he stated distinctly, that by according it that premium, the Legislature became responsible for all these bequests. It became a party to every one of them; and if there were among them those which were useless—those which were questionable—those which were mischievous—those which were scandalous—every one of those was endowed with a portion of public money. Perhaps it will be said that the operation of the present system is insignificant in its effects on the finances of the country. It will be well, at all events, to see what it does. The income of the United Kingdom from property may be estimated with considerable accuracy from the Returns for Income Tax. Of course, deductions must be made for those schedules which do not represent independent property. There must also be deducted from schedule "D" an allowance for whatever is derived from manufacturing or professional skill and enterprise as apart from capital. With these deductions, the income of the United Kingdom may be stated at from £180,000,000 or £190,000,000 a year. Of that about a sixtieth part, or £3,000,000 a year, is possessed by charities, so called in the legal sense. The taxation imposed by our fiscal system on property, with the income tax at 7*d.* in the pound, amounts to about £13,000,000 a year. Of that the principal item is the income tax, yielding somewhat more than one-half. The next is that cluster of duties which, for convenience, may be called death duties—succession, probate, and legacy duties. The remainder is the house tax. From all these, charities are entirely exempt. The value of that exemption from the taxation laid upon other property, taking the proportion between the income of charities and the total income of the United Kingdom, is about £216,000 a year. Besides that, there is a large and a growing charge imposed upon the public for the sake of charities. I will not now enter into the minute details of the charge. As far as regards the sum of £18,000 a year voted upon the Estimates, it is obvious to the House. That sum is an increasing one; and there are several items of annual charge which it does not comprehend. For example, it does not include superannuations and offices; it does not include £500,000 which the State has been compelled to lay out within the last fifty years in order to examine into the state of things described by Lord Eldon as "a gross and general breach of trust," and, if possible, to bring about an improved condition of affairs. To reimburse the State for its outlay upon charities would require an annual charge upon them of from £40,000 to £45,000 a year. The £216,000 which I have mentioned as the amount of their exemption from direct taxation amounts to about 7 per cent upon their income. The reimbursement of the pecuniary charge laid upon the State would amount to 1½ per cent more. The total amount of the exemption which they enjoy is therefore 8½ per cent, and the cost of the total amount to the State is fully £250,000 per annum. That amount is, in fact, part of the State expenditure. But if it is part of the State expenditure, I ask the Committee to consider why it is to be kept up in such a form? For many years we have been passing Bills and adopting administrative provisions, with a view to bringing the whole expenditure of the State, from time to time, within the

control and under the eye of the House of Commons. If this money is to be laid out upon what are called charities, why is that portion of the State expenditure to be altogether withdrawn from view, to be shrouded within the folds of the most complicated sections of our Acts of Parliament, and to be so contrived that we shall know nothing of it and have no control over it; so that, while to every other object recognised by the State as fit to be provided for out of the public funds, we apply every year a vigilant eye with a view to modification or retrenchment, here we continue an exemption, and, pluming ourselves upon our liberality, we leave this great expenditure entirely in the dark, and waive in favour of these institutions, not only the receipt of a certain sum of money, but the application of all those principles of philosophical administration and constitutional control which we consider necessary for the general government of the country and the management of our finances? This is an important question. I should like to know what would have happened if, in 1842, when Sir Robert Peel proposed the income tax, he had proceeded thus:—"For convenience' sake, and for the sake of knowledge and supervision, we think it wise that the eye of the State should be kept upon the administration of charitable bequests. The income tax, therefore, will be levied upon all their property irrespective of their charitable character. But we think the fund a sacred one, and are not disposed to interfere with it. The estimated amount of the income tax leviable from these sources would be £100,000. A levy will be made upon the property of the respective institutions, but we shall propose, as part of our miscellaneous expenditure, to vote annually £100,000 on behalf of these charities." Suppose Sir Robert Peel had made that announcement, and, instead of mentioning £100,000 as the total amount of the exemption, had told us the whole state of the case. Suppose that at this moment we were to say, "We will levy the tax upon the property of charities as upon all other property; but because you think that deathbed bequests ought to have accorded to them a premium which you do not accord to the alms of the living, therefore, from year to year, £250,000"—which I am certain is within rather than beyond the actual amount of the charge—"shall be distributed among these charities." Why, every man knows that such a Vote would not stand the scrutiny of a single year. It would be pulled to pieces more relentlessly and more mercilessly than the present proposal of Her Majesty's Government has been. You would have had it alleged that a multitude of these charities are bad, injurious, demoralizing, poisoning and sapping the principles and the independence of the poor—not one jot better, in many cases, than those old Poor Law doles which, at an epoch of courage and wisdom, the House of Commons swept away in 1834 under the guidance of Lord Grey's Government. The second point made would be the capricious, doubtful, and questionable nature of many more of these charities. The third would be, that even were these charities unobjectionable, and likely to do some good, unless they could show very extraordinary claims for public endowment, they should not be exempt; and the residue, with respect to which you would be disposed to vote grants of public money, would not come near one-fourth part of the charities that are now in the enjoyment of this exemption of £250,000 per annum. I must say I have been struck by the skilful manner in which the charitable army, so to call it, has been marshalled. On all these occasions there is a great deal in the homely proverb of putting your best foot foremost. I have hardly heard a word since this proposal was made, except about the very best charities. The poor men that are to be dismissed from St. Bartholomew's, the orphans of the clergy who are to be sent away from their institution, the wives of Dissenting ministers who will lose their grants of £30 or £40 a year—all these sounds have rung in my ears. I do not complain of that; but it is on account of these institutions that we are asked quietly to continue this promiscuous gift of a quarter of a million annually. I think it has been told of some Generals, who have been most skilful tacticians, that they have done much by a judicious distribution of their army. Sometimes you go to a review, and find the tall and the strong men in the front rank, and behind them are persons of very inferior material and dimensions. Sometimes, I believe, battles have been won by having old women and boys judiciously dressed up with the proper colours and at the proper distance, and the moral effect has been what it was intended to be. So, in this case, what may be called the shameful or the doubtful charities have been kept in the shade and in judicious reserve. Therefore, it is necessary that we should have some analysis of these charities; for it is quite impossible that the Committee can attain to any clear idea of what we are about without such an analysis; and I think that when I have made that analysis, whatever the Committee may think of the proposal of the Government, they will say that we are not now inviting them to adopt any extreme proposition in the lenient compromise we are about to propose.

I am going to divide charities, for the purpose of this inquiry, into three classes—the small charities, the middle charities, and the great charities—assuring my hon. Friend that I do this, not for the sake of symmetry, but for practical convenience, and because it will be found that the subject not unnaturally falls into those divisions. In small charities I include the funds of the large charities distributed in very minute amounts, for these fall within the scope of the observations I am now making. The middle charities generally administer relief in money, dealing with stipends of £20, £30, £40, or £50 a year—distributed, for the most part, to decayed gentlefolk, widows and orphans of clergy and Dissenting ministers, and persons generally within these middle regions. The larger charities require separate consideration. But what are we to say of the small charities? Sir, I say without hesitation, that there is scarcely one among them—a few there may be, but they are totally insignificant and infinitesimal—which, if we proposed in their favour a vote of *5s.* in this House, would have that *5s.* granted. Do not let me be pressed with the exception. I want to speak of the bulk of these charities; and I say, without hesitation, that if, as a mass, they deserve the toleration of this House, it is the very utmost they do deserve, and that to bestow upon them a public endowment is as gross an act of injustice as could well be committed by the Legislature. I ask again, what are these small charities? They are, for the most part, charities for local poor and for local education, and it is with respect to these charities that I say, that if they deserve the toleration of the House—that is to say, if they deserve that perfect freedom shall be given to a man to leave his money to them under whatever circumstances—it is the utmost that they do deserve. That is not my individual opinion alone. Three times have these charities been the subject of inquiry; and the Charity Commissioners of Lord Brougham, the Poor Law Commissioners of 1834, and the Education Commissioners of two or three years ago, all condemned them, and spoke of them as doing a greater amount of evil than of good, in the form in which they are established. I received to-day a deputation—if, indeed, that word is not inadequate to describe it, whether I consider its numbers, or the materials of which it was composed; I leave it to others to say what it was—but the Bishop of London was a member of that deputation, and its demand was that the exemption which now exists should be continued as it is at present. The predecessor, however, of the Bishop of London was a Poor Law Commissioner in 1834, and in that capacity dealt with the question of these local charities for the poor. As a Commissioner, in 1834, he signed the Report of the Commissioners, and in it these words—

> "In some cases charitable foundations have a quality of evil peculiar to themselves. The majority of them are distributed among the poor inhabitants of particular parishes or towns. The places intended to be favoured by large charities attract, therefore, an undue proportion of the poorer classes, who, in the hope of trifling benefits to be obtained without labour, often linger on in spots most unfavourable to the exercise of their industry. Poverty is thus not only collected, but created in the very neighbourhood whence the benevolent founders have manifestly expected to make it disappear."

That was the Report of the Commissioners in 1834. I need hardly go back to the Report of the Commissioners of 1818; and I do not suppose it will be thought necessary that I should bring before you the Report of the Commissioners in 1861. But, considering the astonishment that seems to be manifested on the other side at my stating that the existence of these minor charities was a doubtful matter, I trust the Committee will excuse my fortifying myself with authorities to show that in what I say, whether right or wrong, it is not the offspring of mere individual *ipse dixi.* In page 519 of the Report the Commissioners say—

> "The hand of living charity is held out only to present need; it promises no periodical alms to indolence and importunity; and if it necessarily somewhat impairs the spirit of independence, it produces goodwill and gratitude. The 'dead hand' of the founder of an annual dole does not distinguish between the year of prosperity among the labouring classes and years of distress; in prosperous years it leads those who are not in need to represent themselves to be so; it holds out annual hopes to improvidence; it more frequently excites jealousy and ill-feeling than goodwill, both on the part of the recipients towards

the distributors of the charity and among the recipients themselves. For one person who receives substantial benefit from these doles many feel their demoralizing effect. At Salisbury, for five vacancies in the list of pensioners on one charity there were sixty-two applicants, all of whom had probably nursed expectations more or less subversive of their industry, and used importunities more or less subversive of their self-respect."

I want to put to the Committee the real state of this case. You have a variety of towns particularly, and also certain country parishes, with so-called charities for their poor; and I wish to know upon what ground of justice the parishes which have no such charities for their poor—and in England those parishes are numerous, while almost all the parishes in Scotland and Ireland are in that position—I wish, I say, to know upon what ground all these parishes which have no such charities for their poor are to be called upon to add money out of their own pockets to enlarge the endowments of those favoured parishes in England? A more extraordinary and clear injustice than that, in my mind, cannot be conceived. I will take another case. An hon. Friend of mine the other night, using language which I confess provoked a smile more than anything else, said that I betrayed my duty as a Member for the University of Oxford because I proposed a tax upon charities, by far the greater portion of which belong to the Church of England—thus propounding the doctrine that I, as Chancellor of the Exchequer, am under an obligation, before proposing a financial measure, to ascertain whether the fiscal incidence of that measure would be favourable or otherwise to the communion to which I belong, and to adopt or reject it accordingly. However, accepting the challenge of the hon. Gentleman, I will take a class of charities which exist more or less all over the country—I mean charities to be dispensed upon the condition of attendance at church. I have seen the working of these charities. I do not hesitate to say that they form the subject of great grief to many of the best men who have to administer them. They approximate to what I must call a sort of spiritual bribery, operating as an inducement to men to go to church for the sake of receiving temporal alms. It is a fact, of which there is abundant evidence in this book, that most of those who go to church for these purposes are not usually seen there at any time but on the occasions when the spiritual food is to be supplemented, as the Scotch say, by something which finds a shorter way to their perceptions and appetencies. I take the effect of these charities upon the tone of the population, because I feel that this justifies me in the assertion I have made, that these small charities, considered in the mass, have no claim whatever to any indulgence or endowment beyond the toleration and protection which are afforded to property in general. I believe there is no city in this country which is richer in these charities than Coventry. Well, was there ever a case of a city where, upon the first arrival of distress, the labouring class were so immediately laid prostrate? Compare the case of Coventry, where these charities abound, with the case of the towns of Lancashire, in most of which they are comparatively few. Distress goes to Coventry, and before it has been there a month the whole country is solicited, and solicited with too good cause, to subscribe for its relief. Distress goes to Lancashire, and remains there for six, nine, or twelve months before any appeal whatever is made to the public at large. Again, an application was made to me from Bristol on behalf of the "valuable charities" of that city; but according to evidence before us those charities are not "valuable." Instead of being valuable the Report of the Commissioners shows that they are pernicious. Mr. Cousins, vestryman of St. Paul's, Bristol, after forty years' experience of these matters, says—

> "Small charities of from £1 to £6 pauperize the people; they destroy the sense of shame, and the deserving do not get them. The poor people (he adds) spend more time in looking after such gifts than would suffice to gain the same sums by industry."

And the very same evidence you may hear from the most judicious clergymen and administrators of alms in other parts of the country. The Education Commissioners of 1861 very naturally say—

> "These charities, then, by their operation are teaching indolence, mendicancy, servility, and falsehood to the poor of Bristol, almost as effectually as industry, the love of independence, and veracity can be taught by means of the funds which the State supplies in aid of the Bristol schools."

I will trouble the Committee with one more case. I am not about to state that these small charities are generally scandalous. My statement is limited to this:—That they have no claim whatever upon the public purse, and that at the present moment, constituting as they do, as far as I am able to judge, not far short of one-half the annual so-called charities of this country, they are saddled on the public purse, if that calculation is correct, to the extent of £125,000 a year. I now take one of the cases which really deserves to be made known, however modest those who are connected with it may be. I refer to Jarvis's charity. The founder, poor man, could hardly have expected to obtain notoriety through the discussion of this House. Mr. Jarvis died in 1793, and left about £100,000 for the poor of three parishes in Herefordshire, to be given in various ways—for physic, clothing, food, and so forth; but there was one thing to which he had a particular aversion—he absolutely forbade building. That was expressly precluded by the terms of his gift. I suppose his idea was to supply the current wants of the poor. The population of these three parishes, at the first census after Jarvis's death, taken in 1801 was 860, and in 1851 it was 1,222. What was the reason of this increase of population? Had employment increased there? No. Had trade come there? No. Had manufactures been established? No. Were wages higher in these parishes? No; they were lower by 2*s.* a week. Were the dwellings good? No; they were the most miserable and scandalous that disgraced any part of the country. The people went into them naturally enough to wait for the doles; for the gifts which by Jarvis's mistake and misguided benevolence were distributed to them pretty nearly doubled the income of the agricultural population of those parishes. And, last of all, have the morals of these poor people improved? The statement of the authorities who have investigated the case is this—that the morals of these parishes were such as they are forbidden to describe. And then, Sir, every £11 of Mr. Jarvis is to have a twelfth pound added to it by the State, which is to be taken out of the pockets of the taxpaying community! A more gross injustice, in my opinion, cannot be imagined. Well, this went on till it became perfectly intolerable, and the public nuisance could no longer be borne, fostered as it was by Parliament, and aggravated by the money taken from the contributions of the public. In 1852 an Act of Parliament was procured to place this particular charity on a better footing; but a great portion of the evil is still left in full force and vigour. The funds are still limited to the same three parishes; but what do the Committee imagine was the great remedy which the wisdom of the promoters of the measure devised? They desired to have power to lay out £30,000, or nearly one-third of the whole sum, in the very thing and the only thing which old Jarvis forbade—namely, in building. Those are the preposterous conclusions at which we arrive if we refuse to listen to the dictates of sound sense and moderation in these matters. £30,000 is a large sum, and a great deal might be done with it. They might almost build a university for the West of England; and, if not a university, at any rate a great college. But what they are going to build is a boarding school for the children of the labouring population of these three parishes. The real meaning of this is, that the money of old Jarvis, supplemented by the money of the State, which we improvidently and unjustly take from the pockets of the taxpayers for the purpose, has grown to such a height that the trustees are driven to their wit's end to know what to do with it; and just as was the case with the Donaldson Hospital at Edinburgh, they have entered into an immense deal of unnecessary building, because, like sensible men, they felt that in that way, if it did no good, it would be doing little harm. I could very easily entertain the Committee with more cases of this kind—striking and amusing, but, at the same time, on reflection, very painful cases. The Commissioners reported on the Canterbury charities, and among them is one called Lovejoy's charity, part of which is to be applied to poor, ancient, and sick people not receiving parochial relief. There were 500 persons receiving relief from this charity, and as to 113 of these the Commissioners could obtain no information; but of the remainder there are 145, of whom they give the following account:—There are 51 persons in good employment, not needing relief, 36 paupers, who by the foundation are excluded from any such aid, 18 occasional paupers, 18 drunkards, 17 bad characters, four brothel-keepers, and one convicted felon. And yet to every £11 distributed by these charities £1 is added by Parliament, taken from the honest and laborious community. These small charities, I say, are not fit subjects for public endowment, and I am convinced, that if they were brought before Parliament in a proper and constitutional way, no one would venture to ask £1 per cent, nor even 1*s.* per cent, for a single one of them.

Let us come now to the middle charities, which may be said to be distributed in money—the smaller charities being distributed sometimes in money and sometimes in kind. I wish the Committee to see what have been the proceedings of the Government on this point, because it has been said that there is great inconsistency in removing the exemption from charities awhile, at the same time, we give exemption to persons of less than £200 a year income. I draw a broad distinction between exemptions which are partial and are made in favour of particular persons, places, or classes, and exemptions which relate to the entire mass of the community, and preserve a perfect equality between one man and another. Let us take the Clergy Orphan Association. It has an income of £5,000 from endowments, the income tax on which at 7*d*. in the pound would be £145 16*s*. 8*d*. That is the sum which we propose to take from this association. Who is it, I want to know, who make the "clergy orphans." I apprehend it is the poorer clergy—the clergy with incomes of from £100 to £200 a year. We take £145 from the funds applicable for the Clergy Orphans—not applicable as a matter of right, but as a matter of favour, of patronage, and of canvassing, which often costs a large percentage of the benefit gained—but what do we do for the poorer clergy? We have some means of getting at the incomes of the clergy. Perhaps the right hon. Member for Oxfordshire (Mr. Henley), in his mild language, will say that we have robbed them; but let us see what we are actually doing for them. I reckon that there are 5,000 of the clergy of the Church of England with incomes between £100 and £150 a year, and 2,000 with incomes between £150 and £200; altogether 7,000 with incomes over £100 a year and under £200. If we take 5,000 at an average income of £125, and 2,000 at an average income of £175, the amount of remission of income tax to this class, by the proposition of Her Majesty's Government, will be £7,000. We take £145 from this institution of the Clergy Orphans, but we leave to the poorer clergy £7,000 additional income, which would previously have come into the possession of the State. Again, the objection is taken that these charities are distributed—not uniformly, but usually in incomes under £100 a year; and the other possessors of incomes under £100 a year, it is said, do not pay income tax. With regard to the private and personal rights of the present possessors of these incomes the objection does not obtain, because with respect to them we propose to leave them in the position they now occupy and that they shall not be subject to any deduction. It has been said that that would be troublesome, but, on the contrary, it would be very easily worked by communication between the Charity Board and the Inland Revenue Office. Then, with respect to the future, how are we to consider the case of those who have now no right to the benefit of these charities, but may enter upon them at some future time? I want to make the comparison as fairly as possible, and I will therefore consider these future entrants as persons coming into incomes derived from property in succession to one another. I do not wish to strain my argument, and will not dwell therefore on the fact that they are strangers to one another, but will take them simply as persons succeeding to one another upon death, and I will compare their position with that of those who have corresponding incomes not derived from charity, and who are exempt from the income tax. We are accused of inconsistency in taxing charitable incomes; but if you want logical consistency—if you want to deal equally—you must make people in the enjoyment of these incomes from charities pay not single, but double income tax. Suppose we take £2,000 private property, which, in the funds, would produce £65 per annum. A man succeeds to £2,000, and the succession passes from him to his child by death. Succession is calculated to come by death once in thirty years. The amount of succession and probate duty, with the charges necessarily incident, has been ascertained, on inspection of a number of wills by a most able and accurate authority, to be 12 per cent upon the capital of the property. That would take from the possessors of the non-charitable income of £65, 12 per cent on the capital sum of £2,000, or £240 once in thirty years—that is £8 5*s*. a year, which is equal to an income tax of 2*s*. 6*d*. in the pound. On the other hand, it is now proposed to take from the charitable income of £65 a tax of 7*d*. in the pound, which amounts to 455 pence, or £1 17*s*. 11*d*. in the year, in lieu of the £8 paid by the non-charitable income of the same amount in the form of death duties. If I were competent to deal with this subject legally, I should be justified in saying that we have no right to look at future recipients at all; but the result is that upon these small properties is levied a tax, not all coming into the coffers of the State, but all inevitably and practically incidental to bringing into the coffers of the State what comes there, more than four times as much as we now propose to levy upon corresponding amounts derived from charitable funds.

I now come to the larger charities, which may be considered as falling under two classes, one represented by Christ's Hospital, a great charity of education, and the other consisting of what I frankly admit to be the best of all these charities—namely, the great endowed hospitals. I hope the Committee will grant me its indulgence while I deal with the case of Christ's Hospital, because that institution is under the most illustrious patronage, and I have no doubt that those connected with it exercise their powers upon enlightened principles and with the best intentions. My proposition is, that while the public contribute about £2,000 a year to the funds of the charity, Christ's Hospital is not entitled, upon any ground of right or public policy, to receive a single shilling. Christ's Hospital was founded for the very poorest of the poor.

> "Our Sovereign Lord the King, of his mere mercy, has pity and compassion on the miserable state of the poor fatherless and motherless children, the sick, the sore, and impotent;" and so on.

Such are the terms of the original charter of Christ's Hospital. Where are these sick and sore and impotent people? They have gradually improved in their circumstances and worked upwards in society with the increasing wealth of the institution, and now they are the children of people with £200 a year, with £300 a year, with £400 a year, and in some cases with £500 a year. I deny that such people are for one moment entitled to call upon Parliament for a vote of public money in aid of the education of their children; and if we could but get at the truth, if we could but get rid of these exemptions, if we had to consider the matter as a portion of our annual expenditure, no man would dare to stand at this table and ask the House to vote £5,000, or £500, or even £5 a year for such an institution as Christ's Hospital. But what is the nature of Christ's Hospital? It is an institution with an income of nearly £70,000 a year. I have no means of ascertaining the precise amount; but, as I was told to-day upon the highest authority, that if we imposed this tax, we should get about £2,000 per annum from Christ's Hospital, I infer that the income of the institution must be something like £70,000 a year. It must be more, indeed, because we already get income tax from the recipients of salaries, if they do duty for their money;—for it is essential to the definition of a charity, so as to exempt it from the income tax, that the recipients should do nothing whatever in return for what is given to them. It is a charity where a man receives money because he is the descendant of somebody else, or because he is a poor Knight of Windsor—a man cannot be called upon to pay income tax if he shows that he does nothing for his income. Christ's Hospital, I believe, has 500 Governors, who come into their offices upon the payment of £500 each. What splendid benevolence! Is it not a noble and spirit-stirring reflection that you can find in this country ten or a dozen men every year to pay £500 each for the benefit of this institution? What is the real truth? Are these sums of £500 each given out of pure charity? Do the Governors get nothing in return? No, Sir, not exactly. They get a vested right in 1,600 presentations—presentations to some £70,000 a year of endowed property. I am not proposing a revolutionary measure; I am not seeking to take money from the hospital; I am simply asking that we should not have to give another £2,000 a year out of the public purse. I am told that the Governors will have to dismiss a number of the boys. I am sceptical upon that point. The same cry has been raised over and over again. During the last twenty years, since I began to hold office, every beneficial financial change has been met with a threat that somebody would be dismissed. The statement that some boys will be dismissed does not command my belief; but if they were to be dismissed, I deny that it is the business of Parliament to give public money in order to educate the children of rich people, and to extend at the public charge the patronage enjoyed by the Governors of Christ's Hospital. Take the case of the Charter House. It is customary to make Prime Ministers Governors of that institution. My noble Friend near me is a Governor of the Charter House, and [Viscount PALMERSTON nodded assent] he admits it. I know I have his assent when I say that his patronage should not be augmented by a public grant. The remission of the income tax in such cases is a gross abuse—an abuse which would not survive a single Session, if instead of compelling us to deal in the dark by way of exemptions, you were to come honestly forward and make your appeal to Parliament for a grant to these charities as a legitimate portion of the public expenditure. But so much has been said about the excellent nature of these institutions that I must return for a moment to Christ's Hospital. I am utterly sceptical as to the unmixed and unbounded benefits conferred by such schools. Here are vast masses of 1,200 or 1,500 small boys gathered together for the purposes of education—no doubt the younger boys are sent down to Hertford—they are not subject to any of those great beneficial influences that are necessary to maintain a pure atmosphere and a healthy tone in every school—first, the press; secondly, the public; and thirdly, the parents. I distrust the usefulness of such schools—parents ought to have more influence over them. But though I think these schools are to be condemned, it is not my business to bring an indictment against them—it is the menace of the dismissal of forty boys which compels us to examine into these things, and to see whether there is a claim on the part of such a foundation as Christ's Hospital to be improved to the extent of one-twelfth of its income by a grant taken out of the pockets of the taxpaying community. Here I am bound to say that those connected with the Hospital have not exhibited any desire to keep back anything; and I find it stated by the Education Commissioners that the Treasurer gave his evidence before them in a frank, open, ingenuous manner. The faults of the institution are chargeable, not to them, but to causes and circumstances over which they had no control. But the Committee must hear the real state of the case. I have said that the presentations are the patronage of the Governors, almost approaching to the character of private property. The Education Commissioners say—

> "They are so absolute that it is doubtful whether the Hospital has legal power to refuse any child presented by a Governor, however unqualified for admission in point of knowledge the child may be."

Mr. Gilpin, the Treasurer, says—

> "We have been inundated with children who did not know their letters; the result of which has been that it has been very detrimental to the school."

He adds—

> "We have had children who, after they have been at Hertford for two years, have hardly been able to spell. We positively were met on one occasion, when a child came for admission, with the fact that he really did not know his letters. I asked the mother what she could be about, she being the mistress of a national school, and I said, 'What can be the reason of this?' The reply was, 'We knew he was to have this presentation, and therefore we did not take the trouble to educate him at all.'"

Mr. Gilpin also states that the gift boys from different parishes were better educated than those who have been put in by the donation Governors. The Governors kicked at this state of things, and passed a resolution that no child should be admitted unless he could read fluently the four Gospels. One Governor argued against the resolution in this way—"I have made myself a Governor; and if I choose to send my boy to this large charitable school, it is your duty to educate him." The solicitor was consulted as to whether a Governor could insist on sending a boy who could not read at all, and the answer which he returned was that he thought the matter doubtful. I do not think it is doubtful whether it is just and fair that the taxpaying community should be required to pay £2,000 a year towards the maintenance of Christ's Hospital. I will compare Christ's Hospital, for the sake of illustration, with another charity in London. There seemed to be very great hesitation on the other side when I asserted what seemed to me a very simple proposition, that the alms of the living stand on a higher footing than the bequests of the dead. But I presume no one will assert that the alms of the living ought not to be treated worse than the bequests of the dead. Let us take the case of King's College. No person connected with King's College has ever exercised an act of patronage, or any act which can be so called. King's College was founded thirty years ago. The funds include £90,000 from donations, £50,000 from shares, and £15,000 from endowments. There is no competition between the interests of the shareholders and the interests of the institution; but it is provided that when all the purposes of the College are fulfilled the shareholders may receive a profit of 4 per cent. They have never received a shilling. They have created an excellent college, with an excellent school, occupying a high position among schools. King's College has taken its place among the permanent educational establishments of the country. It is not disputed that every shilling has gone to a charitable purpose, but they have never received one shilling return of income tax on anything which they possess, and by a recent decision the buildings are to be charged as upon a rental of £1,370, on which income tax will be payable. That is the consistency—that is, I would almost say, the decency which fattens bloated institutions at the expense of the public, and leaves struggling ones to make their way in the world as best they can. The case of the hospitals, properly so called, is by far the best—and in hospitals I include everything which embraces the relief of involuntary ailments—dispensaries, infirmaries, and lunatic asylums. Hospitals probably amount to nearly one-fourth of the whole of the charities, and they give the best case, because they involve so little of the vicious and corrupting element of patronage. When we speak of a charity, as a general rule, we speak of some administrator or dispenser of charity who derives consequence and importance from managing that charity which he would not otherwise possess. But in the case of hospitals, within the limits of certain distances, their doors are open to all who suffer from poverty, misery, and disease, and patronage does not exist. There is no fear of stimulating disease by a multiplication of hospitals, and there is no waste in canvassing. It is perfectly true that in the case of many charities the candidates spend more in the canvass than the presentation is worth. But in the case of hospitals there is no canvassing, there is no expectancy, there is no fraudulent pretence, there is no ill-will. Dr. Chalmers, the man perhaps of all others in this country who most happily united a high character for benevolence with the character of a sound political economist, was not ashamed to say, that while he proscribed most of the foundations termed charitable, he admitted that great benefits were derived from hospitals. For this very reason the want of hospitals is more easily supplied by voluntary contributions, and I believe, that if any calamity swept from the surface of the earth the great and wealthy endowed hospitals, the liberality of the public would immediately supply accommodation for all who require it. I will take the instance of St. Bartholomew's, in respect of which this proposal to impose the income tax is thought to be very cruel. The income is £36,000 a year. The income tax paid should be £1,050. The sum paid upon salaries is about £200 a year. The benefit which St. Bartholomew's has had, at the expense of those especially who pay income tax, has been about £850 a year. During the last twenty years, after allowing for the investment of fresh capital, landed income has improved eight per cent. About £150,000,000 have been contributed in the form of income tax, by the community in order to bring about those changes which have been—I do not say the sole—but the most important agents in bringing about that improvement. In 1841 the income of St. Bartholomew's was £31,335. In 1862 it is £36,030, being an increase of £4,695. It is an increase of 15 per cent, or about double the increased rate of improvement of land generally. It is due partly to the sale of property to railways in choice situations, and partly to improved administration, brought about by legislation. But it is fair to assume, that independent of those causes, the increase has been 8 per cent. I also assume that one half of the increase of the value of landed property is owing to the increased activity of trade and commerce, through commercial legislation and the increased value of the most important products of land. Therefore, I say that St. Bartholomew's is debtor to the income tax 4 per cent, or £1,440. What, on the other hand, are the benefits which St. Bartholomew's has received? It consumes 2,246 lb. of tea a year, and the reduction in the duty on tea is equal to a fresh endowment of £192 14*s.* 7*d.* The reduction on sugar and treacle is equal to a fresh endowment of £82 15*s.*; on soap, to £26 2*s.* 6*d.*; on butter and eggs, to £141 2*s.* 3*d*; on spirits, to £98 15*s* 10*d.*; and on wine, to no less than £288 13*s.* The drugs and medicines are valued at £4,150 a year; and although I have been unable to ascertain the amount of which these articles have been relieved, I think 10 per cent is a moderate estimate, and that gives an additional endowment of £415. That makes a relief of £1,245 a year to St. Bartholomew's on those seven articles alone. If you add 50 per cent, or £622, which is a most moderate estimate, for the saving on all the other articles of food, clothing, building materials, and so on, you will find that St. Bartholomew's is a debtor to the income tax to the amount of £1,867 a year on account of duties reduced on articles of consumption, and £1,440 on account of enhanced value of property. Altogether, therefore, £3,307 of direct pecuniary benefit is received by St Bartholomew's from the income tax; while £850 is all that the proposal of the Government would require it to contribute to the general purposes of the State. I really know but one answer to that proposal. It is that St. Bartholomew's, being an establishment for the relief of the most miserable class of the community, ought to receive a public subvention. The income tax, as I have shown, has given the institution £3,300, and now we ask for £850—leaving a balance of £2,450 still to the credit of the income tax. I repeat, the only argument against taking that £850 is that the Hospital deserves a grant. It was not my intention to make any remarks on the management of hospitals of this kind, which we must all regard with so much favour and respect; but when at every turn the threat is flung in my face, that if this measure is carried out, the number of patients must be diminished, then I am obliged to give some attention to this part of the subject. I do not believe that the number of patients will be reduced, and I do not see any evidence that such a step will be necessary. Those who, in the case of the protected trades, declared that if protection were withdrawn, they must dismiss so many of their workmen, were not men who told lies. They really believed what they said—they were merely not aware that more economical arrangements would enable them to keep their workmen, pursue their trade, and make larger profits than before. One of the great evils of the present system is, that while you bestow public money on these establishments, you dispense with all public control over them, and thus annul all effective motives for economical management. Endowed institutions laugh at public opinion. There is no public opinion brought to bear upon them. The press knows nothing of their expenditure; Parliament knows nothing of it. It is too much to say that hospitals are managed by angels and archangels, and do not, like the rest of humanity, stand in need of supervision, criticism, and rebuke. Therefore, even in the case of St. Bartholomew's, I object to an exemption, which, by its very nature, at once removes the principal motives for economical management. When the managers tell me that the exaction of £820 will compel them to dismiss 500 patients, I am entitled to ask, "Why, then, do you spend £220 in a feast; what right have you to eat up in an hour 150 cases?" I confess I am amazed at the skill with which my opponents have put their best foot foremost. Their tactics and strategy have been admirable; but their case will not bear close scrutiny. What are the circumstances of Guy's, of St. Thomas's, and similar establishments? Every year they are able to place out £3,000 or £4,000 each in reproductive investments in land. They are thinking not merely of the sick, but of their own future aggrandisement and extension. My hon. Friend the Member for Bath (Mr. Tite) informed me the other day that St. Thomas's spends 15 per cent of its income in improvements on its land. Well, then, it is a matter for the State to consider whether the indefinite enrichment of such corporations—even of those instituted for the best of purposes—when entirely removed from the control of public opinion, the press, or Parliament, is to go on without limit, and is to be augmented by contributions from the public purse. I do not believe that a single patient will be dismissed from one of the hospitals of London if this proposal is agreed to; but if there were the slightest apprehension of such an occurrence, private charity would at once supply the void. I am willing to make a greater admission. A public grant might be given to replace the loss. Why not? It has never been thought that the relief of the sick, desirable as it is, was a proper subject for a grant from the exchequer of the country; but it might be thought otherwise. I do not give any opinion on the matter; I express no forgone conclusion. All I say, and I challenge contradiction, is that a public grant to such an establishment as St. Bartholomew's would be ten times better than an exemption like the present. When there is a public grant we know what we are about—we let in the light of day. The public becomes a party to the management; it has something to say and has a right to be heard, and arbitrary will is dethroned. There is another matter much more important. Are the sick poor of London exclusively maintained by endowed hospitals? Are there no unendowed hospitals? What is King's College Hospital, University College Hospital, Charing Cross Hospital, or St. George's Hospital? [Lord ROBERT CECIL: St. George's is endowed.] St. George's is, I believe, in the main supported by voluntary contributions, but it may have a handful of endowment. Let it be granted, for the sake of argument—what has never yet been suggested—that Parliament ought to make a present of some thousands a year towards the care of the sick poor of London. Then, I ask, is it just, is it politic, is it rational, that the grant should be confined to institutions which possess £20,000, £25,000, £30,000, and £35,000 a year, and which are in no degree influenced by opinion from without? Or is it not more just and rational that the money, instead of being given to great and wealthy establishments, should go in part, if not altogether, to the smaller and struggling institutions, some of which cannot always keep their beds open to the sick? The effect of the present exemption is, that to those who have, more is given, while from those who have not, something is taken away. For instance, King's College Hospital is taxed, for it depends on voluntary subscriptions, and its management is subject to the opinion of the subscribers and of the public. We, as a constitutional Parliament, are bound, I think, if the hospitals are to receive a grant, to bring them within our control. In these cases the tax takes away from a fluctuating income. Subscribers may drop away, the income may fall off; and I say, that if it be right to give money for the support of the sick poor, it is wrong to the great mass of the people that you should give it to richly-endowed institutions in the form of a blind exemption. It may, perhaps, be said in answer, that what the Government proposes to do is very insufficient. It is not, perhaps, an effectual mode of dealing with such a case as Jarvis's Charity. In fact, it is a very modest proposal. We ask to withdraw only so much of the public subvention as can be withdrawn without involving ourselves in hopeless practical difficulties. The application of the death duties to these charities would be more consistent; but these would eat into the *corpus* of the charity.

Before I sit down I must call attention to the rapid growth of charity estates. Strange to say, it appears to me that the property of the charities is increasing in value more rapidly than the property of the community at large. The income of charities, as returned by the original Commission, between 1818 and 1837, was £1,209,000. In 1862 it had risen to £3,000,000. By our remissions we can trace and verify the estimate to £2,666,000; but there is other property which brings the value up to the amount I have named. Consequently, if the charity property has increased in value 250 per cent, it has increased in an exceptionally rapid manner. How is this to be accounted for? I believe it may be accounted for in this way. The chief donors of charities have been citizens, and the great bulk of the land which they have bestowed, being in the neighbourhood of towns, has shared in a pre-eminent degree in the general rise in value of landed property. I will not go back to Jarvis's Charity; but there is in Monmouth a charity called Jones's Charity, which educates 100 boys. It has 320 acres of land at Deptford, and its income will be, I am told, after no large number of years, enormous. There is at Tunbridge a school which educates, at an expense of £4,000 a year I believe, 200 young gentlemen—how these young gentlemen can be objects of charity I do not know—and it is estimated that before the lapse of any very long time the lands of the charity will be worth £80,000 per annum. There is also Smith's Charity at Kensington—and I may here observe that I asked particularly the magnificent assemblage which I had the honour of receiving in Downing Street to-day whether their request related solely to the London hospitals, or to the whole mass of miscellaneous charities, and was answered by a loud buzz from all parts of the room, conveying the unequivocal affirmation that it was their wish that all those charities should be held sacred from a tax which I am every day compelled to wring from poor and destitute people who are not so fortunate as to be connected with such endowments. When the working man appeals to me on behalf of wife and children, and because of empty purses, fever, and sickness of all sorts, I am obliged to turn a deaf ear—I may not pity him—because I can make no deduction to them in the payment of money required for the purposes of the State. But to return to Smith's Charity. Smith, like other men, went the way of all flesh, having bequeathed his property for all time to his poor relations. Now what, let me ask, is the consequence of bequeathing property to poor relations? Not unfrequently to hold out to them an inducement to adopt a mode of life which makes them poor. Is it, let me ask, in the interest of morality that a young man, who has the world before him, and who has tastes and appetites which render him disinclined to work, should know that if he exerts himself, and that if his honourable industry be crowned with success, then he passes beyond the care of his progenitor; while, if he is only idle, profligate, and dissipated enough to become poor, he will come in for a portion of Smith's Charity? [Sir JOHN PAKINGTON intimated dissent.] The right hon. Baronet sneers; but what are the facts of the case? Can he deny the truth of that which I have just stated? [Sir JOHN PAKINGTON: Dissipation is not a condition of the Charity.] No; but poverty is a condition, and dissipation but too often leads to poverty. I ask the House, then, with confidence whether it is in accordance with sound policy and the principles of morality that a charity like that of Smith, should, for a given number of pounds to be disposed of according to the founder's caprice, receive an additional pound from the coffers of the State? I am informed, that when the leases of the charity property fall in, in some limited number of years before the close of the century, the income will be £150,000 a year; and taking this with the increase of other charities, the exemption, which now amounts to a quarter of a million, will reach to half-a-million a year.

Sir, I have delayed the House long. Although I may have felt that it was on the present occasion my lot to address an adverse assembly, yet I have deemed it to be my duty as a Minister of the Crown not to shrink from the discharge of the obligation which was imposed upon me, to show that neither my Colleagues nor myself took up this proposition lightly, or without due consideration. I am convinced, moreover, that in inviting public attention to ground hitherto almost untrodden, although particular interests may produce a momentary pressure, this discussion will not be without its fruits. I have stated that it is only by a licence of speech that the name of charities can be extended to deathbed bequests, even when applied to useful purposes. I have stated that the charities of England are not at this moment exempt, the exemption being confined to particular institutions. I have stated that the growth of those charities is more rapid than the wealth of the rest of the country; that many of them have been declared on good authority to be indifferent, and many bad. I have shown that the plan of the Government would subject the middle charities—which I admit to be generally good—to less than half taxation as compared with private property under certain circumstances; and that in the case even of the smaller charities, if they had any claim for a public grant, it was monstrous to make such a grant by way of an exemption, which selects for favour institutions which do not want, and leaves to struggle those which stand most in need of assistance. The proposition which I have made we do not submit to the House as a matter of financial necessity; we offer it to your notice as a just measure. I will say nothing now of the hard words which have been applied to it; but of this I am sure, that no one would have given to it a more cordial or conscientious support than he who so lately sat upon this bench, and whose loss we so deeply lament—

> "Justissimus unus
> Qui fuit in Teucris, et servantissimus æqui."

We propose this, then, as a measure of justice. We do not presume as a Government, by the means which a Government may exert, to press it upon an adverse House. The House must be responsible for its rejection. We desire to defer to the opinion of the House. We do not wish to show any undue obduracy. We will reserve to ourselves the right to consider in what way the subject ought hereafter to be dealt with if the House should not now wish to accept this proposal at our hands. But we at the same time urge its adoption on the House as a measure sound in principle—as a measure in conformity with the spirit which has guided the proceedings of Parliament for the last twenty years—as a measure just to the taxpaying community, and, above all, the labouring poor, to elevate whose character and to improve whose condition is one of the main objects of legislative action. In proposing such a measure we feel ourselves to be impregnable against all petty arts and reproaches, and we commend it with confidence to the justice, the equity, the courage, and the wisdom of the House of Commons.

SIR STAFFORD NORTHCOTE said, that since the Speaker left the chair they had been considering two clauses of the financial scheme proposed by the Chancellor of the Exchequer—clauses relating strictly to finance; but now, on reaching the third clause, they found themselves suddenly engaged in the consideration of an entirely distinct question, one which, in his judgment, had nothing to do with the question of taxation at all. For the right hon. Gentleman had just delivered an address, which, if it went to prove anything, went to show that the charitable endowments of this country, time-honoured and almost immemorial as were some of them, were utterly bad, and ought to be put an end to; and, that in assenting to the exemption of these endowments from income tax, the House was making itself a party to the iniquities which he had described in that eloquent speech of his. But if it was really desirable, on the ground of public policy, that they should put some check upon the tendency of persons possessed of property to leave that property to charitable uses; and should put a check upon the misappropriation of charitable funds bequeathed in times past, and which had grown to so large an extent; surely it was a most miserable and insufficient consequence to be told that they were to effect all this by taxing the incomes derived from these properties. A very different mode of dealing with these charities was required if the matter was to be treated as one of conscience and necessity. It seemed to him, however, that one or two fallacies pervaded the whole of the right hon. Gentleman's speech. The right hon. Gentleman, if he took £5 out of the pocket of a man with £100, put the case as if he gave the man £95; and not only that, but as if he thereby made himself responsible for the man's moral character also, and for the mode in which he had acquired his money and the use to which he intended to put it. That was the whole effect of the right hon. Gentleman's argument with respect to these charities. He (Sir Stafford Northcote) could not believe that his right hon. Friend could have been serious in his illustration that he put with reference to Sir Robert Peel. The imaginary illustration which his right hon. Friend put was this:—Suppose Sir Robert Peel, when he first imposed the income tax, had said that he would tax all charitable property; but, in order that the charitable property might not suffer, he would put a Vote in the Miscellaneous Estimates to give them back the amount. Why, was it at all fair to use such an illustration? He (Sir Stafford Northcote) might just as fairly say, Suppose, when the right hon. Gentleman proposed to repeal the paper duty, he had said that he would retain the duty; but in order that the readers of books and the consumers of paper should not suffer, he would put a Vote in the Miscellaneous Estimates of a million and a half to be given to the paper makers. Why such an illustration would have been just as fair as that of his right hon. Friend in this case. But such an arrangement would not have effected the objects with which the paper duty was repealed; nor would the imaginary arrangement suggested by his right hon. Friend have effected the objects with which charities were exempted from income tax. The truth was, that there existed the authority of all previous Finance Ministers against the extension of the income tax to charities. If the principles on which the income tax was first imposed were not lost sight of, it would be seen that they would be arguing on a mistake if they treated the matter in the way in which the Chancellor of the Exchequer had treated it. The principle upon which Mr. Pitt, or Lord Lansdowne, or Lord Sidmouth, or whoever altered the form of the income tax, went, was that of exempting all charities, and the same principle was followed by Sir Robert Peel when he renewed the tax; and the course which his right hon. Friend proposed to adopt was altogether founded on a fallacy. The right hon. Gentleman implied that the income tax was a tax laid on all the property of the country, and that whenever any property was exempted from it a present was given to the persons interested in that property. That, however, was not the true account of the income tax as it was first laid on by Mr. Pitt, or as it was restored by Sir Robert Peel. The true account was that it constituted a tax laid, not on property, but on persons — not on income, but on the recipients of income—the tax being measured in each case by the amount of the income. That was not a distinction without a difference, but was a substantial distinction, and one in point at the present moment. He would give the case of an opposite condition of affairs. The land tax was a tax on property, and the person holding the property must pay the tax, though he might not receive the whole income of the property. An estate might be burdened with annuities and mortgages, but the person holding it must not deduct any portion of the land tax on that account. But in the case of an estate charged to the income tax the case was different, and the person paying the income tax was allowed to deduct from the annuitants and mortgagees, to whom a portion of the income of the property was paid, the income tax chargeable on that portion; and in case the incomes of such annuitants and mortgagees, or any of them, were less than £100, they could get the amount of the tax back again, and no one would pay it. The law laid the income tax on all owners of incomes of a certain amount, because they were thought able to bear it. That was the principle of Mr. Pitt's income tax, and it was also the principle on which Sir Robert Peel laid on the tax; and it never occurred to them that they should lay the tax on the recipients of charities, when they were making an appeal to persons whom they thought best able to bear the burdens of the country. If the House chose to change the income tax into a tax on property, it must not exempt any income from taxation; but if it was intended, as the Government proposed, to maintain the principle of an income tax, and to relieve from the tax incomes under a certain amount, then he wished to know how could that example be reconciled with the present proposal to tax the recipients of charities? If a man left a small annuity to an old servant, that annuity would not be charged with the income tax; but if he left his property to trustees to pay annuities to all his old servants, then all these old servants would, according to the proposal of the Chancellor of the Exchequer, have to pay the tax. Such were some of the anomalies arising trom this extension of the tax to charities, and they proved that the Chancellor of the Exchequer was now departing from the principle of equality which a few nights ago he laid down in reference to the income tax. How could he claim equality for the tax when he was proposing to tax one class of small incomes for the benefit of another class of equally small incomes? Not only was this so, but the right hon. Gentleman was actually going to tax incomes derived from charities at a higher rate than many other incomes, because to a great extent the incomes of charities were derived from land; and on a former occasion the right hon. Gentleman had stated that the income tax laid on property derived from land fell as an impost in a heavier ratio than the tax on incomes derived from the funds, or from property in trade. Land in reality paid 9*d.* instead of 7*d.* to the income tax, taking into account the charges for repairs, insurance, management, &c. The consequence would be, that recipients of annuities of £15 or £20 from charities would pay a tax from which the recipient of an annuity of £80 or £90 in his own right would be exempt, and would pay at the rate of 9*d.*, while annuitants of £200 or £300 a year paid only at the rate of 7*d.* Nor was this all. When they came to the details of this plan, it would be found that in many cases the burden would fall far heavier upon some recipients of the charity than upon others. They were told that annuitants were to be treated with some favour, and that the tax was not to be deducted from their incomes, provided there were other funds from which it could be paid. But would not such a plan as that bear hard upon the salaried officers, or other persons beneficially interested in the charity, but not as annuitants? The exemption of one class meant the exemption of another; and if the annuitants were to be exempted, and perhaps, to some extent, the salaried officers also, of course the burden would fall upon those who were neither annuitants nor salaried officers. By way of illustration, he would take an educational charity in the borough which he represented, and with the circumstances of which he was personally acquainted. There was a certain charity established at Stamford for the purpose of maintaining a school. The revenues of the charity were derived from land, and the conditions upon which they were administered were these:—The whole income was to be paid to the schoolmaster in the first instance; he was bound to make certain payments to his assistant masters, and to provide board for one of them; the residue he took for himself. The gross income of the charity was, in round numbers, £680, the charges which the master had to meet were £180, leaving a net income of £500. He had to pay income tax upon the net proceeds of £500 at 7*d.* in the pound. But what would be the effect of this proposal? It would be that the income tax would be charged, not upon the net £500, but upon the whole £680, and the result would be, that instead of paying 7*d.* in the pound, he would have to pay 9½*d.* upon the net income. Instead, therefore, of this schoolmaster having a remission of his income tax, as he expected when he heard that the income tax was reduced, he would next year, when the tax was to be 7*d.*, have to pay £1 1*s.* 8*d.* more than he paid last year, when the tax was 9*d.* The noble Lord at the head of the Government must allow himself to be called as witness on this occasion. In the borough of Tiverton was a charity called the Blundell School Charity. The school was established under an old foundation by one Peter Blundell, a native of Tiverton. And, in passing, he (Sir Stafford Northcote) would say a word on behalf of those old founders. In his opinion, it was impossible to say anything more harsh of many of those old donors than to confound all of them together, and to treat them as selfish and vainglorious, instead of benefactors of the public. In the case of ninety-nine out of a hundred of them he believed it was not true that while living they spent their money upon themselves, and, when dying, robbed their relations by giving it to charities. The truth generally was, that during their lives they spent their money by bestowing it upon the various charities which were around them—they were no bad stewards of what had been given them; and at the last moment, many of them having no families, and many others having made provision for theirs, they made the best disposition of their properties that they could for posterity, by leaving them in trust in the best manner they were able. His hon. and learned Friend the Solicitor General was a man to whom he would appeal on that occasion, as one who took an interest in those matters, as one who would not rudely throw overboard the endowments of their ancestors. He knew he might appeal to his hon. and learned Friend to give good counsel to the right hon. Gentleman by his side, for they all were aware how the hon. and learned Gentleman had shown his zeal for endowments, how he had voted for them in that House, and he hoped they might now reckon upon his good word when the time for it came. But to return to the Blundell School; it was not administered purely according to the provisions of Peter Blundell's will, but according to a comparatively recent decree of the Court of Chancery. This decree was, that the master was to instruct gratuitously a certain number of boys; that he was in no case to take boarders; that the trustees were to provide certain stipends for the scholars, and certain other expenses on behalf of the school; and finally, that the master's salary was to be £400 a year, and the usher's £100; but it was provided, that if it should be found, when repairs and insurances were provided for, when the stipends of scholars were paid in full, and all other expenses met, that the funds were not sufficient to defray the salaries of the masters, the whole loss was to fall upon them. Now, the entire income of Blundell's School from endowments was £896 17*s.* 6*d.*, the necessary amount of annual outgoings, including stipends to scholars, but not masters' salaries was, £437 11*s.* 10*d.*, and therefore the balance available for masters' salaries was £459 5*s.* 8*d.* The income tax upon the gross income, at 7*d.* in the pound, was £26 3*s.* 2*d.*, which would be a tax of no less than 1*s.* 1½*d.* in the pound upon £459 5*s.* 8*d.*, the sum available for masters' salaries. Now, such a consequence as that could hardly be in the contemplation of the House, or of the Chancellor of the Exchequer himself. A great many claims had been made in favour of precarious incomes, and the Chancellor of the Exchequer had been forward to acknowledge, that if there was any class of incomes to which some tenderness ought to be shown, it was that of professional incomes. Well, here was a professional income, here was the case of a man who must have received an expensive education, who had no means of making provision for the future, and it was proposed to levy on his small income a tax nearly double of that which they were going to lay upon other people. And, at the same time, they were taking steps to relieve persons of £200 a year from a great portion of the burden of the tax. Did the Chancellor of the Exchequer really contemplate laying such a tax as that upon a school of that kind? That was what he wanted to know. Or did the right hon. Gentleman mean to say, that by-and-by, when the Committee should have passed this clause, he was going to being in a number of clauses which would deal with that particular class of cases, or that he would contrive that that with other classes of the like kind should be taken into consideration? But that should be done by means of general legislation, and the right hon. Gentleman had no right to come down to the House and throw a Bill in the midst of them, and tell them they must pass that clause in order to establish a principle, without letting them know in the least how they were to deal with the cases of hardship which would arise under it from one end of the country to the other. He had no doubt he could find a hundred cases to which those remarks were more or less applicable if he were to ferret them out through the country. The Committee ought to know, then, before passing this clause, that there was some plan which would remove those inequalities and prevent such cases of injustice as he had referred to. The Chancellor of the Exchequer had rested part of his case upon the injustice done to one class of charities and incomes as against another. Would his right hon. Friend say that the proposal which he had made would not inflict infinite injustice upon one class as against another?

Or would he say that he would so consider it as to rectify all injustice? They were now in Committee to settle the details, and the Chancellor of the Exchequer had no right to ask them to pass that clause as an affirmation of the principle, unless he was prepared to lay upon the table such other remedial clauses as he was resolved to stand by and to ask them to legislate upon. When the question came before the House upon the second reading of the Bill, he asked his right hon. Friend for some explanation which would show the real nature of his proposal; and when no explanation was given at the time, he expected that in Committee some would be given by way of modification of the proposal of his right hon. Friend. But his right hon. Friend had given none. Perhaps he had somewhere or other a plan—possibly in his mind, perhaps in his desk—for dealing with the case. Nothing could be more convenient for a Chancellor of the Exchequer than to decline to tell the House what his plan was until they had passed his Bill. But it was the duty of the House of Commons first to see how the Bill would operate, and then to say whether such crude and ill-framed legislation should be adopted, with the certainty of having afterwards to amend it over and over again. The right hon. Gentleman talked of equality in taxation—but if he taxed charities at all, he was mistaken in supposing that he was carrying out the principle of equality, unless he extended a uniform rate to all charitable foundations alike. Now, the right hon. Gentleman proposed not to revive certain exemptions of the Income Tax Act, but in regard to certain other exemptions he was silent. He (Sir S. Northcote) therefore presumed that the latter class of exemptions would still be continued. Among these exemptions were the stocks of friendly societies. Was it intended to leave them the same exemption as at present?—because, if so, he should like to give the right hon. Gentleman a little information about some of these friendly societies. He did not perceive that either the hon. Member for Rochdale or the hon Member for Birmingham was in his place. He regretted the absence of the latter hon. Member (Mr. Bright), because he would be able to give the House some information about the Rochdale Equitable Pioneers' Society. It appeared by the report of the society that it carried on the following trades:—Grocery and provisions, drapery, butchering, shoemaking, and clogging. It was, in fact, a co-operative society registered as a friendly society, and raising great complaints on the part of the trades with which it came into competition. All the other grocers, drapers, butchers, shoemakers, &c., in Rochdale paid an income tax of 7*d.* in the pound. This co-operative society at present paid no income tax; and, so far as he could make out, the right hon. Gentleman did not propose to bring the profits of this society within the provisions of his tax on charities. He could not admit the justice of such an exemption. The right hon. Gentleman argued that when the State did not tax charities it made them a present of the money. He did not admit the accuracy of this statement, but he was entitled to use it against the right hon. Gentleman, and he therefore asked whether he thought there was any ground for making a present of public money to the Rochdale Equitable Pioneers' Society. The number of members of this Rochdale Society was 3,501; the amount of their share capital was £33,961. Their profits last year were £17,434, which were applied as follows:—Depreciation of fixed stock account at 2½ per cent quarterly; interest on paid-up shares at 5 per cent per annum; educational purposes 2½ per cent; remaining profits divided among the members in proportion to their trade with the society. Was it fair, when the right hon. Gentleman was going to tax all the charities of the country, and the recipients of these charities, to continue these exemptions, and to make the members of this society a present of income tax on a profit of £17,000? Such legislation could not stand. Depend upon it, it would only be the beginning of the end—the opening up of a very large and awkward question, of which neither the right hon. Gentleman nor the House could at present see the solution. Such a principle was at all events too extensive to be discussed upon a clause in a Bill. He trusted that the House would not accept this clause or commit itself to such crude legislation. The right hon. Gentleman had opened an indictment against the charitable endowments of the country, and against persons who made deathbed bequests. Now, he (Sir S. Northcote) was not there to maintain that such bequests ought to be encouraged; but what he failed to see was how the proposal of the right hon. Gentleman was calculated to cure the mischiefs attributed to these bequests. The House had heard a great deal to-night of the bequests of Jarvis and

Smith, who had, it appeared, both sinned, but in an opposite manner. One had committed a terrible sin, because he had left money to his poor relations; and the other, according to the right hon. Gentleman, had equally sinned, because he did not leave his money to his poor relations. The right hon. Gentleman contended that all those testators who, from the beginning of time, either had or had not left money to their poor relations ought to be operated upon by the Bill. But how would the House correct the practices or rectify the mistakes of testators like Jarvis and Smith by now taxing the recipients of their charities? The right hon. Gentleman did not seem to realize the truth that these persons were animated by good intentions, and that under the circumstances of the times in which they lived they had not made such a very bad disposition of their money as the right hon. Gentleman would have the House suppose. But the right hon. Gentleman said that times were altered. There he agreed with him—much that was good then was now injudicious or improper. The Commission that sat on the charities of the kingdom had made many suggestions for the improvement of charities, but had they recommended that they should be made to pay income tax? Nothing of the kind. What they recommended was that Parliament should deal with certain charities; and that where it was found that certain funds had failed to do good, or were doing positive harm, the State should interfere so as to set matters right and make the directions originally given by founders more applicable to present circumstances. Though he (Sir S. Northcote) admitted that that would be a very delicate operation, he was not one of those who would advise the State to shrink from the task—indeed, so far from doing so, he thought that it was the duty of the State to look from time to time into those endowments, with a view to adapt them more and more to the altered circumstances of the day. He had come across a passage in a book he had been lately reading, which he would venture to quote. Lord Brougham, in defining the sentiments which ought to actuate the Charity Commissioners, had, he thought, supplied a rule for the legislation of the House much more suitable for its guidance than the proposal of the Chancellor of the Exchequer. Lord Brougham, writing to Sir Samuel Romilly in 1818, said—

> "No violation of property could be committed by using any fund given to the poor in a manner different from its original destination, provided the result were infallibly to lessen their numbers and still to employ it in works of charity. We both accurately and conveniently speak of the poor as a body having rights, when we complain of those who have misapplied their property by converting it to their own use."

What was the House now asked to do? To take £250,000—by the way, the sum had grown considerably under the right hon. Gentleman's calculations since he first submitted his proposition to the consideration of the House—to take £250,000 from the charitable property of the country, in order that it might be applied to the reduction of the income tax for the benefit of those who were now liable. The right hon. Gentleman told the House, that if these charities were made to contribute to the general burdens of the country, we should be enabled to reduce other taxes, our own income tax or our own tea duties. But would not that be, in the language of Lord Brougham, misapplying the property of the poor by converting it to other uses, and contravening the original designs of the founders of these charities? He could refer to this subject with a clear conscience, because he was a Member of the Public Schools Commission, which was engaged in an inquiry into educational institutions possessing a large amount of trust property. The Commissioners would probably recommend that certain funds which were now dealt with in one way should be in future dealt with in another, in order more entirely to accomplish the purposes of the founders. This would be no infringement of the property of those for whose benefit the schools were founded. When the right hon. Gentleman, however, came forward with his figures relating to Christ's Hospital, he was really eluding the point, and proving quite a different thing; because if his case against Christ's Hospital were true and just—upon which he expressed no opinion — the right hon. Gentleman ought not to propose to take 7*d.* in the pound out of the revenues of the foundation, and carry it to the public treasure, but to consider how to cure all the evils of which he had complained, and to subject the present constitution of Christ's Hospital to a proper examination such as that recently instituted into the schools of Eton and Westminster. Let them reform these abuses, if they really exist, by some sound and appropriate legislation. That was the way the Legislature dealt with the universities. He did not propose either to defend or to find fault with the details of the course pursued towards the universities, but he approved of its principle. If the same principle were applied to charities generally, they could discuss and agree upon that principle, and afterwards consider the details. But the present proposal — this rough, rude, and undistinguishing method of confiscating to the use of the State a certain proportion of the property of charities—left the evils untouched, exactly as they now existed. Not one particle of good, but, on the contrary, a great deal of mischief, would result from the course proposed. His right hon. Friend, with all his ingenuity, entirely failed in making out his case. He brought an indictment against the charities of the country, and arraigned the House of Commons as parties to the iniquities which he described. But what his right hon. Friend called giving those charities "a present" only meant that the same exemption they had enjoyed from the days of Pitt had been continued to the present time. His right hon. Friend admitted that some of these charities were doing a great deal of good, that others proved in a moderate degree beneficial, while some—and this he was not prepared to dispute—were actually doing harm. Well, let him deal with those he regarded as injurious; but let him not come upon the other charities and withdraw from their funds a material amount by way of income tax. It was very possible, as suggested, that means might be found of making good the loss of the abstraction of the income tax by great corporations like Guy's or St. Bartholomew's Hospital; but there were other charities scattered over the kingdom in the case of which the means of replacement would not be so readily forthcoming. Stamford had been already alluded to. At Exeter the amount of the tax leviable upon the hospital would support thirty patients, and that upon the dispensary would be equivalent to the cost of thirty-six patients. Throughout all the small towns and country districts the tax would be severely felt, and would fall heavily upon persons struggling to maintain themselves, and to meet the increasing demands made upon them by the poor in their neighbourhoods. His right hon. Friend referred to the great increase in the value of property belonging to St. Bartholomew's Hospital. It was true its property had largely increased in amount; but his right hon. Friend did not take into account the large augmentation in the demands upon it. If the property had improved since 1841, so also had the amount of good which the hospital had done. Its property was represented as increasing 4 per cent in twenty years. He need not go back more than ten years to discover that the population of London had increased 18 or nearly 19 per cent. The very growth in value which was referred to, occasioned by additional building and the establishment of manufactures, had the effect of bringing to the spot an increased number of workpeople, and consequently a large and increasing mass of poverty. How were they to deal with that mass of indigence? His right hon. Friend threw out an odd suggestion to the effect, that if the great hospitals should be crippled in their usefulness, and if it were found necessary to help them to do as much good as they had heretofore done, their means might be supplemented either by private charity or by a Parliamentary Vote. This opened a wide question, far beyond the question of the incidence of taxation. The question in reality lying at the bottom of this discussion was thereby raised—was the House prepared to condemn the policy of these great public endowments? Were they willing to rest the relief of the poor and the sick in England on the two foundations referred to by the right hon. Gentleman of private charity and State aid, the foundations on which alone they rested in foreign countries, and to abandon those noble endowments peculiar almost to England, and holding a place which he should be sorry to see left empty? The Government ought to be grateful for what private charity had accomplished. If ever there was a moment when they ought to be cautious and tender in imposing taxes on public charities, it was at this moment, when the cry of bitter distress from Lancashire had called forth noble and spontaneous efforts on the part of the entire people of the United Kingdom, whose contributions in aid of the fund for the relief of that distress had excited the admiration of the whole world. He would be told it was not proposed to tax voluntary contributions. Of course not. But when any great national call took place contributions to the ordinary charities were drained away, and what would become of them if they had not these endowments to fall back upon? The finance committee of the Society for the Propagation of the Gospel, for instance, estimated that in consequence of the contributions to Lancashire this year their ordinary revenue had fallen off to the extent of nearly £4,000. Did not that tell a tale as to what must be the case with other institutions? Would it not be so to a great extent with St. Bartholomew's and Guy's Hospitals if they swept away their endowments and left them to depend upon private charity? These great endowments once swept away, private charity might for a time supply the needs of all; but let a time of pressure arise, and the people would either be left to perish for want of help, or they would be forced to apply to the Government and the Poor Law Board. Was, then, the condition of metropolitan unions so satisfactory that the hospitals might all be swept away in their favour; or would they make good the deficiency by Votes administered by the Chancellor of the Exchequer? There was no reason why, if the deficiency of funds were supplied by Parliamentary grants, they should not go a step further, and administer the grants by public officers; they would then fall into the same condition as other funds administered by the State. Was the policy of the Government pointing in that direction? He did not ask whether the Government or whether the House were now prepared to go that length; but ought they not cautiously to scrutinize the first step having such a tendency? He ventured to say that the subject was not yet ripe for consideration; it ought to be brought forward in a manner proportioned to its magnitude. At present the House had a false issue before them. His right hon. Friend's speech was full of fallacies. It was a fallacy to suppose the State was making a present to charitable institutions when it abstained from taxing them; it was a fallacy to contend that recipients of charity were on a different and better footing than persons with small incomes derived from other sources; it was a fallacy to imagine that inequalities would be got rid of, and would not rather be created, by the proposed legislation; it was a fallacy to assert that the mischiefs, if there were mischiefs, attendant upon small charities could be cured, or in the slightest degree diminished, by laying petty taxes upon them. The charities of the country ought not to be dealt with upon statements such as they had heard that evening. They might depend upon it that to whatever belief the Government might have brought their own minds, and whether they might be able to induce the House to concur with them upon this question or not, they certainly would not be able to carry the feeling of the country with them. Nothing could be more mischievous than to pass legislative measures which did not carry with them the assent of the great mass of the people. He would not rest his appeal to the Government on the ground of mercy or of charity; he would put it on the score of expediency. If they passed this measure, there would not be a single meeting this autumn for any charitable purpose; there would not be a speech made, a collection asked for, or a circular issued, in which some reference would not be made to the tax which the Government had laid upon the charities of the country; and, worse still, there would not be the Chancellor of the Exchequer present to explain that it was no tax at all. The House might depend upon it that the measure would create a feeling of grievous soreness, irritation, and perplexity throughout the country, with this only result—that if they could contrive to maintain it in operation for a single year, they would have to devise this, that, and the other exception to meet the cases of hardship as they arose, until finally, after a longer or shorter time, depending upon the greater or less amount of tenacity of purpose exhibited by the Chancellor of the Exchequer, he would be obliged to come down to the House—as he had already done this Session—and make another offering at his country's shrine of his own mistakes in legislation. For the sake of their own good faith, the House ought to stop short and refuse to take a step in the dark; it was a step they would be forced to retrace, and of which they were hardly competent to foresee the consequences. No one could say to what extent the impost would be felt, but that it would be felt most widely was evident from the consternation excited throughout the country, and the number of petitions already beginning to pour in. Depend upon it, this was a matter in which, above all others, they ought to be slow, cautious, and tender in their dealings. He earnestly entreated the Government not to press this proposal to a vote, but to withdraw it. If they did not do so, he should feel bound to take the course he had already indicated, and in that event he hoped the hon. Member for Rochester (Mr. Wykeham Martin) would not press the slight Amendment of which he had given notice; and if a division were taken, he hoped the numbers would show unmistakably that the House were not prepared to sanction the legislation which the Chancellor of the Exchequer had submitted.

Mr. MAGUIRE expressed his disappointment at the proposal of the Chancellor of the Exchequer. In his opinion, a more unwise proposition, or one more injurious to his fame, had never been made by a great statesman. The Budget of the right hon. Gentleman was a popular Budget, but it was a pity that the Chancellor of the Exchequer should spoil it by small and niggard attacks on the charities of the country. He would give two instances of the effect of the measure on charities in the city he represented. One was for the support of aged women who once were in a respectable class of life. If this charity were taxed, two of those aged females must be sent from the doors of the institution. The other was a more important endowment still. It was for the purpose of education, founded by a benevolent physician, who thought he was seeking to add to the glory of God and the benefit of God's creatures. Dying, he left all his wealth to a religious community, who were to devote themselves to education. They accordingly established several free schools, in which they now educated 2,300 boys. Tax that establishment, and it would be deprived of the means of supporting two of the body of teachers, and the result would be that a school now educating 200 boys must be shut up. He deprecated the attack on charities of the right hon. Gentleman, and he did so on the ground of the charities themselves, but also of the right hon. Gentleman's own fame and reputation. He could conceive nothing more absurd than the Chancellor of the Exchequer saying that the State was giving those charities a boon. The Chancellor of the Exchequer was doing nothing more than taxing poverty, taxing the poor, taxing the wretched, taxing the miserable, depriving children of education, orphans of bread, the sick of hospital relief. He did not think that any amount of ingenuity on the part of the right hon. Gentleman could explain away these facts. He had listened to the Chancellor of the Exchequer with a hope that he would be able to support his scheme; but the more the right hon. Gentleman spoke the more apparent was his fallacy. As the last speaker had said, if the minor charities were bad—if they were rotten to the core, had Parliament no power to apply a remedy? Why not tax those who had the pickings, those who were the parents of the abuses, not those who were the recipients of the bounty that flowed from the original endowments.

Lord HARRY VANE said, he was also sorry to say he had not been convinced by the very able speech of the Chancellor of the Exchequer. The right hon. Gentleman had touched upon many topics which were far from relevant to the immediate subject before the Committee. He had made a vehement attack upon the minor charities. Now, he (Lord H. Vane) was not prepared to say that the minor charities were of the best possible description, but many of them were still charitable and still beneficial, though perhaps only slightly so, compared with what they might be if their constitution was different. But was it an argument, that because charities were founded a long time ago, and under a very different state of things from the present, that the recipients of these charities should be taxed, though benefited individually to an extent far below that which Parliament had fixed as the limit of taxation? He would say nothing about the middle charities, because with them he was less acquainted; but every one had some knowledge of this description of endowment from his own locality, and there seemed no reason why the efficiency of these charities should be diminished, when it was admitted that they possessed some efficiency. No doubt they were sometimes due to the vanity of their founders, and their advantages were not commensurate with their endowments; but because this was the case, was it desirable that they should, for the first time, be submitted to taxation? The hospitals, though their foundations were very large, had not increased in proportion to the population, and therefore to the demands made upon them. In Paris there were very large foundations, and he felt quite sure that on the opposite side of the Channel a proposition for taxing the hospitals would not be entertained for a single moment. In a capital, then, like London, teeming with wealth of every kind, was it wise, contrary to all precedent, all authority, and the practice of every other country, to submit charity to taxation? He could not believe that the right hon. Gentleman would persevere in such a plan. He (Lord H. Vane) knew that in every part of the country there existed a very vehement feeling of opposition to the measure. In many places, indeed, the greatest feeling of astonishment was expressed that such a proposition should be entertained. He hoped the Government would not put the Committee to the pain of voting on this question. He could not doubt but that the sense of the House was strongly against the proposition.

Mr. P. WYKEHAM MARTIN said, that in putting upon the paper the Amendment of which he had given notice (to exempt from the operation of the measure rents and dividends belonging to hospitals for sick and diseased persons), he had not in his view the establishments of which the right hon. Gentleman had spoken, where they ate up 150 cases at a dinner, but a more meritorious class of endowments—the country hospitals, not long ago endowed, and supported by donations made in the lifetime of the donors, and which, if compelled to pay income tax, could only pay it by inroads upon their landed or funded property. In a country hospital, if a fever broke out, they had the support of local charities it was true, but they were liable to be reduced to a state of pauperism—that is to say, to the necessity of shutting up some of the beds. No doubt the present exemption of hospitals from taxation resembled a gift from the public purse; but this technical difficulty should be overlooked, and that it was for the interest of the taxpayer that a slightly increased tax should be paid, and these establishments exempted, in order that the poor might, in their greatest extremity, be able to receive in public buildings as much attention as the rich did in their private houses. In the case of the poorer hospitals the burden upon the taxpayer was, in point of fact, very slight. He would, however, give notice, that in the event of the clause being passed, he should move his Amendment on the bringing up of the Report.

Lord ROBERT CECIL said, he perceived that no hon. Gentleman who sat behind the Treasury bench was inclined to advance an argument in favour of the proposal of the Chancellor of the Exchequer; for although four opponents to the measure had followed in succession, there had been no appearance of a rise on the Ministerial side of the House to defend the proposition of the Government; but from the position he occupied, and his general reputation as the mainstay of the Government, in all probability they would by-and-by have the pleasure of listening to the Solicitor General; and as the hon. and learned Gentleman was the solitary barrel the right hon. Gentleman had still got loaded, they were perhaps right in reserving him for the last occasion. Probably, the hon. and learned Gentleman would be let off about eleven o'clock. In the interval he supposed the opponents of the measure would have the speaking to themselves; and, availing himself of that opportunity, he (Lord Robert Cecil) rose to show his reasons, in spite of the powerful sophistry of the Chancellor of the Exchequer, in opposition to the Bill. When he listened to the speech of the right hon. Gentleman he could not help remembering the very old story of the defendant, who, having no case, instructed his counsel to abuse the plaintiff's attorney. The only difference here was, that instead of abusing the plaintiff's attorney, the Chancellor of the Exchequer abused the plaintiff himself. The whole of the speech of the right hon. Gentleman was a long indictment against charities, the benevolent, and the poor. From the beginning to the end of his speech he threw the whole of his impassioned eloquence in an invective against those who gave and those who received. He spoke with great bitterness of many of the existing charities, Lewis's Charity, and Jones's Charity, and Smith's Charity. He (Lord Robert Cecil) had not the details of these charities at his fingers' ends; he therefore could not attempt to refute the right hon. Gentleman's assertion; he left the right hon. Gentleman in possession of these charities. The Chancellor of the Exchequer spoke with like bitterness of those who subscribed to the funds of Christ's Hospital and other charities, and who, in virtue of their donations, enjoyed the nominations; and he seemed to think that those patrons could be actuated by no other motive than the desire of the consequence that position might confer. But if the right hon. Gentleman spoke with bitterness against the living, he raved with absolute fury against the dead. He (Lord Robert Cecil) had seldom heard a denunciation in that House more vigorous and more hearty than that which the right hon. Gentleman directed against the men to whom we were indebted for all our endowments for religious or charitable purposes. He (Lord Robert Cecil) did not deny that there might have been cases such as those alluded to. There might be cases where men left money to charities because they wished to spite the heir; but he did not think it was worthy the right hon. Gentleman's position to cite such cases as if they were average examples of the whole. The Chancellor of the Exchequer, from his position as representing a great university—

a university which relied to a great extent for its endowments on the bequests of the dead, ought to have been able to appreciate with justice the motives by which the donors were actuated. He was speaking no sentiment, no idle phrase, but an historical fact, when he said it was not from spite, it was not from a petty desire to have their names written on white walls, not from a desire to be toasted at public dinners, that those great men made those dispositions to our charities. It was not his part to defend the tenets of a Church to which he did not belong; but speaking for the dead, and as a matter of historical notoriety, everybody who heard him well knew that those who left those great estates deemed that they served the glory of God and the good of their fellow-men; they were not animated by any of those mean and petty motives which had been attributed to them; they obeyed the idea of the age in which they lived, and followed the dictates of the religion in which they believed. It did seem too much, after generation on generation had enjoyed the benefits of their bequests, that a statesman should come forward in this day, and because those bequests did not suit or square with the symmetrical theories in which he believed, or the hard and material philosophy to which he had devoted himself, he should attempt to besmear the memories of the testators by ascribing to them motives that were foreign to their souls. He (Lord Robert Cecil) alluded to this, because it seemed, that coming from the representative of a great university, such allusions might have a weight to which their intrinsic value would not entitle them. But they seemed to him (Lord Robert Cecil) to be wholly irrelevant to the question before the Committee. They had nothing to do with the motives of deceased testators or donors; they were coming forward not to attack the dead, but to defend the living. He did not care what the motives for the gifts might be; they did not lay their taxes or shape their financial schemes for the purpose of regulating the motives of men who might hereafter make dispositions on their deathbeds; what they were anxious for was to protect the interests of the poor, the diseased, the miserable, and the wretched. It was idle to come to the House and propose to deprive the poor of that which had been bequeathed to them, by impugning the motives with which these bequests were made. But that was not the only irrelevant matter which the Chancellor of the Exchequer had introduced into his speech. It was not only the motives of the testators he had impugned—he had impugned also the character of those who received the gifts; he had impugned the economy of those who administered the gifts; he had impugned the motives of the patrons who presented to those gifts. But those were not the grounds on which they claimed those exemptions. He (Lord R. Cecil) did not ask for subvention to the charity; he did not ask for an endowment from the hands of the State. All he asked for was bare and simple justice. He asked for that equality which already was given to all other classes in the State. He asked only of the Chancellor of the Exchequer that his own rules, with regard to taxation, should be fairly applied to all. He was glad that the Chancellor of the Exchequer had given up one argument—that he did not attempt to treat corporate charities as persons, and that he did not say, that because there were a large number of persons with small incomes, they were to be considered as an individual with a large income. The right hon. Gentleman had acknowledged that most of the recipients of charities were persons in the receipt of small incomes, and that therefore they ought to be dealt with as such. He (Lord R. Cecil) said, however, that a lawyer might argue the other way; and that he left the right hon. Gentleman the Solicitor General to settle with his Colleague. Accepting the concession of the Chancellor of the Exchequer, the House should bear in mind that the whole fabric of the right hon. Gentleman's declamation on the abuses of charities and the scandals which he alleged to exist, fell to the ground if the recipients of these charities were persons receiving less than £100 per annum, and therefore exempt from the income tax. There might be debauched persons with less than £100 a year who were in the receipt of charity; but there were debauched persons with less than £100 a year who were not in the receipt of charity; and did the right hon. Gentleman propose in their case to repeal their exemption from the income tax? He could take the right hon. Gentleman into places not far from the House, through which it was his sad fate to have to walk home from the House, and show him the moral condition of those who benefited by the exemption of incomes under £100 a year; and nothing could be adduced in the case of Jarvis's charity which would at all equal what he would see. But the truth was, the only question they had to consider was this—were these persons receiving less than £100 a year? If the Chancellor of the Exchequer could show that any of them were receiving more than £100 a year, let him introduce a Bill to render them liable to the tax, and he would support him; but he proposed to tax the widow in her almshouse, receiving 2*s.* a week—the patient in the hospital, who had no resources but the labour of his hands for his daily bread—the most miserable of mankind, and the lowest stratum of our vast community; and it was maintained that these were to be taxed because a certain number, in certain circumstances, had given evidence of immoral habits. He had been struck with the fury with which the right hon. Gentleman had attacked the hereditary possessions of the poor. In certain parishes certain pious persons and benevolent donors in past times had left sums of money to be distributed among the poor, and that fact had evoked the severest condemnation of the right hon. Gentleman. He said, that when money was given to the poor, they ceased to work; and therefore he condemned the system of giving, because it tended to pauperize the people. But did the possession of an ancestral estate pauperise the son of a duke? These charities were the heritage of the poor, secured to them by the law, and they were as much entitled to them as the son of a peer was to inherit the property of his ancestors; and though it often happened that those who had no need to work did not work, he never heard any one propose to abolish the inheritance of the rich for fear that their sons should be pauperized. The right hon. Gentleman's indignant eloquence was all beside the question; the only question was, he repeated, do these people fall within the exemption for persons receiving less than £100 a year? If they did not, he would yield them to the mercy of the Chancellor of the Exchequer; if they did, not as a subvention or endowment from the State, not as a favour, but as a strict right, he claimed for them the exemption which they now possessed. The right hon. Gentleman was too ingenious not to have found a plausible and specious reply to that objection—namely, that if you take the property as a whole, and subject it to the probate and succession duties, and calculate the proportion that duty would bear to the income tax proposed, you will find that the hospitals are rather mildly than severely treated But this was a fallacy; we did not levy probate and succession duty on incomes of £10 or £20 a year. The policy of our law—the true and Christian policy of our law—was to spare that class of the community who received them from direct taxation. If the probate and succession duty, as administered, were a compensation for the income tax proposed, he asked the Chancellor of the Exchequer to administer the law logically, and to impose a probate and succession duty on persons of minute income. He would find it practically impossible, and, if it were not, Parliament would interfere. Probate duty essentially belonged to the rich; the exceptional and occasional instances in which it applied to the poor were not sufficient in number to be adduced as a counterpoise to the heavy weight now proposed to be placed on charities. The right hon. Gentleman exceeded himself in sophistry when dealing with the large hospitals, for he said they were to be taxed because they had gained so largely from the commercial legislation of the last few years. But this was not, as the right hon. Gentleman seemed to think, a universally admitted fact; for on one side of the House at least there was a general conviction that our great commercial prosperity was due far more to the increase in the means of locomotion than to those remissions of taxation which were relied on by the right hon. Gentleman. He would not, however, argue the question; he would only call attention to the absurdity of asking them to place a tax on those great hospitals on the theory of one school of opinion. The right hon. Gentleman said that whenever he had removed a protection he had always been assured that dismissals would be the consequence; but he had become sceptical, and he seemed to know more about the hospitals than the managers, and disbelieved what they said. His ground was, that commercial legislation had improved trades; and he argued, that if you imposed an income tax on corporations, they would flourish amazingly, and that hospitals would be able to take in the patients that had been hitherto excluded. But could hon. Members adduce instances in which revenue had been increased and expenditure diminished by the imposition of an income tax? The right hon. Gentleman seemed to envy the growth of the heritage of the poor, and was angry because the hospitals were becoming richer and richer. He was almost tempted to ask the right hon. Gentleman if he had seen anything of the misery of London. Did he know how many persons these hospitals were obliged to repel from their doors through their lack of means? If all the anticipations of the right hon. Gentleman as to their increasing wealth were realized, the great hospitals would still be far from able to meet the wants of the miserable poor of London. Moreover, it was impossible that the right hon. Gentleman could have selected a more inopportune time in which to make this proposal. There was not a hospital in London whose income had not fallen below what its needs required owing to the great calamity of Lancashire, which had this year drained the charities of London. The immediate effect of this measure, if passed, would be to aggravate the misery that already existed; to lay a tax upon those who did not know where to look for their daily bread —upon those whom this House was especially bound to protect, because they were the most helpless of our population; and he therefore had every confidence that such a proposal as this, brought forward at such a time as this, would promptly, and by a large majority, be rejected.

THE CHANCELLOR OF THE EXCHEQUER: This debate having been brought to a close, we have no further means of ascertaining the opinion of the Committee upon the proposal submitted to them. It was certainly not the intention of the Government to press this as a merely official proposal on the part of the Executive upon the notice of the House, unless the House itself showed a disposition to receive it. Our opinions upon it are fixed and clear; but as the debate has come to a close without any independent Member having declared himself in the same sense, I am bound to say that I think the case has arisen which I contemplated earlier in the evening as not impossible, and that it would not be consistent with what I have already said if we were to take the sense of the Committee upon the clause.

MR. DISRAELI: Sir, I must say that the announcement which the right hon. Gentleman has just made appears to me to be a very rational determination; but, at the same time, I never heard an announcement for which I was less prepared by the speech in which the proposition was introduced by the right hon. Gentleman. I should not have risen to make any remark after the last observations of the right hon. Gentleman had it not been preceded by a speech which introduced to the consideration of the House principles so dangerous—I might even say so monstrous—that I think it would hardly become the House to allow the debate to close in silence, and not to attempt to obtain some evidence that the opinions advanced by the right hon. Gentleman were at least shared in by his Colleagues, and especially by the First Minister of the Crown. The speech of the right hon. Gentleman was answered at once by my hon. Friend the Member for Stamford (Sir Stafford Northcote), who displayed a thorough knowledge of the subject, and dealt, as I think, with a master hand with those glittering fallacies which had been introduced with such confidence to the House. The debate went on. No one rose, on the part of the Government, to answer the objections which had been made to the proposition of the right hon. Gentleman. I think it was due to my hon. Friend, to the House, to the country, and to the character of the Government generally, that some answer should have been made to the objections urged to a proposition put forward with so much confidence—I will not say with so much dictation. Sir, under ordinary circumstances, when the Government had withdrawn a proposition put forward with so much parade, I should willingly have remained silent. But here occasion was taken to use the proposition as a means of circulating principles of policy to which the Government may recur on future occasions as having received from the silence of the House some sanction. The opinions, promulgated by the right hon. Gentleman to-night, appear to me such as ought not to be allowed to pass unnoticed. The right hon. Gentleman introduced a short time ago his general financial statement. When I listened to it I was anxious it should pass, as to its main features, with no organized opposition; and I contented myself that in the course of discussion that would arise the objectionable portions of it would disappear or be withdrawn without being painfully obtruded on the consideration of the House. I was anxious for this, for the honour of the House of Commons, because the Budget introduced by the right hon. Gentleman was, in its main features, the Budget of the House of Commons. Last year the House was called upon—I will not stop to inquire by whom or on what side of the House he may sit—to consider whether it was not expedient to counsel the Government that a considerable reduction was essential in the public expenditure, seeing by that means alone a reduction of taxation could be attained. We were then told that the reduction of the expenditure by any considerable amount was quite illusory; that no one could venture to touch the expenses of the army or the navy, and that the man was guilty of subserviency and servility to France who could for a moment, and in however moderate terms, insist on the wisdom, the policy, and the possibility of such a course. This Session has brought forward a different view of public affairs. Economy is possible. It is not now subserviency or servility to France to obtain by most legitimate means a reduction of the burdens of the people. And I say that for this great measure of reduction brought forward by the Government we are indebted to the House of Commons, and not to the Government. It is the House of Commons that has reduced the tea duty and the income tax; and in these main features the Budget is the Budget of the House of Commons. Sir, I regretted to find that with those great features of the Budget the right hon. Gentleman has introduced some remarkable measures of eccentric invention, as if to vindicate the right hon. Gentleman's claim to financial originality and to the wonder of an admiring Parliament. Now, Sir, I was very much amused at the tax that was proposed to be imposed on carriers; for I could realize, as many other hon. Gentlemen, especially on this side of the House, the amount of ingenious vexation which that ingenious device would certainly have secured; but that proposition disappeared before the order of battle could be formed. Then there was the plan for taxing clubs. One hardly knows, such is the bewildering rhetoric of the right hon. Gentleman, whether that has been successful or not; but if it be a consolation to the right hon. Gentleman for his defeat on the charities that he was the conqueror of the clubs, he may cherish that consolation for this evening; but it is quite possible that before our labours cease that eccentricity may also disappear from the Budget of the House of Commons. But to-night your attention is called to an invention of the Chancellor of the Exchequer of a much more serious character than those I have mentioned—another unnecessary novelty, in itself objectionable, but still more objectionable from the manner in which it has been introduced, and from the principles which in the discussion have been associated with it by the Government. To-night the Chancellor of the Exchequer called on us to tax the charities of the country. He was perfectly justified in that appeal if he could have established a case that would have recommended itself to our consideration. I am quite sure, that if the principles on which he recommended that course had been such as would have satisfied our reason, no sentimental objection would have been offered to it by the House of Commons. But the Chancellor of the Exchequer laid down a principle which was the basis of the all-engrossing arguments with which he has treated us this evening—that principle is, that if charities are exempted from taxation, that exemption is to be looked on as a donation from the State. That was the foundation of the right hon. Gentleman's glittering oration of two hours and a half, to which we listened with so great pleasure, but with still greater surprise. Whatever his train of reasoning, whatever his novelty of argument, whatever his illustrations, they were all traceable to the original fundamental principle of his policy—a principle which I say is utterly false in its premisses, and equally fallacious in its consequences. The Chancellor of the Exchequer assumes that the exemption from taxation is the same as a contribution from the State of an equivalent amount of money to the person exempted; but is that so? I deny it. You may have exemptions that are injudicious and unjust, as, unquestionably, you may have an injudicious and unjust tax; but an exemption founded on justice—and all your exemptions should be founded on justice—is founded on the assumption that you have established your claim. On that principle you ought not to be liable to the tax, and the exemption is a just one. Exemption, then, is not a privilege—it is a right. ["Hear, hear!"] The hon. gentleman says "Hear, hear!" as if the *onus probandi* were on me to show that these charities are justly exempted. But we have not got so far as that. The argument of the right hon. Gentleman the Chancellor of the Exchequer is founded on what he deems the abstract principle that exemption is a donation from the State. Well, I deny that principle. I say we have a right to assume that the exemption is founded on justice, and there is nothing in the abstract nature of an exemption that justifies the attack of the Chancellor of the Exchequer on charities. It is for the House to decide whether the claims for exemption of charities are just or not; but that is entirely different from the principle laid down by the Chancellor of the Exchequer—namely, that exemption is a contribution to person or property. What we have to decide to-night is, whether the exemption hitherto enjoyed by our charities is an exemption sound in principle or not. Having laid down this principle, the Chancellor of the Exchequer proceeded on the assumption that those charities that have been exempted from the action of income tax enjoyed a privilege and a usurpation; and then he proceeded with his argument, or rather invective, against the institutions themselves. The greater portion of his speech was directed, not against the intolerable state of affairs which allowed large portions of property to be unjustly exempted from the incidence of taxation, but it was an invective against the very nature of this property—against the conditions under which it exists, and the principles, customs, habits, and traditions of an ancient country. The right hon. Gentleman, proceeding always in this line, and weakened and embarrassed in spite of all his ingenuity by the false principles on which he started, was compelled to misdescribe the income tax itself. He argued throughout that it was a tax on property; while, if there be anything clear, anything acknowledged in finance—and this, I think, my hon. Friend the Member for Stamford put before the House in a conclusive manner—it is, that the income tax is a tax on persons and not on property. Being a tax on persons, we are naturally asked, why are those persons to be liable to the tax who are not enjoying that amount of income which you exempt under the general regulation of the income tax, whilst others enjoying the same or a greater income are free? Why, the answer is, that these are to be made liable because the Chancellor of the Exchequer chooses to entertain a view of the endowments of the country different from those that have always influenced Parliament during the last century and a half, and entirely opposed to the convictions and requirements of the country. And what is the remedy of the Chancellor of the Exchequer for all the evils, for all the mismanagement, for all the anomalies in the foundation and condition of these charities, for all the impolitic state of affairs which he denounces with so much power? Why, the remedy for the numerous evils of the old charities—of the petty charities which he has called out of their obscurity, and of those magnificent endowments, whether hospitals or colleges, which have done so much for the promotion of education and the development of benevolence — his remedy is the application of the income tax. I think it questionable, if Her Majesty's Government wished to call the attention of Parliament to the endowments of the country with a view to their reformation, whether the time is apt for that sort of inquiry. The condition of our charities has for thirty years attracted more or less the attention of the Legislature. The Crown has issued Commissions, and Parliament has appointed Committees to inquire into this subject, the labours of which have been eminently judicious and useful. I think it doubtful whether, under these circumstances, it was wise, necessary, or expedient to call the public attention of the country to these institutions with a view to a change in their management. But if the Government is of opinion that the state of our public endowments is so pernicious to the public weal—if they are really of opinion that the statement made by the Chancellor of the Exchequer is justified by facts — if the Government is of opinion that this is a grave question demanding our immediate attention (and nothing has at all appeared justifying us in believing that that is the opinion of the public at the present day), I say that they should have brought the subject forward in such a manner that we could have dealt with it satisfactorily, and remedies that bear a due relation to so great a question should have been introduced for our consideration. It is totally inadequate to hold out to us that sufficient means and ample remedial agencies are to be found in the application of the income tax to these institutions. I think that every point which the Chancellor of the Exchequer has raised, and which he has placed before us with all the exertions of his ingenious casuistry, has entirely failed; and they have failed because, they all spring from one principle, the foundation of which is entirely illusory —from the false assumption that exemption from taxation is essentially unjust. But the course which on this assumption has been taken appears to me to be monstrous; and I am not surprised that the country and the House, even in so short a space of time as has elapsed since the right hon. Gentleman made his financial statement, should have been excited and risen, as it were, in agitation against such a proposition. It offends all the feelings of tradition which have been cherished in this country — all our local associations — all that veneration for the principle of inheritance to which we have so long adhered. We have heard arguments to-night which have been a denunciation of endowments, and almost an appeal for confiscation. That this proposition should have been introduced as part of a financial scheme is indeed amazing; that it should have been introduced for so slight a financial object is still more astonishing; but when it was in the power of the Government, not of their own happy imagining, but following the strong sense of the country as represented in the House of Commons, to effect those great reductions of taxation which our advice and public opinion had indicated — that they should have thought fit, under such circumstances, unnecessarily to introduce the discussion of principles which disturb almost the foundation of society, does appear to me to be a course of conduct which the most brilliant rhetoric cannot justify, and which I think may lead to consequences which the Government may hereafter regret. Sir, I shall only hope that this remarkable proposition, introduced with so much pomp, and withdrawn in a manner so unpretending—may be the last of the endeavours that will be made to attack the endowments of this country, which the wisdom of the times in which we live may improve by the application of the principles on which they are founded. Commissions and Committees have already produced ample suggestions for that object, but the endowments themselves are founded upon a principle that has contributed to the greatness of this country, and which I trust this country will always cherish.

Viscount PALMERSTON: I will venture, Sir, to answer the question which I understand — for I was absent when he rose to address you—the right hon. Gentleman opposite (Mr. Disraeli) asked at the commencement of his speech — namely, whether the proposal made by my right hon. Friend was his own proposal singly, or was one in which his Colleagues also concurred. Sir, I am happy to be able to assure the right hon. Gentleman that the course pursued by my right hon. Friend, and the proposal he made, were entirely concurred in by all his Colleagues; and if none of those Colleagues rose for some time to support him, it was entirely because they felt that his admirable and most convincing speech was both unanswerable and unanswered. At all events, for some period of the debate, it required no support from any of his Colleagues or my hon. Friends who sat near him. Sir, the right hon. Gentleman opposite has reduced his objections to what he called one fundamental point. He says the whole foundation of my right hon. Friend's argument was that an exemption from taxation was equivalent to a grant from the country. Well, I maintain that that is perfectly sound. As long as your expenditure is a fixed sum, it is demonstrable that if you exempt a portion of the community from contributing their share to the taxation by which that sum is to be raised, you do virtually grant them a part of the fund which comes from the rest of the public to defray your expenditure; and therefore, when the right hon. Gentleman opposite talks of a fallacy, I must say I never heard such a fallacy as he has sought to establish by denying that an exemption from taxation is equivalent to a grant of public money. The right hon. Gentleman argues, indeed, that it is not so, because he says that the fact of the exemption implies that it is just. But that is begging the whole question. No doubt, if a person is justly entitled to exemption, when you concede a right to him, you do not confer a boon. But we deny, and no man has yet proved, that these charities are justly entitled to exemption. My right hon. Friend has been accused of pouring forth invectives against these charitable institutions. Why, the most severe things which fell from my right hon. Friend were his quotations from the Reports of the Commissioners who were employed and authorized to inquire into these charities. It was the passages he read from these Reports that contained those condemnations which hon. Gentlemen opposite have endeavoured to represent as having been the simple expressions of my right hon. Friend's individual opinion. I say, then, that we entirely concurred in the proposal, and I think my right hon. Friend has demonstrated that it was founded upon justice and good sense. The right hon. Gentleman opposite has given the key to the whole secret; for he has said that "local associations" are adverse to the proposal of my right hon. Friend. Why, Sir, that is really the fact; and it was very candid in the right hon. Gentleman opposite so openly and broadly to acknowledge it. But that, Sir, is not only a motive for individual votes and opinions; it is also a ground upon which the Government are entitled to take, and ought, I think, to take their line; and if we find that a proposal however just in itself, however demonstrably true, is opposed to "local associations" of the most extensive character, not only in this House, but all over the country, why, we respect those prejudices and bow to them. We do not, on that account, believe them the less to be prejudices. That being so, I think my right hon. Friend has exercised a very wise discretion in not pressing upon the House —as he had stated at the outset he did not mean to do—a proposal which, upon discussion, should appear to be adverse to its general opinion. Although we think the proposal right and just in itself, and although we believe that when the arguments of my right hon. Friend shall be read by the country, opinion out of doors on this subject will undergo a change; yet we bow to the present state of feeling and to "local associations"; and I think my right hon. Friend has exercised a sound discretion in withdrawing the proposition.

MR. HENLEY: Sir, I will not now enter into the question whether the Government have not made a blunder in this matter:—but as the noble Lord has spoken of the feeling of small associations or of local associations, I would just say that I believe they comprise the whole country; because the whole is made up of parts; and if there is one thing more true than another, it is that the entire country does not take the same view which the noble Lord and his right hon. Colleague think to be so just. The right hon. Gentleman the Chancellor of the Exchequer has done me the honour to say that I use very mild language. I suppose he alludes to the opinion I expressed the other evening that it was a queer sort of justice to rob the poor. I was informed on that occasion by a right hon. Friend of mine who sits near the right hon. Gentleman, that the Chancellor of the Exchequer was the last man in the world who could be supposed to do any such thing as that, as the financial and commercial legislation with which his name had been identified would prove. Now, I am one of those persons who, in an ordinary way, look at the measure which is before this House, and I do not trouble my head or care a halfpenny about the motives or antecedents of those who propose it. It is quite enough to do to see whether the measure itself is good or bad, according to the best light one can get upon it. But the speech of my right hon. Friend the Member for the City of Oxford naturally set one a thinking. Now, what has happened? No man is more ready to admit than I am that the species of legislation to which my right hon. Friend alluded, which has been carried on for the last fifteen or sixteen years, has been adopted for the best of motives, with the great hope and expectation and, it may be also, with the result of increasing the material wealth of all classes of the community. But what else has been going on during the same period? Material wealth, deck it out as you will with flowers of speech, means money, and money is Mammon. Well, to secure those results and carry the same principles further, the Chancellor of the Exchequer joined hand-in-hand with those who made an attack—under the name of reforming them—upon the old endowments of the university which he represents. What was the main thing that he did there? He destroyed the Christian character of the education. ["Oh! oh!"] I will say what was done, and then you may say "Oh, oh!" if you please. He compelled, and those who acted with him compelled, the university to give her education and tender her honours to Jew, Turk, Heretic, and Infidel. ["Oh!"] That fact cannot be denied, and I say it destroys the Christian character of the education. What followed? In 1860 and 1861 an attempt was made by the Government to change the character of the education of the lower classes, and to dissever the Government from the religious education of the people. This House then rejected and forced you to take back your proposition. Well, let those two schemes be viewed together. I am not going to draw the conclusion, but the speech of the right hon. Gentleman must set people thinking whether Mammon, guided by the tree of knowledge, will not bring us to this simple principle—*Rem, quocunque modo rem.* We could not have had a more striking instance of this than the speech of the Chancellor of the Exchequer. The principles he has laid down are nothing but "Mammon and the tree of knowledge," and they are utterly inconsistent with any other principle of any kind. I am extremely glad that this clause is withdrawn, for I think it was exceedingly objectionable in every respect.

MR. LOCKE said, this was not the first attempt to tax charities, for in 1858 the then President of the Poor Law Board, the right hon. Gentleman the Member for North Wilts (Mr. Sotheron Estcourt), proposed to rate charities to the poor and other parish rates, and that proposal was supported by hon. Gentlemen opposite. He thought, therefore, that hon. Gentlemen opposite need not express quite so much indignation against the present proposal. Charities might, he thought, be properly subject to the income tax ; but there was great difficulty in distinguishing between those which ought to pay it in full and those which should only be liable to a diminished rate; and as the Chancellor of the Exchequer's present proposition did not do that, he was not disposed to support it.

Clause *negatived.*

Clause 4 *withdrawn.*

Clause 5 (Exemption of Persons whose Income is under £100, and Abatement to those whose Income is under £200 a year respectively).

Mr. HUBBARD drew attention to the fact that this was the first attempt to introduce a graduated scale for regulating taxation upon incomes. It was proposed to grant a certain exemption in respect of incomes between £100 and £200. He entirely agreed in the exemption so far as it affected industrial incomes.

Mr. HUNT said, he should not, under the circumstances, move the proposition of which he had given notice, but he must say that he did not understand upon what principle it was that the deduction of £60 from taxation should not be applied to incomes larger than £200 a year.

Mr. PEACOCKE presumed that the principle upon which incomes under £100 were exempted from the income tax was that £100 was absolutely necessary to support a family ; and therefore, if he should receive any support, he would move that from incomes under £200 there should be no tax upon the first £100, instead of the deduction of £60 only.

The CHANCELLOR of the EXCHEQUER said, that the reason why they proposed to deduct £60 from the amount taxed was that there was a great advantage in standing upon tradition in taxation. Down to 1815, £60 a year was the amount at which the income tax commenced, and this was the reason why they had now fixed upon £60 as the amount to be exempted from taxation. There was another consideration—that if they allowed persons to deduct £100 from the amount taxed, they would then have to levy the tax on such small amounts that the sums received would hardly pay the cost of collection. For instance, an income of £120 would only pay upon £20. Another circumstance was, that by extending the exemption from £60 to £100 there would be an additional loss to the revenue of from £250,000 to £300,000.

Mr. PEACOCKE said, he should withdraw his Amendment.

Amendment *withdrawn.*

Clause *agreed to*, as was Clause 6 and the Schedules.

House *resumed.*

Bill *reported;* as amended, to be considered *To-morrow.*

STOCK CERTIFICATES TO BEARER BILL—[Bill 100.]—CONSIDERATION.

Order for Consideration, as amended, read.

Motion made, and Question proposed, "That the Bill be now taken into Consideration."

The CHANCELLOR of the EXCHEQUER said, he had to propose the omission from Clause 4 of the words relating to the printing of certain notices on the certificates. It was thought that those words would be of little advantage as a security, while they might tend to embarrass the question of title.

Mr. HUNT said, that the print of the Bill was only delivered on Saturday, and he observed that some of the Amendments introduced by the Chancellor of the Exchequer were not correctly given. Besides, he had Amendments of his own to propose on the penal clauses, and seeing that the Attorney General had promised that the Bill would not be hurried, he moved that the debate should be adjourned.

The CHANCELLOR of the EXCHEQUER said, they had not yet come to the penal clauses ; and as his Amendment was one of no great importance, he hoped it would be agreed to at once.

Mr. LYGON reminded the House that the Amendments introduced the other night were adopted on the distinct understanding that ample time would be given for considering the Bill as amended. If the Chancellor of the Exchequer resisted the Motion for adjourning the debate, he would teach the House never to allow any Bill in which he was interested to pass through Committee without full discussion.

Mr. MILNER GIBSON said, the hon. Gentleman was wrong in supposing anything had been done *pro formâ.* The Amendments in the penal clauses were of n immaterial character.

Mr. VANCE did not see any provision

for including the certificates of the Bank of Ireland.

The CHANCELLOR of the EXCHEQUER said, that was so; and as notice was necessary, he would consent to the adjournment of the debate upon that ground.

Debate *adjourned* till *Thursday*.

SAVINGS BANKS BILL

[Mr. Chancellor of the Exchequer]—[Bill 79.]

COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 *agreed to*.

Clause 2 (Treasury may cancel additional Amount not exceeding £5,000,000, and create terminable Annuities).

Mr. HUBBARD moved that the clause be struck out. In dealing with the deposits of savings banks they ought to secure a safe investment, an investment which paid a good interest, and one which was easily salable. With a view to those requirements, nothing could be more undesirable than the investment in terminable annuities. It would impose the necessity of constantly buying and selling in the money market by the Government, and would entail a loss upon the community, for which the Government were trustees. The object was to pay off a portion of the National Debt, and really to create a fictitious sinking fund, to which the right hon. Gentleman had in former times expressed his objection. These terminable annuities were to absorb the £100,000 which was to be obtained from the tax on charities, and, under the altered circumstances of the Budget, he thought the proposal inconvenient and unnecessary.

The CHANCELLOR of the EXCHEQUER said, his hon. Friend had a great aversion to terminable annuities; while he (the Chancellor of the Exchequer), on the contrary, thought they were of great advantage to the country, and that they supplied a steady and quiet machinery which was always at work with a view to the gradual liquidation of the debt. The great objection to their extension was the difficulty of disposing of them in the open market. It was not proposed now to do that, but to make a purely financial experiment, which, while leaving ample stock for all the purposes of savings banks, would give an extended operation to this very salutary principle. It was quite true that he opposed a proposition for re-establishing a sinking fund, and he had not changed his opinion; and he had been a party to raising a loan partly on terminable annuities. This proposal was not liable to the objections made against Mr. Pitt's sinking fund, which compelled the Government to be buyers and sellers of stock at the same time, with the moral certainty that they would buy the stock on worse terms than they sold it, independently of the cost of the operation. In ordinary years the Government would not be buyers of stock, and they would not be sellers of stock. He was sorry to differ from his hon. Friend, who was so conversant with subjects of this kind, and though he would not enter into the general merits of terminable annuities, he would remind him of the speech of his hon. Friend the Member for Peterborough (Mr. T. Hankey), who, in 1860, completely answered the objections of his hon. Friend, and with great ability stated sound reasons for regarding with favour those securities.

Sir HENRY WILLOUGHBY wished to know what would be the effect of converting £5,000,000 into terminable annuities. What would be done with the income derived from them? He feared the Chancellor of the Exchequer was laying the possible foundation of a very serious deficiency in the Savings Bank Account. He thought more time ought to be given for the consideration of so weighty a principle as that involved in this proposition.

Sir STAFFORD NORTHCOTE hoped, that in the case of these annuities, interest and principal would be kept separate. There was a great deal of force in the remarks of the hon. Member for Buckingham (Mr. Hubbard), and he hoped they would receive due consideration. The best mode of reducing the debt was by keeping the expenditure below the revenue. Even in favourable years, however, if they took into account the borrowed money expended on fortifications, the outlay generally exceeded the income. As long as that was the case, it was a mistake to attempt to reduce the debt by artificial means. At the same time, he saw no grave objection to the creation of a moderate amount of annuities, and therefore hoped that his hon. Friend, having uttered his protest, would not press the Committee to a division.

Mr. THOMSON HANKEY approved the clause, as it involved no more than an ordinary banking transaction. There was always a certain, though limited, market for annuities, and he thought the Chancellor of the Exchequer was right in availing himself of it whenever he had the opportunity.

Mr. AYRTON expressed a hope that

the hon. Gentleman opposite would not take the sense of the Committee on the question which had been raised. He, at the same time, must beg to enter his humble protest against the Bill, upon the ground that it contained no clause whereby the National Debt Commissioners, as bankers for the savings banks, could raise the capital which they might be called upon to pay. It was, he thought, the duty of the Chancellor of the Exchequer to introduce a clause entitling the Commissioners to raise the stock if demands should be made upon them beyond the funds in their hands.

THE CHANCELLOR OF THE EXCHEQUER said, there was no distinction between that portion of the annuities alluded to by the hon. Gentleman opposite, which constituted capital, and that which constituted interest. The stocks realized and the dividends went indifferently into a certain fund, liable to meet the demands of the trustees on behalf of the depositors, and such portion as was not required for that purpose it was the duty of the Government to invest in the best manner they could. In answer to the hon. and learned Member for the Tower Hamlets (Mr. Ayrton), he might observe that the advantage which the Savings Banks Fund would derive from the working of the Bill would be that by the return annually of a larger sum into the hands of the Government ampler means would be afforded of meeting the demands of the depositors from time to time without being compelled to sell their stock. The power of purchasing annuities the Government had set about using; but latterly they had been unable to use it to so great an extent, for the simple reason that the savings banks took more money away than they put in. When the savings banks began again to put in the funds, the Government would, he trusted, be enabled to make more profitable investments in their behalf. The fortification loan had, he might add, answered very well for those institutions.

SIR HENRY WILLOUGHBY said, it was a serious matter to find that the amount of savings bank money paid in was less than that paid out.

MR T. BARING considered the Bill rather a complex measure, but expressed himself in favour of the creation of terminable annuities as being the only practical way of diminishing the National Debt.

MR. HUBBARD said, he would not divide the Committee.

Clause *agreed to.*

Mr. Ayrton

Remaining Clauses *agreed to.*

House *resumed.*

Bill *reported;* as amended, to be considered *To-morrow.*

NAVAL MEDICAL SUPPLEMENTAL FUND SOCIETY WINDING-UP ACT (1861) AMENDMENT BILL.

[BILL 93.] SECOND READING.

Order for Second Reading read.

LORD CLARENCE PAGET moved the second reading of this Bill, the object of which was to make it compulsory on the trustees to invest the funds.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. LYGON said, he doubted the propriety of disturbing the arrangement made in 1861, which was of the nature of a compromise, and intended to protect the interests of the minority. In order to enable the noble Lord to give some explanations, he should move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. COLLIER hoped the hon. Gentleman would allow the Bill to be read a second time. The machinery of the former Act would be at a standstill until this Bill was passed.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Thursday.*

COURTS OF THE CHURCH OF SCOTLAND BILL—[BILL 92.]

SECOND READING.

Order for Second Reading read.

THE LORD ADVOCATE said, he would not oppose the second reading, as the Church of Scotland was in favour of it; but he should probably have to call attention to the second and third clauses in Committee.

Bill read 2°, and *committed* for *Thursday.*

SALMON FISHERIES (IRELAND) BILL.

[BILL 1.] COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

SIR ROBERT PEEL trusted that the

hon. and learned Member who had charge of this Bill (Mr. M'Mahon) would consent to postpone it, because it was well known that the Government, at the instance of several Irish Members, were engaged in drawing up a Bill which would, he hoped, meet the views of all parties.

Mr. M'MAHON said, he had already postponed this Bill from time to time; and if the Government would undertake to bring in their measure within a reasonable time, he would not stand in the way. Would there be any objection to going on with a few clauses, so that the House might consider both Bills together when the Government measure came before it?

Sir ROBERT PEEL said, that at the suggestion of the right hon. Gentleman the Member for Limerick, the noble Lord the Member for Cockermouth (Lord Naas) and the hon. and gallant Gentleman the Member for Kerry (Mr. Herbert) had conferred with his hon. Friend the Under Secretary of State, the hon. Gentleman the Member for Mallow (Mr. Longfield), and other Members, upon this question. It was then distinctly and clearly agreed that the hon. Gentleman the Member for Wexford should not proceed further with his Bill at present, every credit at the same time being given to him for his efforts in drawing attention to this important national question. The Home Secretary had now taken a personal interest in the matter; on the part of the Government, he would therefore undertake that the Bill should be introduced before the 3rd of June, and he trusted that before the end of August it would be passed.

Major GAVIN said, that neither he nor his right hon. Colleague knew anything of the conference or understanding referred to by the right hon. Baronet. Possibly it was the hon. and gallant Member for the county of Limerick (Mr. Monsell) to whom the Chief Secretary intended to allude. As the Government Bill was not to be introduced till such a distant date, he hoped the hon. and learned Member for Wexford would press forward his measure.

Lord NAAS thought the assurance of the Government satisfactory, and that the hon. and learned Member for Wexford ought not to proceed further at present.

Mr. LONGFIELD said, the compromise was agreed to upon the distinct understanding that the Government Bill should be introduced without delay.

Sir ROBERT PEEL said, it was necessarily a matter of considerable difficulty to reconcile conflicting interests. The Government hoped to have the Bill ready this week; and, if not, that it would be brought in and printed next week; but it would be rash in him to give a positive pledge on the subject. They were preparing its clauses under the best legal advice, and did not need any spurring.

Sir HERVEY BRUCE complained that none of those whose interests were affected had been consulted by the Government.

Major GAVIN said, his anxiety for legislation of some kind arose from the sufferings entailed on fishermen and their families by the illegal increase of stake and bag nets. It would have been but common courtesy to those acting with the hon. Member for Wexford to give them notice of the conference.

Sir WILLIAM SOMERVILLE said, he thought it would be reasonable to defer the further stages of the present Bill to the latter end of next week, on the understanding that the Government measure would be introduced in the mean time. He thought it very likely that their Bill would not prove satisfactory, as every compromise on this question must entail a sacrifice of public rights.

Mr. M'MAHON said, he would postpone the consideration of the clauses until Monday next; but unless the measure of the Chief Secretary was then before the House, he should put down his Bill every night.

House *resumed*.

Committee report Progress; to sit again on *Monday* next.

House adjourned at half after One o'clock.

HOUSE OF LORDS,

Tuesday, May 5, 1863.

MINUTES.]—Public Bills—*First Reading*—Exchequer Bonds (£1,000,000); Consolidated Fund (£20,000,000); Marriages, &c. (Ireland) (No. 93).

Report—Augmentation of Benefices [H.L.] (No. 59) [*Report of Select Committee, Parl. P.* No. 91; Bill, as amended, No. 92]; Vice-Admiralty Courts (No. 79).

MAIL SERVICE BETWEEN DOVER, CALAIS, AND OSTEND.

QUESTION.

Lord CHELMSFORD asked the Postmaster General, Whether Her Majesty's

Government have accepted a Tender from the Belgian Government for the Conveyance of the English Mails between Dover and Ostend; and whether they contemplate any Alteration in the Mail Packet Service between Dover and Calais; and whether any Failure in the Performance of the existing Contract between Her Majesty's Government and Mr. Joseph George Churchward for the Mail Services between Dover and Calais and Ostend respectively has occurred to render any Change necessary? Up to the year 1854, these services were conducted by the Board of Admiralty in Government vessels. It then occurred to Mr. Churchward—a gentleman whose name was now familiar to their Lordships—that it would not impair the efficiency, and would contribute to economy, if the services were committed to private enterprise. Mr. Churchward submitted his views to the Admiralty, by whom they were favourably entertained; but nothing was done until a Select Committee of the House of Commons reported in favour of the service being conducted by private parties; and in 1854 Mr. Churchward entered into a contract with the Admiralty for the services between Dover and Ostend, and Dover and Calais, for the sum of £15,000 a year. The advantages of this contract were great. There was a considerable saving to the country, and the work was efficiently performed. In the following year, 1855, an application was made by Mr. Churchward for an extension of the contract, and the Admiralty granted a further extension of four years, which time would expire in June next. In the year 1859, under the Government of Lord Derby, an application for a further extension of the contract was made by Mr. Churchward. At that time, as at the present moment, Mr. Churchward held a contract with the French Government for the conveyance of their mails from Calais to Dover, which, of course, afforded him great facilities for carrying out his contract with our Government. The same considerations which guided the Government in 1855 induced the Government of Lord Derby to extend the contract to the year 1870; and accordingly, on the 26th of April 1859, a fresh contract was entered into with Mr. Churchward, by which he was to carry on the whole service until the year 1870, at the increased rate of £18,000 per annum; the addition being a commutation of all extra and special services, and for harbour and other dues, which, under the previous contract, had been borne by the Government. He would not enter into the question of the validity of that contract of 1859, as it might possibly become the subject of investigation in a court of law; but he might observe that the Government which succeeded that of his noble Friend recognised the contract as a valid and subsisting contract. For instance, the Admiralty informed the Superintendent at Dover that the contract of 1855 had been cancelled, and instructed him to watch over the due performance of the contract of the 26th of April 1859. Again, on the 1st of July 1859, Mr. Churchward sent in a bill to the Admiralty for two months' subsidy, at the increased rate of £18,000 per annum, and there was not only no objection made to the payment of that amount, but Mr. Churchward having claimed the subsidy from the 1st of May, the Admiralty considerately pointed out to him that as his contract commenced on the 26th of April he was entitled to four days more, and they added £23 to his claim. A subsequent claim was sent in by Mr. Churchward for the payment of certain harbour dues, and the Admiralty reminded him that he had contracted to pay all such charges himself. In a subsequent account he had charged for an extra boat for the India mail on the very day that the contract commenced, and the Admiralty held that the old contract terminated on the 25th of April. But that was not all. A lease was executed by two Lords of the Admiralty of certain premises at Dover which were necessary for Mr. Churchward to occupy in order to perform his contract. That lease would expire in 1870, and that lease recited the contract of 1859, which was in fact the foundation of the lease. Under these circumstances, Mr. Churchward was struck with some surprise about six months afterwards on being informed that the Government repudiated the contract of 1859, and intended to adhere to the contract of 1855. They subsequently gave him notice that they considered he was acting under the contract of 1855, and that consequently his engagement would terminate in the month of June next. The validity of the contract probably would be tried in the proper court; but he was anxious to know how the future services between Dover and Ostend and Dover and Calais were to be provided for. He learnt, from what had passed in another place, that the Government had accepted a tender from the Belgian Government for the service between Dover and Ostend. He wished to know from the Postmaster General if that contract had been completed. If so, it would give the Belgian Government a right to exact performance from our Government. But the contract could not be carried out unless it was ratified by the Belgian Chamber. The Chambers were still sitting; but there would very soon be an adjournment, if not a dissolution, and they would not assemble again until November next. What provision had been made for the time when the Government said the contract with Mr. Churchward would end—that was in June—up to November, which would be the earliest period at which the ratification of the contract by the Belgian Chambers could take place? It was not unlikely that there would be a change of Ministers in Belgium, and possibly the Chambers would refuse the ratification. He had been told that the tender of the Belgian Government was for as low a figure as £4,000 a year; and therefore it was quite impossible that they would be able to conduct the service except at a very great annual loss. At present he was told that they had half the day and half the night service, and they were losing very considerably by that. They had not got a boat themselves, and they were obliged to hire boats from the South Eastern Company at £350 a month, including seamen's wages, making £4,000 a year. If they were to have six additional services to perform, of course they would require additional boats, which would require an outlay of about £40,000. He doubted whether the Belgian Chambers would be disposed to ratify a contract which was likely to be attended with such prejudicial circumstances. He had been informed, but he could hardly believe the statement, that in order to carry out this Belgian arrangement, it was in contemplation to reduce the services between Dover and Calais. He hoped this was not the case, for he was quite sure that it would produce the greatest possible dissatisfaction and the greatest inconvenience. He would ask if such an arrangement was in contemplation. He would also ask whether there had been anything in the manner in which Mr. Churchward had performed his contract which had induced the Government to take this course. All the predecessors of the noble Lord the Postmaster General had expressed themselves satisfied with the performance of his contract by Mr. Churchward. He asked, then, whether it was true that there had been a tender of the Belgian Government as to the service between Dover and Ostend; and if so, on what terms? Whether that tender had been ratified by the Belgian Chambers? Whether it was in contemplation to interfere with the service between Dover and Calais? And whether there had been any failure on the part of Mr. Churchward to carry on the contract which he had so long performed with entire satisfaction.

LORD STANLEY OF ALDERLEY said, that to the earlier observations of the noble and learned Lord he should make no answer; because, as the noble and learned Lord himself had remarked, the matter would probably become the subject of legal investigation. But with regard to the specific Questions that had been put to him, he would say that, as to the service between Dover and Ostend, a conditional engagement had been entered into between the Belgian Government and the English Government for the performance of the mail packet service at a considerably reduced rate. The arrangement was a conditional one, the condition being that the English Parliament should not find the money for the continuance of the contract with Mr. Churchward. If Parliament should find the money to continue that contract, Mr. Churchward would continue the service as at present. If, on the other hand, Parliament should not find the money, then the Belgian Government would be bound by their contract, and would undertake the duty; and there was no reason to suppose it would not be done in a satisfactory and efficient manner. As to its involving a loss to the Belgian Government, with that the British Government had nothing at all to do. All that they had to do was to see that the service was properly performed. With regard to the mail packet service between Dover and Calais, an offer had been made to the English Government to perform it at a lower rate than was at present paid; and the negotiations were still proceeding with the parties who made the tender. If an agreement were come to, it would stand on the same conditions as the Belgian arrangement — namely, it would be conditional on Parliament not finding the money to carry on the contract with Mr. Churchward. The last question was, whether there was reason to complain of the manner in which Mr. Churchward had carried out his contract? He was happy to say, in confirmation of what had been stated by the noble and learned Lord, that it was not on account of any inefficiency or from anything unsatisfactory in the performance of the service that notice had been given to Mr. Churchward of the termination of his contract with the Government. That notice was given in consequence of the course taken by the other House of Parliament (of which the noble and learned Lord was no doubt cognizant) on the Report of a Committee condemning the conduct of Mr. Churchward, and expressing an opinion that—

> "It would be impossible for the House of Commons, with due regard to its honour and dignity, to vote the sums of money necessary to fulfil the agreement." [See 3 *Hansard*, clvii. 1331.]

Upon that Report, a friend of Mr. Churchward, Captain Vernon, raised a specific Motion, challenging the opinion of the Commons, and proposed a Resolution that the contract should be carried out. That Motion was discussed for a considerable time, and by a majority of forty it was decided that it would not be consistent with the honour and dignity of the House to vote the money to carry the contract into effect. The Government, therefore, had every reason to believe, after that expression of opinion from the House of Commons, that it would be impossible to carry out the contract with Mr. Churchward, and that if they did not take the steps they had taken of inviting tenders for a contract for the service from other parties, they might, after 1863, be left without any means of continuing the service. For those reasons the Government had taken the steps they had taken; and he trusted that, instead of producing inconvenience, their course would be productive of advantage.

Lord CHELMSFORD said, the noble Lord had not answered the question, whether the contract had been ratified by the Belgian Chambers; and, if not, what provision had been made in the event of the Chambers being dissolved without the ratification being completed, and not re-assembling till November next—he meant, supposing the British Parliament did not vote the money to carry on Mr. Churchward's contract?

Lord STANLEY of ALDERLEY said, there was no reason to expect that the Belgian Chambers would rise before this question had been disposed of. The Belgian Government had given a positive engagement that they would undertake the contract, and we had accepted it conditionally on the British Parliament not voting the money.

The Earl of DERBY asked, whether the sum to be proposed for Mr. Churchward's contract had been inserted in the Estimates to be submitted to Parliament? He asked the question, as Parliament would otherwise have no power to vote the money.

Lord STANLEY of ALDERLEY said, the money was not in the Estimates, but it was competent for any Member of Parliament to raise the question again, as it had been raised by Captain Vernon, and Parliament would decide the point.

The Earl of DERBY said, it was not competent for any but a responsible Member of the Government to propose a vote of money for such a purpose, and then it must appear on the Estimates. Therefore, it was idle to say it was left to the option of Parliament whether Mr. Churchward's contract should be carried out or not.

OUTBREAK IN THE ROMAN CATHOLIC REFORMATORY IN CHARNWOOD FOREST.—QUESTION.

Lord BERNERS inquired, Whether Her Majesty's Government have already or will institute Inquiries into the Circumstances of the late mutinous Outbreak in the Roman Catholic Reformatory in Charnwood Forest, the Constitution of Appointment and Pay of Officers of that Institution, and the Discipline exercised therein? In Charnwood Forest there was a monastery of St. Bernard for monks of the Cistercian and Trappist orders. A few years ago the Rev. Dr. Burden formed the benevolent determination of grafting upon the austere discipline of the Trappists a reformatory institution for young men. In May 1856—the institution having increased to large dimensions—it received a certificate from the Secretary of State authorizing it to become a reformatory for juvenile offenders to the number of 300. From the first report of the Inspectors of Prisons with regard to this institution, it appeared that the cost of the establishment was £5,337, or about £14 18*s.* 6*d.* per head. During the next three years the Government allowances amounted to £13,757. He was desirous, then, of inquiring what control the Government had over the expenditure, what control they had over the appointments of that establishment, what control they had over its discipline. He would contrast the management and result of this reformatory with the management and result of the Protestant reformatories, which were presided over in many cases by Members of their Lordships' House, associated with the magistrates, clergy, and other benevolent persons, and which had produced very satisfactory results. In subsequent reports of the Inspectors of Prisons it was stated that this establishment had encountered serious difficulties, owing to the misconduct and the inefficiency of several of the officers charged with the moral and industrious training of the boys; and this comparison was drawn—that whereas in reformatories 65 per cent of Protestants were doing well, there were only 49 per cent of Roman Catholics; of re-committals, Protestants 10·6 per cent, Roman Catholics 11·5 per cent; cases of failure, Protestants nearly 7 per cent. Roman Catholics 12 per cent. He might here state that, in proportion to the population of the British islands, the Roman Catholic criminals were double the number of the Protestant. Another Report stated that the general condition of the reformatories was satisfactory, the only exception, in fact, being that of St. Bernard's. In another Report this reformatory was spoken of as "the mismanaged reformatory." The outbreak at St. Bernards, to which his question referred, was thus given in a local newspaper. It appeared that the Rev. Robert Smith, known as Father Robert, director of the establishment, having found some of the inmates smoking, told them they were not allowed to smoke; and that one of the number replying that he could not do without his pipe, Father Robert said to them—"Men, if you must smoke, do it privately; do it out of sight." Afterwards some of the boys were seen by one of the officers smoking, and on his attempting to take their pipes away, they knocked him down, and knocked his teeth out of his head and otherwise injured him. This was reported to the director of the reformatory, and Father Robert, taking with him four assistants, thereupon proceeded towards a dormitory where nearly forty of the boys had been breaking up their iron bedsteads. Leaving the assistants at the bottom of the stairs, he went into the room with a policeman named Chaloner and called out some of the ringleaders. Thereupon they jumped out of their beds with their clothes on, and, armed with broken bed-legs, four of them at once attacked the policeman, who called loudly for assistance, but none came—the director had gone down stairs—they struck him on the arms and the head, and, in fact, half murdered him. When he afterwards went bleeding into the director's room to have his head bandaged up, he asked the director why he had not come to his assistance, and the answer of Father Robert was, that "it was contrary to his position as a priest and a religious to fight with boys." The noble Lord then read from a newspaper the depositions taken before the magistrates in reference to this outbreak, where four of the ringleaders were committed for trial; and concluded by putting his Question.

Earl GRANVILLE replied, that the Secretary of State had not yet received the report of the Inspector of Prisons sent down to investigate the case, and that therefore it was impossible for the Government at present to answer the inquiry. In another month the Government might be able to give the information.

House adjourned at Six o'clock,
to Thursday next, half
past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, May 5, 1863.

MINUTES.]—New Member Sworn—Richard Green Price, esquire, *for* New Radnor.

Public Bills—*Resolution in Committee*—Judgments Law Amendment (Ireland) [Stamp Duty] (May 4) *reported.*

First Reading—Act of Uniformity Amendment [Bill 104]; Pier and Harbour Orders Confirmation [Bill 109]; Harwich Harbour [Bill 110]; Drainage and Improvement of Land (Ireland) [Bill 106]; Sale of Mill Sites, &c. (Ireland) [Bill 105]; Sheriff Courts (Scotland) [Bill 107]; Volunteers Acts Amendment [Bill 108].

Committee—Jurors' Remuneration [Bill 101] (*on Re-Committal*).

Report—Jurors' Remuneration [Bill 101].

Considered as amended—Customs and Inland Revenue [Bill 91]; Savings Banks Monies [Mr. Chancellor of the Exchequer] [Bill 79].

Withdrawn—Writs Prohibition (No. 2) [Bill 62].

THE ATTACK ON SHON-HING.

QUESTION.

Colonel SYKES said, he wished to ask the Secretary to the Admiralty, If any and what measures are to be adopted consequent upon Captain R. Dew, of Her Majesty's ship *Encounter*, employing part of the Naval force under his command in an unsuccessful attack upon the city of Shon-hing, in which Lieutenant Tinling, of the *Encounter*, was killed, Shon-hing being many miles beyond the thirty mile radius from a Treaty Port?

Lord CLARENCE PAGET said, that Her Majesty's Government had received no official intelligence of the unfortunate event to which his hon. and gallant Friend had called his attention; but he might say that that was probably owing to Admiral Kuper being on his way to Japan; but the Admiralty had sent out orders that none of our ships were to be employed in the protection of the Treaty Ports beyond the thirty mile radius.

GREENWICH HOSPITAL.
QUESTION.

Mr. CONINGHAM said, he rose to ask the Secretary to the Admiralty, Whether it is the intention of the Government to take immediate steps to remedy the abuses alleged to exist in the administration of the funds of Greenwich Hospital, and at once give practical effect to the Registered Seamen's Act, which gives the seamen's sixpences monthly to the Hospital, and also declares that the widows and orphans of seamen slain, killed, or drowned in the sea service, and not of ability to maintain or provide comfortably for themselves, shall be received into the said Hospital, or in some reasonable manner be provided for and educated?

Lord CLARENCE PAGET said, in reply, that as an hon. Gentleman had given notice of his intention on Friday to bring before that House the subject of the management of Greenwich Hospital, he should wish to defer till then giving any answer respecting the alleged grievances.

POOR LAW (SCOTLAND).
QUESTION.

Mr. DALGLISH said, he wished to ask the Lord Advocate, Whether he intends to bring in any Bill to explain the existing Poor Law of Scotland in regard to the occasional relief of able-bodied poor?

The LORD ADVOCATE, in reply, said, he had reason to know that in Scotland some doubt had been thrown upon the meaning of parts of the existing Poor Law Act, and he thought it might be desirable to introduce a short Act to make that clear. He had been in communication with certain gentlemen on the subject, and he thought it probable that he would be able to answer the Question in a few days.

THE DRAWBACK ON EXPORTED REFINED SUGAR.—QUESTION.

Mr. MOFFATT said, he would beg to ask Mr. Chancellor of the Exchequer, Whether the International Inquiry as to the Drawback on exportation of Refined Sugar is completed, and when it is probable that the Report will be laid upon the table?

The CHANCELLOR of the EXCHEQUER said, he could assure his hon. Friend that the Government would lose no time, as far as it depended upon them, in making the House partakers in any information which might be received as to the drawback on the exportation of refined sugar. As to the International Inquiry, he understood the Report was virtually completed. It had not yet been placed in his hands, but he believed it would reach him in the course of a few days.

THE CASE OF CAPTAIN MELVILLE WHITE.—QUESTION.

Colonel DUNNE said, he rose to ask the Under Secretary of State for Foreign Affairs, What steps have been taken to obtain redress for the cruelties inflicted by the Peruvian Government on Captain Melville White, a British Subject?

Mr. LAYARD said, in reply, that the case of Captain Melville White was one of the worst he had ever heard of. That gentleman was arrested on a frivolous and, as it proved afterwards, unfounded charge; he was thrown into prison and treated with the greatest brutality, and the course adopted towards him by the Peruvian Courts of Justice was disgraceful to those Courts. After an imprisonment of some time, he was released upon the earnest remonstrances of the British Government; but he had been banished from the country, and no reason had as yet been assigned for his imprisonment. The British Government referred to the Law Officers of the Crown the statement made by Captain Melville White, and the circumstances under which he had been so maltreated, and requested them to suggest an amount which should be claimed from the Peruvian Government as an adequate compensation for the ill-treatment he had received. The Law Officers recommended a sum of £4,500, to be demanded of the Peruvian Government as a payment to be made by way of reparation. It appeared, however, that Captain Melville White was not satisfied with that sum, and had sent in a claim for £292,174. That sum was made up of various items, among which were "four heavy blows from butt ends of muskets, £3,200; a knockdown blow from a soldier, £1,000; several bayonet prods, £4,000; kicks in his aching side, £2,000; five days' alleged bad diet in prison, £5,000; and loss of health, £20,000." The Government had not thought it right to make that demand upon the Peruvian Government, but were willing to leave the question to arbitration; and as the Peruvian Government were willing to do the same, he hoped that some decision would be come to that would meet the justice of the case, and be satisfactory to the friends of Captain Melville White.

UNITED STATES—MAIL-BAGS ON BOARD THE "PETERHOFF."—QUESTION.

LORD ROBERT CECIL said, he wished to ask the Under Secretary of State for Foreign Affairs a Question, which he imagined he would have no difficulty in answering. A few days since the hon. Gentleman (Mr. Layard) stated that a letter had been received from Mr. Seward, promising that the mails on board the *Peterhoff* should be forwarded unopened to their destinations. From a report which had appeared in the newspapers of the previous day, it seemed that the captors, by whom he understood to be meant Admiral Wilkes, had declined to permit that course to be taken. He (Lord Robert Cecil) therefore desired to ask the hon. Gentleman, Whether the Foreign Office has received any information to that effect from Lord Lyons, and whether he has been ordered to take any course on the subject?

MR. LAYARD: In answer, Sir, to the Question of the noble Lord, I beg to state that what I told the House is strictly in accordance with the information received by Her Majesty's Government. There appeared to have been some difficulty in determining in the prize courts what should be done with the mail-bags. The matter was referred to Mr. Seward, and Mr. Seward informed Lord Lyons that he had sent orders to New York that the mail-bags should be forwarded to their destination without being opened. At the same time, as had been stated by Earl Russell, Mr. Seward informed Lord Lyons that a gentleman would be sent to England to settle the principle upon which mail-bags, such as those of the *Peterhoff*, should in future be treated—the question being new and now raised for the first time. No information had been received since that time by Her Majesty's Government.

EDUCATION.—RESOLUTION.

MR. WALTER: Sir, I rise to move the Resolution which stands in my name upon the paper, for the purpose of inviting the attention of the House to a subject which, after the very narrow division of last Session, requires, I think, no excuse from me for again bringing it under the consideration of the House. It is a question which, although it involves no difficult problem of finance such as engaged our attention last evening, and is hardly capable of being illustrated by the same skilful arguments, or adorned by the same splendid eloquence which charmed the House on that occasion, yet, nevertheless, is a question of very considerable interest, and second, perhaps, in importance to none of those domestic questions upon which so many hon. Members are qualified to express opinions. I trust, therefore, in bringing this question before the House I shall meet with that indulgence which was once sarcastically said by an old writer to be always granted to those who go about seeking to persuade the multitude that they are not so well governed as they should be; for although such indulgence may be considered by some cold-blooded politicians rather as a weakness than as a virtue, and that it is easier to find fault with existing arrangements than to supply remedies for them, yet I think I shall be able to show that the grievance which I have to lay before the House is one of such substantial as well as arbitrary and unhandsome character that it is well worthy of their most earnest consideration and of any remedy which the wisdom of Parliament may think fit to apply. Of this, at least, I feel confident, that whatever may be the issue of this debate, I shall not be accused of bringing forward this question hastily and inconsiderately, or without respectable authorities to support me. After the long discussion which took place last year upon this subject, and the somewhat hasty compromise which was drawn up and accepted, it could hardly be supposed that the Revised Code, or rather that portion of it known by the name of the Capitation Grant, to which my remarks will be confined, would be considered as a final settlement of the question. I think there can scarcely have been any one in the Department of Education, and very few out of it, who could possibly conceive that the question would rest where it was, or that that multitude of country parishes which had been carrying on the work of education before the Privy Council was heard of could endure to see the large sum of money voted by this House expended upon objects from which they are of necessity absolutely debarred. In the speech of my right hon. Friend the Vice President of the Education Department I find this admission. Speaking of the existing arrangement—namely, the Code of 1860—he says—

> "The first fault I find in the system—one which the Commissioners have also reported upon—is what I shall call its partiality. That may not be a fault in a tentative system; but when we come to deal with what we hope to consider a national system, it is a great defect if it does not pervade and permeate the whole of the country." [3 *Hansard,* clxv. 198.]

A few sentences further on my right hon. Friend proceeds to say—

> "It would be a discredit to that system which we wish to render permanent in this country if we could not meet this great and pressing want."

That is, the great want of the means of applying the Government grant to education in the rural districts—

> "These districts contribute to the revenue equally with others, and it is exceedingly desirable, both on the ground of justice and of policy, that they should receive back some share of the money." [3 *Hansard,* clxv. 199.]

And the Commissioners in their Report, after stating that their object was to preserve the quality of education by encouraging schools to employ superior teachers, to simplify the business of the office in its correspondence, and to diminish the rigour and apparent injustice of some of its rules, went on to say—

> "These alterations . . . would be an improvement of the system on its present basis; but they would not, in our opinion, supply the requisite means by which the basis itself would be widened; in other words, by which the public aid would be extended to a large body of the poorer schools, both in town and country, which do not seem likely within any assignable period to be in a position to meet the requirements of the Council."

In another passage they sum up their statements by saying—

> "Until the system can be extended to the whole country, the case of the excluded parishes will be doubly hard, since they contribute as taxpayers to a fund in which they do not share."

Now, perhaps the House will bear with me for a moment while I recall its attention to the circumstances out of which the Revised Code has grown into its present shape. The House is well aware, that when the Government undertook to meddle with the system of education in this country, it found the ground already occupied by voluntary societies. These voluntary societies, the chief of which were the National and the British and Foreign School Societies, had been in operation for a period of nearly thirty years before the Government undertook to meddle with the question. I believe I may say that the egg out of which the present Privy Council was hatched was laid by one or other of those societies. We recollect, that when the Privy Council Department first tried its wing in what may be called its unfledged state, it made very feeble efforts to soar into the regions of expenditure; it contented itself with Votes of £20,000 or £30,000 a year, chiefly for building purposes; and this money was appropriated, no doubt, fairly enough. But after a short period, towards the year 1839, it determined to extend its operations much further—

> "Trunca pedum primo, mox et stridentia pennis
> Miscentur, tenuemque magis, magis aera carpunt."

It spread its wings for a flight, and after soaring pretty nearly over the whole Continent of Europe—especially France, Belgium, and Germany—it brought home the materials which it had collected to build its nest, and established the system of training colleges and the pupil teacher system. The establishment of that system is in reality the mainspring of the Code which now is the law of the land. I will state, if the House will allow me, what is the present amount of the grant which the Privy Council Office administers. In the Estimates of the present year I find that the grant is put down in round numbers at £800,000. The number of children who are directly or indirectly benefited by the grant amount to about 1,000,000—that is to say, the State contributes 16*s.* a head towards the education of every child who is directly interested in the grant. That I think an enormous and preposterous sum. It ought to be made certainly to go much further. The total number of certificated teachers by the last Return was about 9,000. The total number of pupil teachers is, in round numbers, 16,000. The total number of students in training colleges is about 3,000, and the total number of elementary day schools visited by Her Majesty's Inspectors during 1862 was 7,569. Now, I want the House to bear in mind that the total number of children of the class intended by the Commissioners to be benefited by the State grant is upwards of 2,000,000—that is to say, after deducting the number who are already indirectly benefited by the grant, there remain upwards of 1,000,000 children who are neither directly nor indirectly in any way the better for this enormous public contribution. These children may be divided into two classes—those who attend public unassisted schools, and those who attend private schools; and in the Resolutions which I have placed on the table the plan of assistance which I propose to recommend is limited—for reasons which I will by-and-by mention—to the children who attend the unassisted public schools. Now, let me state what the opinion of the Commissioners was as to the duty of doing something towards assisting these schools. The Commissioners say in their Report—

> "We have found that the principal obstacle which has prevented the Committee of Council from assisting schools in places which *primâ facie* would appear most to stand in need of aid, arises from the fact that any extension of assistance to meet exceptional cases is sure to pass rapidly into a universal rule, involving much waste of public money. This difficulty we believe to be one from which a central office, called upon to meet local and distant demands, can never escape. We have therefore been led to look for some principle on which assistance can be offered to poorer schools, whether in town or country, without violating the rule which has hitherto directed all Government grants to education, that no public assistance shall be given to schools except in proportion to their own exertions to meet it. With this view we propose to offer a premium upon every scholar, upon proof given of a definite amount of knowledge, no condition being required from the school except its being clean and healthy. Such a plan would, we believe, act directly upon most of the smaller schools in the country, not only by encouraging them to improve their teaching, but by giving them that pecuniary *locus standi* which is what they may justly require as the means for raising themselves to the higher level of the Government grant. Thus a school of fifty boys, which should obtain £8 or £10 from this examination, would receive both an aid and a stimulus which would induce it to make greater exertions. No other mode of assistance appears to us appropriate."

Therefore, the Commissioners do not propose to leave these schools altogether in the lurch, but they suggest a curious mode of supplying the fund by which these schools should be relieved. While they limit the State grant to schools which possess certificated teachers, and which comply with all the other terms of the Privy Council Department, they propose to tax the counties by levying a county rate for the benefit of the unassisted schools; no other condition being attached, except that they shall be open to inspection, and shall be clean and healthy. Now, I do not know upon what principle the Commissioners consider that the money voted by this House is too good for these unassisted schools, but that the money levied by the county rates is not too good for them. I do not understand upon what principle that distinction was drawn. It appears to me that this grant itself may be regarded as in lieu of a national rate. The House entertains, very naturally and very justly, a great objection to a national rate for the purpose of education, and I trust it will always entertain this objection. But the money which this House votes for the purpose of education is as much paid out of the pockets of the ratepayers, and out of the general funds of the country, as if the rate were levied in a more direct form upon the ratepayers themselves. However, my right hon. Friend the Vice President of the Education Department did not think it right to adopt this view of the Commissioners, and he accordingly, without making the slightest effort to meet the want of these poor rural schools, left them totally in the lurch, consigning them to hopeless perdition, and providing an utterly inadequate machinery as the indispensable condition of their obtaining any share in this capitation grant.

The House will allow me to state, for the information of hon. Members who may not be able to keep all these facts in their minds, that under the Revised Code, which comes into operation this year, the capitation grant—which is the only part of the subject with which I am concerned—is regulated as follows:—It is divided into two parts. There is a grant for attendance and a grant for examination. The grant for attendance is 4*s.* per head for all children who attend the school two hundred times—that is, who attend it one hundred days, two attendances being the requirement for each of those hundred days. Besides this, there is a grant for examination of 8*s.* per head, subject to certain deductions in the event of the failure of the child to pass in three heads—writing, reading, and arithmetic — and subject to certain other modifications. I will at once say, though it may spoil sport for my right hon. Friend, what my proposal comes to. I know a case will be set up for the private pupil teachers—that interesting class of which we have heard so much, and for whom we have been obliged to sacrifice so much. I myself am one of those who do not attach much importance to certificates; but I am willing, for the sake of peace, to make a concession to those gentlemen. Therefore, I do not propose to meddle with the minor grant of 4*s.* which is paid for the attendance of the children at those schools. What I propose to do—what I insist on, is that the grant of 8*s.* shall be open to all children who shall pass an examination to the satisfaction of the inspector. I wish the whole of the capitation grant was dispensed in that form; but I believe that 8*s.* is an ample grant; and therefore I think I shall not be sacrificing the interests of my clients if I can get this for them—if I can wring it from the Education Office; and I do not see what objections can be urged against such a proposal. But to return once more to the progress which has brought us to the present state of things. When the Government are determined to make any change in a system they get up a "Report," and we know that the Government can get up Reports to prove anything. They got up a Report which proved to their own satisfaction that the whole system of education was wrong, that the teachers were bad, and that the children were not taught, and they resolved to set up a normal school. Sir James Kay Shuttleworth was the great agent in this work. He had ransacked Europe and was particularly struck with what he had seen in Switzerland. He set up a model school in Battersea and proceeded to train high-class masters, who ultimately were to be scattered throughout the country. Following the system which he had seen adopted in Switzerland, and which seems to have been severe and almost monastic in its character, he accustomed them, of course, to labour, but also to short slumber and other practices of denial, by which it was intended that they should acquire habits of self-control and discipline. This system did not find many proselytes. He did not get many young men to come into it. After a time the system was given up. It had been found that those young men who were in training, not being, like the inmates of a monastic institution, restrained by vows of celibacy and devotion to the work in which they were engaged, had pretty well the same motives to advance themselves in life as are found to actuate other persons. It was found that a young schoolmaster, if he had a presentable exterior, was sure to try and make the acquaintance of a rich farmer's daughter, and follow his profession like any other gentleman. This system having broken down, training colleges were founded by other persons. These institutions were more rational and fitting, and I wish to speak with the greatest respect of those who were engaged in their management. I believe those gentlemen have done great good, and that they would have done more if they had not carried their syllabus of education far too high for students intended to teach the class of children over whom they were to be placed. Notwithstanding, I am satisfied that the training schools have done good, and I would not wish to be understood for a moment as speaking a word against them; but I will say this—that the managers of those institutions should not go partners with the Education Office for the purpose of enforcing their rules on others who can get on very well without them. It was between 1839 and 1846 that the system grew up of giving augmentation grants and grants for pupil teachers, in order to provide a vast machinery for educating the poor of the country; but, after a trial of this system for some time, the Department began to have misgivings that even it was not perfect. They then issued another Commission, and this Commission reported, that though nothing could be better than those training colleges, and though the pupil teachers were very good, yet the system did not do what it was intended to accomplish—namely, teach the labouring classes to read, write, and cipher moderately well. That Report was printed, and the old Revised Code is based on it. The Commissioners stated that only one-fourth of the children educated under that system wrote, read, and could cipher moderately well; and therefore my right hon. Friend discovered that providing that great machinery was not one of the most successful ways of securing the education of the country. Something more was required, and, in accordance with the recommendation of the Commissioners, he hit on the system of paying for results; and while paying a certain deference to what they considered the vested interest of certificated masters, which they thought was accomplished to some extent by the amount expressed in the 4*s.* capitation grant to which I have referred, the House adopted the plan that the principal portion of the capitation grant should, however, be paid for results. I should have thought—and that was one reason I had for assisting to the best of my ability my right hon. Friend—that this system would have been one of the means of bringing the assistance of the State to the poor schools of the country which are most in need of Government aid. I took the liberty of asking my right hon. Friend to carry out his system, and make results the sole condition of the payment of capitation grants to those schools; but my right hon. Friend made an objection to that proposal, which objection occurs in part of his speech. He admits that managers should be allowed to select any machinery they might think fit, provided that the child passed such an examination as would satisfy the inspector; but he qualifies that admission in these terms—

> "That remark does not in my view extend to certificated teachers, because we have the same right to require that there should be a certificated teacher and to limit our patronage to him as the public has to require that a man shall be regularly educated before he is allowed to practise as a lawyer or a physician."

That raises the whole question, and I should be perfectly prepared to join issue with my right hon. Friend on that alone. I wish to call the attention of the House to this matter, because it is right the public should know what movement is going on in the Education Department, and what we shall be in for if we give way to this principle. I, for one, think that the educational hobby is very hardly ridden at present. Mechanics' institutions labour us to death. One half of them are bankrupt, and we have to make speeches and deliver lectures for them. I, for one, am heartily sick of them. Then we have got Societies of Arts all over the country. I received a circular the other day from a society of gentlemen who would not employ any one who did not get a certificate from them. I am not sure that my hon. Friend the Member for Stamford had not something to do with that. Education—education is all a man hears of. I have received a circular from the College of Preceptors, which states—

> "The Council of the College of Preceptors desires to invite your attention to a recently originated movement, the success of which depends entirely on the co-operation of the general body of teachers. The Report of the Royal Commission on Education shows that an urgent necessity exists for legislative interference, in order to place the scholastic profession in its proper position; and the suggestion made in their Report, 'that no person shall be appointed to the mastership of an endowed school who shall not have either taken an academical degree or obtained a certificate of competency from some authorized body,' is founded on the very minute and careful investigations which the Commissioners have made. But it may naturally be asked, why, if the principle involved in this proposal is sound, should it not be applied to every member of the profession? The present time, when educational questions are actively discussed, seems to be a suitable opportunity for directing public attention to the best means of improving the status of our profession by legislative action. It is the opinion of many persons who have devoted attention to the subject that a Scholastic Registration Act, analogous in its provisions to the Medical Registration Act, would be productive of great advantages to the profession; and there appears to be a reasonable probability that such a measure might be so framed as to secure the general concurrence and support of teachers, and the assent of the Government and of the Legislature."

These gentlemen, after sounding the opinions of the profession, propose that a measure should be introduced into the Legislature, the leading provisions of which should be these—

> "All teachers now engaged in the profession, of whatever class, would be entitled to be registered; but after some future date, to be specified, only persons holding degrees, recognised diplomas, or Government certificates, would be registered, without which no person would be in a position to prosecute any claim for scholastic instruction in the courts of law. Thus all interference with 'vested interests' would be carefully avoided; while year by year those who are unfit to hold the office of educators would gradually be eliminated from the profession. A Scholastic Council, formed on a plan analogous to the constitution of the General Medical Council, would represent the interests of education and of educators, without favour or partiality towards any particular college, society, or system of education; while teachers would be as free and independent in the management of their schools and in their methods of teaching as at present. Qualified educators would be registered irrespectively of their religious opinions or denominations, the only conditions being competency to instruct, and good moral character."

These gentlemen wish to place themselves on the same footing as the lawyers, doctors, and other learned bodies. One great objection to this ought to strike every one—that it is not at all necessary to increase the self-importance of the scholastic profession. We all recollect the story of Dr. Busby, who, when he took Charles II. over Westminster School, strutted before him with his cap on, and after showing him every part of the school apologized to His Majesty for that piece of rudeness, saying, "If I were once to allow my boys to think there was anybody greater than I in this kingdom I should lose all my authority over them." That is pretty much the state of feeling among the scholastic profession

They want to have a legislative sanction given to that authority which, I think, is at present amply sufficient for them. This country has the reputation of being a lawyer-ridden country; some countries have the reputation of being priest-ridden. Spain was, I believe, in Dr. Sangrado's time, and, if all accounts are true, North Italy now is, a priest-ridden country; but of all the humiliations and indignities which can befall a country it is to be a schoolmaster-ridden country. I therefore would join issue with my right hon. Friend on this point alone, and would ask the House not to give its sanction to the principle that no man who has not received a certificate is to be considered fit to teach little children—not grown up people, mind—not to train mechanics, not to teach the higher branches of arithmetic, but merely the first rudiments of education—reading, writing, and ciphering, and how to behave themselves; for that is really all this vast complicated machinery has been set up to do. And it is certainly most extraordinary to read the syllabuses of some of these training schools. The House will find this point referred to in the important evidence of Mr. Skeats, a gentleman who has had great experience both in England and America. It is in volume 5 of the evidence. Mr. Skeats goes much further than I do, for he objects altogether to Government interference. He gives a list of the subjects taught at St. Mark's College:—Religious knowledge—liturgy, Church history, evidences of Christianity; English grammar and composition; Mathematics—algebra, Euclid, industrial mechanics; higher mathematics, physical science, English literature, higher mathematics pure, applied bookwork; experimental science; organic and inorganic chemistry, natural philosophy; History—"Hallam," Henry VII., James I.; Latin—prose, poetry, translation; and after all, a few accomplishments by way of dessert to all this solid food—vocal music, Welsh, reading, spelling, penmanship. [Mr. F. S. POWELL: What is the date of that?] That is 1859. The House will bear in mind that all this preparation is to teach little children from six to twelve years old—the greater number being under twelve—to read, write, cipher, and how to behave themselves. We are told that this cannot be done properly without masters who have gone through these colleges, and who have passed an examination; and that the inspectors, highly-educated men, clergymen generally, cannot possibly tell when they go into a school whether the children have been taught these things properly. This system is one of the main features in the effects of the capitation grant to which I object; but there is also another system which is very objectionable, and that is the pupil teacher system. There are a great many opinions as to the pupil teachers; and although my statement may be called into question, and may be overborne by the amount of testimony which my right hon. Friend may bring against it, yet he cannot deny that there is the highest authority of experienced schoolmasters, clergymen, and others, against the whole system of pupil teachers. Before I begin to show this, I will mention, that in addition to those conditions of the capitation grant which I have quoted, a further condition is annexed — that for every forty children above the first fifty in a school which applies for a grant there must be a pupil teacher, and for every eighty there must be another sort of assistant pupil teacher. I think that is a hard condition to impose on any schoolmaster and on any manager. I know schoolmasters of great ability who would give up their situations rather than take a pupil teacher on any terms.

If the House will allow me, I will just state a case which is within my own knowledge. When I had finished that correspondence with Mr. Norris which my right hon. Friend has published, and which I have taken the liberty of laying before the House in the shape of a small pamphlet, I asked him to recommend me a schoolmaster for a vacancy which was shortly about to occur in a school in my neighbourhood. Mr. Norris was good enough to recommend to me a young man who, I have no doubt, would have fully justified the description which he gave of him. The young man wrote to me describing his qualifications, and asking me whether it was worth his while to come down to see me. I said to him, "I must tell you, first of all, that I want a married man; there is a house attached to the school—it is a mixed school—and I must have a married man, or, at least, some one with a female relative who will look after the girls." He said that he was not married, and that he had no female relative who could come with him to look after the girls. I wanted a certified married teacher, and the consequence was that our negotiations soon came to an end. Shortly after that a schoolmaster was recommended to me with a first-class certificate — a man of great ability, far too good, I am afraid, for what I had for him to do. He gave up a much better school of 200 children, where he was receiving nearly £120 a year, and he has come to me for a much smaller salary, simply in order to get rid of the nuisance of having to look after pupil teachers. He tells me they are a greater plague than all the rest of the school put together. I am not in the least surprised at that, because there is abundant evidence—it would be wearying the House to read it all—to show that pupil teachers are not so desirable a class as they are commonly represented to be. Mr. Skeats says—

> "The pupil teacher system, the most expensive branch of the operations of the Privy Council Committee, was originated, it seems to me, in a mistaken estimate of the kind of instruction needed by the poorer classes, and in a very fallacious calculation as to the number of teachers that are likely to be required in public schools. The result of the former mistake has been to perpetuate a system of over-education; of the latter, to increase the supply of teachers far beyond the natural demand for their services. As a further consequence, therefore, large numbers of these teachers who have become Queen's scholars, and who have been specially educated at the public expense for this profession, cannot obtain immediate employment, and are obliged to resort to other occupations."

And then he makes what I think is a very sensible recommendation—

> "By the aid of a small number of paid assistant teachers and of unpaid monitors, all the good which the pupil teachers do might be done without them, and the public revenue saved an annual demand amounting now to nearly a quarter of a million sterling. The opinion, I think, has now become general that the system has been overdone."

And some gentlemen, speaking of their experience of certificated masters, say the qualifications are so high as to disqualify them as teachers of public schools. I have the opinion of another gentleman as to the character of pupil teachers—a gentleman whose opinions are to be found at greater length in the blue-book. The Rev. Mr. Procter, who is referred to by the Commissioners, says—

> "Except when the principal teacher is a very judicious, right-minded person, or the clergy or the other school managers exercise a constant watchfulness over these young people, and are at the pains of training them individually in morals and religion, many of them only become eye-servants, inflated with self-importance, overbearing towards the younger children, contemptuous towards their social equals, high-minded towards their parents, brothers, and sisters, and other relatives; very dressy out of school, and forward and deficient in outward tokens of respect towards their betters."

I have no objection to those who like pupil teachers using them; but what I do complain of is that the Government should insist on forcing these raw lads on the managers, when the managers are quite as competent to form an opinion upon the subject as the British House of Commons. The Government, in its benevolence, has done more than that, and has devised a special machinery for the benefit of the unassisted schools. As a mode of making schoolmasters cheap, and certificates easy, it is provided that all acting teachers shall be competent to go up and be examined for a certificate. The examination is professed to be as easy as possible, in order to bring all the schoolmasters, in some shape or other, under the control of the Government. I have the syllabus of the examination which the acting schoolmasters are to pass, and it is apparently a very simple and easy affair. [Mr. LOWE: "Hear, hear!"] The right hon. Gentleman cannot make it too simple for my argument, but he can make it too simple for the argument of Mr. Norris. Mr. Norris's argument is that the system of certificates is a great system of moral regeneration. I will read what he says about it—

> "A thorough-going examination occupying a whole week of the Christmas holidays, in subjects which they had been advised to prepare twelve months before, stamping once for all those who succeeded in passing it, was just what all the worthy teachers approved. In my district, all the best of the old-fashioned teachers, though they had never been to a training school, sooner or later obtained their certificates. Thus we succeeded in our direct object, in discriminating teachers of sound from those of unsound attainment. But, indirectly, another object was gained, and a still more important one. In a few years the teachers of doubtful character, such as I have alluded to above, disappeared from our annual grant schools. No mere adventurer would face that certificate examination, occupying a whole week, and requiring a twelvemonth's preparation. A man must be in earnest to do that."

He says again—

> "The attainment of a certificate is to a very considerable extent a guarantee of moral worth, implying a course of self-denying study, the production of very complete testimonials, the strictest integrity during a six days' examination, and (now) two years' probation of character between the date of the examination and the issue of the parchment."

Mr. Norris merely represents the Privy Council Department, and, by way of showing what this certificate is worth, my right hon. Friend proposes to give it to all schoolmasters who have passed the easiest examination in the A B C of knowledge. What becomes of the moral test? My right hon. Friend cannot have it both ways. Either the certificate is, as Mr. Norris contends, a prize granted after a severe and searching examination, following a course of study and preparation, and testing the sincerity and self-denial of the candidate, or it is given upon the smallest possible pretext, and is therefore worth nothing. I defy my right hon. Friend to make out that the certificate such as he proposes is worth a farthing or is any guarantee of worth. But I go further, and I contend that the department has no right to impose the requirement of a certificate in the teeth of the wishes of the schoolmasters, and in the teeth of the intelligible objection that those who have been engaged all their lives in teaching ought not to go up for examination. I will read to the House what one of these first rate schoolmasters, Mr. Moses Angel, says about it—

> But, as has been before stated, there were two classes of teachers, of which the one, certainly a minority, possessed, long before Lords' Committees existed, high qualifications for the posts they held. These men, good and true, had in some cases conducted large establishments for many years; in all cases had secured the well-doing of their pupils, the approbation of their employers, and the satisfaction of their own consciences—the *mens conscia recti*. These saw the degradation implied by the want of examination; they felt that to stoop to learn what they had successfully taught for so many years was to confess their lives a falsehood, their career a fraud; they felt that to submit to an investigation into attainments and capabilities which had been continually undergoing the severest of all tests, the daily wear and tear of intellectual questioning encouraged among their pupils, was to give no higher proof of superiority over the common herd than they had already afforded; they felt that to subject the firm and less pliant mind of mature age to the discipline and drill adapted to students fresh from the ranks and still barely beyond the years of boyhood, was to insult their self-esteem, to wound their reputation, to destroy their prestige."

Here is an exception to Mr. Norris's statement that all the best of the teachers hail with satisfaction this examination test. The second remedy which my right hon. Friend proposes is to manufacture a class of schoolmasters who shall be cheap, abundant, and suitable to the wants of all rural schools. Let us see who are these schoolmasters. They are ex pupil teachers—young men of from eighteen to twenty-five, who are to undertake the office of village schoolmasters upon pay equal to the pay of common labourers, at 12*s*. a week, or £25 or £30 a year; and Mr. Melville, my correspondent, says that plenty of them have gone out already. What I maintain is that those young men are unfit to be sent out, and that no manager of common sense, who knows anything about bringing up young people, would have one of them. I will give the evidence of a lady upon the subject who was examined by the Commissioners, and whose evidence appears in the blue-book. Mrs. Partridge, a lady in Herefordshire, says—

> "I highly disapprove of mixed schools under a master. I have observed the bad effect upon the conduct of the girls educated at them; and well-thinking parents always object to it. Giving trained masters, generally, credit for strict morality, still girls should have female influence and female advice, and be kindly warned and cautioned by one of their own sex."

Let us see what the Commissioners themselves say with regard to female pupil teachers and how carefully they look after them. They provide that the pupil teachers shall be of the same sex as the principal teachers of the schools in which they are employed, and that in mixed schools female pupil teachers may receive instruction from the master, upon condition that the mistress is invariably present during the whole time of the lessons, and that the master and the pupil teacher are not both young and unmarried. My right hon. Friend very properly will not bring female pupil teachers under the instruction of young unmarried men; but is it right to send young unmarried men into all the mixed rural schools of the country, where the girls, who generally stay the longest, are often fourteen years of age? But perhaps the right hon. Gentleman may say, "We will supply you with mistresses." There is an objection to that also. One part of the system, and the most beneficial part of the system, is that of evening schools. Now, I put it to the House whether they think that a young mistress is a fit person to conduct an evening school in a village where the attendants are generally grown-up lads and young men. Another objection is this:—What a manager most requires when he engages a master is that the man shall remain with him for a considerable period. Nothing is more inconvenient or subversive of the discipline of a school than constant changes of masters. If he employ a young man and a young woman, they are always looking out to better themselves. The young woman is looking out for a husband; and being a person of superior education, probably has less difficulty in meeting with a husband. The young man is always seeking a better situation, and the school is exposed to the injury of frequent changes. I cannot conceive a more certain way to ruin village schools than to supply them with young masters and mistresses. Allow me to call attention to another feature, which involves great hardship and is the real foundation for the proposals which I am about to make. On whom does the burden fall of supporting these village schools? The Commissioners tell us that the clergy are the persons who make up deficiencies—

> "The heaviness of the burden borne by the clergy is imperfectly indicated even by such figures as these. It frequently happens that the clergyman considers himself responsible for whatever is necessary to make the accounts of the school balance, and thus he places himself towards the school in the position of a banker who allows a customer habitually to overdraw his account. He is the man who most feels the mischief arising from want of education. Between him and the ignorant part of his adult parishioners there is a chasm. They will not come near him, and do not understand him if he forces himself upon them. He feels that the only means of improvement is the education of the young, and he knows that only a small part of the necessary expense can be extracted from the parents. He begs from his neighbours, he begs from the landowners; if he fails to persuade them to take their fair share of the burden, he begs from his friends, and even from strangers; and at last submits most meritoriously and most generously to bear not only his own proportion of the expense, but also that which ought to be borne by others."

That evidence is borne out in every page of the book, and if the House will allow me, I will read one or two letters which show the manner in which this burden is borne by the clergy. Here is a letter from a gentleman who is the rector of a country parish, and who takes a great interest in the subject. He writes to me as follows:—

> "I will give you my own case as an example of cases all round me. Fifteen years since I secured the services of a man who was not a certificated schoolmaster, but who still had great qualifications for his office. On the whole, I determined to retain him, supplementing his and his wife's teaching by my own and my wife's. The result was most satisfactory, and the school turned out well."

Another gentleman writes to me to this effect—

> "If Government grants are made only to such schools as have certificated masters or pupil teachers, it is obvious that a number of parishes too poor or too small to maintain such teachers will suffer grievous wrong in many instances."

He then goes on to refer to the case of incumbents who, out of an income of £200 a year, are often obliged to pay £30 for the cost of their schools. Now, I beg the House to consider what it is to deduct £30 a year for the support of a school from an income of £200 or £300 a year, those schools all the time producing all the results which are sought for, the only ground for the refusal of Government aid in their case being that they cannot afford to employ masters who, if they did employ them, would require salaries far beyond the amount which they could afford to give. The whole of this book is, I may add, made up of accounts very much to the same effect. There are innumerable instances cited in which the burden of those schools does practically fall on the country clergy. Now, I think, that considering the interest which they have in the subject, and the respectability of their position, they ought to be credited with such an amount of common sense and with so large a share of the feeling of propriety as to be able to choose their own masters without such tests as my right hon. Friend suggests. He has his own means of testing those schools. He has his Inspectors, and that which I call upon him to do is to make those Inspectors do their duty. I venture to say, that if I were to tell any one Inspector that he could not say whether any three or four of those schools were properly conducted or not, he would think I was offering him an insult. Nay, more, I contend that any Member of this House would, after six months' practice, be able to form an opinion as to whether they did or did not come up to the Government test. For my own part, I should suppose that any one who has the least experience of children would have no difficulty in ascertaining the extent of a child's knowledge by the test of individual examination relied on by the Privy Council. The Government has therefore no pretence for saying that it wants additional tests beyond the examination of the Inspectors. I do not believe that my right hon. Friend will seriously contend that what he wants is to get a hold of some sort over every schoolmaster in the country where the schools share the grant. At all events, that is precisely what I refuse to give him.

I shall now, with the permission of the House, proceed to give my right hon. Friend the opinions of some of those Inspectors with respect to the value of the certificate system. I have been obliged to refer to the evidence laid before the Commission, because, I am sorry to say, I can no longer place that confidence in the reports of the Inspectors which I desire to do. My right hon. Friend admitted the other night, in answer to the right hon. Member for Droitwitch (Sir John Pakington), the difficulty of exercising an official censorship over those reports, and that it was not desirable to give us their free and full opinion, for fear they might clash with the Privy Council system. Happily, I have the reports of Inspectors which are not garbled, and from these I will quote. Here, for instance, is the report of Mr. Fraser. He says—

> "The ties that often bind the managers of a school to the existing teacher—ties sometimes of a weak and mistaken charity, but more frequently of genuine and deserved respect and appreciation—are to be reckoned among the most influential causes that still keep many schools aloof from the system of Government aid. 'We are quite sensible of the advantages,' I have heard managers say again and again; 'we wish we were in a position to accept them, but our present teacher is too old, or too timid, to be examined for a certificate, and we value him too highly to part with him, or to press him to take a step from which he himself shrinks.' And when I have seen schools conducted so admirably, and in all respects so efficient, as, *e. g.* Mr. Ricardo's boy's school at Berrow, or Mr. Baker's school at Monkland, under uncertificated, and in the latter case under an untrained teacher, I have fully admitted the force of the argument; and highly as I value the aid offered by the Committee of Council, which I regard as almost indispensable for the thorough efficiency of elementary schools, I should have shared the reluctance of these managers to change a system which was working so well, even were the schools my own."

That is the opinion of Mr. Fraser. I will now read to the House that of Mr. Winder, another Inspector, who says—

> "The case of the existing schools not at present qualified for the grant is somewhat different. I saw several, both inspected and uninspected, sufficiently efficient to deserve the grant, if efficiency were the only test. Most of the latter would very gladly submit to inspection for the single purpose of getting the capitation money so long as they were certified to deserve it. It certainly does seem hard that these schools, which, as far as the country at large is concerned, are as meritorious as any other, should have all public aid denied, except on the condition of dismissing their tried and competent masters. That a master has not or cannot come up to a certain literary standard may be an excellent reason why he should not have the advanced education of pupil teachers in his hands, but it does not seem a very strong one for refusing to give him the means of teaching better the scholars whom he has proved that he can teach well."

Mr. Headley, in his report, says—

> "Schools which are under Government inspection and receive Government aid are, generally speaking, the best. They are usually found in the larger villages or towns. If in towns, they have the great advantage of more constant attendance. They are better supplied with funds, and have the services of a trained master or mistress. They are also generally taught with the aid of pupil teachers. But with all these advantages I do not think that reading and writing are better taught in these than in many others. The difference appears rather in the wider range of subjects introduced, *e. g.* geography, history, drawing, music, and also in the better order, discipline, and system."

Again, he says—

> "I have not heard any complaints that certificated teachers devote too much time to the instruction of pupil teachers. But the impression which I have received from my visits to schools under certificated masters is that the elementary branches of education are not sufficiently attended to, the mechanical part of the work is not well done, the writing of the children can seldom be called good, the reading still more seldom. . . . . . . In schools which are qualified for Government grants the teachers are persons of intelligence and information, the apparatus and organization are excellent, but I do not see the corresponding superiority in the art of teaching that might have been expected. When we come to the schools which do not reach the standard in funds or in numbers, which qualifies for a claim to Government grants, the teachers are either persons who have been trained for the employment, but have not obtained a certificate, or they are persons who have had no special training. Among the latter class are many who, though deficient in education, yet possess qualities of good sense, industry, and high character, which enable them to fill their position with success. Managers of schools who have such a master would seldom be willing to supersede him by a trained and certificated master. Masters of this class, if supported and aided by an active clergyman, are, I think, fully adequate to the wants of a country district."

That is the opinion of one of Her Majesty's Inspectors. Here is the opinion of Dr. Hodgson, another inspector—

> "I have heard it objected, and I agree with the objection, that it is unwise (admitting the wisdom of the grant itself, of which I give no opinion) to exclude from the grant unregistered or uncertificated teachers, if their schools be found fairly efficient. . . . To examine the master instead of his school is to prefer the worse to the better mode of ascertaining his efficiency, and is at variance with the rule of judging of the tree by its fruit."

Mr. Jenkins, another Inspector, says—

> "The observations I have made in the course of this inquiry lead me to the conclusion that an extension of the capitation grant so as to include all schools in part or wholly supported by subscription, on the condition of submitting to inspection, would tend to the promotion of education, and to the improvement of its quality in rural districts where the population is too poor to provide the salary necessary to secure the services of a certificated or registered teacher."

This is the opinion of Mr. Wollaston, Diocesan Inspector of Sussex—

"I never recommend a highly-trained master or mistress to the school of a purely agricultural parish. I have almost invariably found that the masters and mistresses sent out from our training institutions do not attend to the lower classes in a school. They have a few show boys or girls in the first class. I find, on looking at the list of schools in my district (classed privately in order of merit), that neither the first, second, nor third are under a master or mistress trained at our college. I am not at all prejudiced against the system of training—quite the reverse; I merely state a fact, so far as it has come under my own observation. It becomes a question whether we are not training and teaching the masters and mistresses too high for the country village schools."

Now, let me read one or two passages from letters which I received from country clergymen who are managers of schools, and who have had the best possible opportunities of judging of the merits of the system. The rector of Offwell, in Devonshire, says—

"Mr. Norris dwells upon the necessity of a certificate as a test of the master's moral character. Like the clergyman you allude to in your letters to him, I can assure him that I have failed in two instances in certificated masters. And now, having had instead, for some years, a self-trained one, who gives great satisfaction, and whose scholars have had more prizes at an annual examination of the district candidates, from town and country schools around, than those of any other master but one (that one also uncertificated), I am shut out from all Government help. It is rarely the case that a certificated master stays long in a little country village such as this, where it is difficult to muster above thirty children at the most, and generally not twenty-five."

Then I have a remarkable letter, which I particularly wish the House to do me the favour to listen to, because the writer, who does not give his name, has devoted a great deal of time to an investigation of the whole subject of education. He says—

"Some years ago, when certificates were certainly less abundant than in the present day—but the principle upon which they were given was the same—I obtained a list of a number of the best masters at different classes of schools both in town and agricultural districts, and for a long time travelled about in various parts of the country to learn the different modes of education, to examine the working of the systems, and to ascertain the actual practical results. I was acting purely as an amateur; and, having plenty of time on my hands, I never allowed in my mind an opinion of a school till I had personally remained in it, generally at intervals, during at least one day's routine. I afterwards, with the consent of the master, examined the classes; but my special attention was directed to the boys separately, and very frequently at their own homes; my only object was to find out by what system the greatest amount of real, practical, useful knowledge was conveyed. The resulting impression on my own mind was not at all favourable to the certificated masters. About that time the mastership fell vacant in a school, with tolerably good payment, and of which I had been placed on the committee, though only residing as a visitor in the neighbourhood. A number of candidates applied, and several with high certificates. I strongly advocated one whose qualifications appeared to me very superior, but who had never been in a training school, and was at the time employed in a printer's office: he was elected. Not very long after the second mastership in a Government establishment became vacant; the pay and allowances were very superior, and the candidates were in proportion. The number was first reduced to some thirty, then to six or seven; these were strictly tested in the school by special commissioners, and the man of whom I have just spoken was appointed to the office: he had no certificate, but was tested by his work. In the course of my school visiting I went to one at a most flourishing town, where the salary was good and all the educational appliances of the highest order. There the master had the strongest certificate; for a long time I frequently attended the school, and found that nine-tenths of the children were very deficient, in comparison with very inferior schools, as to the most common and essential points of education. Having, of course, seen a great deal of the master, and knowing that he was really most zealous in his duties, I ventured to tell him my opinion both on the state of the boys and even the discipline and condition of the school; of course, he did not agree, till I suggested the means of fairly judging for himself."

Now, just listen to this—

"He then fully confessed his surprise—immediately sent seventeen boys to be punished. I most strongly demurred to this, and saved all but two; but it showed convincingly he could not manage—did not even know the real state of his school. He was a most gentlemanly, agreeable, well-informed man — one whom I should have been willing to esteem and admire as a friend; but with all his acquirements he had not the ability to teach, or rather to teach the only subjects for which, in his position, acquirements were of any value. He had a special class of some twenty or thirty boys, and, as to them, I have no doubt they would have passed a good examination in that acme of absurdity, published 'for the use of pupil teachers and the upper classes' of schools —the *Atlas of Isothermal Lines*; but the 150 other boys would have been better taught at a good dame's school (using the term dame's school for the system of education, not as under a female teacher). But when the country pays for education it is not the forced plants—the pines and peaches—that it wants to cultivate, but the solid food for the people. In this latter case, the master was appointed by his certificate, but it was no voucher for his ability to teach; he was rewarded, like a college fellowship, for labour he had done; but we want men able and willing for work that is to be done."

I think that a very important and a very good letter; at all events, it affords proofs that in the opinion of a gentleman so truly and conscientiously interested in the subject, and so well able to judge as the writer of this letter evidently is, a certificate is no guarantee whatever of the excellence of a master. Let me now give the House a letter from a gentleman, whose name I will not mention, but whose signature will be seen in the front rank of literary men, and who himself occupies one of the highest educational posts in the country—

> "I have received your circular as to your Resolutions in the House of Commons for the 20th. I fully agree with them. I have had enough experience of certificated masters to know that in most cases, if they are good enough for their work, they are above their work. They are ambitious—generally to become parsons. Thinking teaching a bore, and having no family or other ties to the parish, they long to be away from it. Moreover, they generally think that they know better than the parson. I will have none of them."

That is the opinion of a gentleman who, as I have said, holds one of the highest positions in this country in connection with education. I will now give the declaration of another friend, whose name likewise I refain from quoting, regarding the uses to which certificated teachers may be applied, and the abuses of the system which my right hon. Friend administers. The author of the letter writes with the most perfect simplicity and with entire unconsciousness as to what its effect will be; therefore I do not mention his name. He says—

> "I wish to write a line in reply to your circular. I do not think your Resolution would affect my parochial school so long as I am vicar,"—and why?—"as I shall probably continue to use a certificated master, having occasion to employ him with my own pupils."

My correspondent is an old friend, who has private pupils, and finds it very convenient to keep a certificated master, paid out of the pockets of the Treasury, to assist in teaching those private pupils; so that here is the case of a clergyman—acting as many other clergymen are doing—employing one of these highly-qualified and no doubt competent teachers in the work of educating the sons of gentlemen. Having obtained his services for a distinct purpose, he is deriving a personal benefit from the labours which are paid for by the State. I have other letters from gentlemen complaining, that having to get rid of bad certificated masters, and to employ good uncertificated masters, the grant to them had been stopped in consequence. It is objected by some persons, and I have no doubt, will be thrown in my teeth this evening, that if my Resolution were carried,

it would operate seriously to the detriment of training colleges. I think I can bring evidence to bear on that subject also. Here is the opinion of a gentleman who was for five years principal of the Chichester Training College—

> "Having been the principal of the Chichester Diocesan Training College from 1842 to 1847, I may have, perchance, a practical as well as a theoretical knowledge of public education. My opinion is, that your proposed Resolutions for Friday the 20th instant will be of great service to village and other schools, where there is, of necessity, little local support, but that they will be taken advantage of by many schools now under the rules of the Revised Code; and, if so, will they not lessen the already insufficient demand for certificated masters, and afford further ready justification to certificated masters, lodged, boarded, and taught almost entirely at the public expense for a special service, for leaving that service? But this leads to some points which, when the Code was being revised last year, ought to have been, and which now ought to be, brought to the consideration of the House of Commons. Having a list of men trained at a training college during five years, more than one third of whom, to my knowledge, are no longer schoolmasters, I speak advisedly when I say:—1. There are too many training colleges; they are too expensive, more so than many good boarding-schools; they supply much learning; little practice in the real work of teaching. 2. These training colleges send forth and add every year too many certificated masters to an already superabundant supply. 3. There are far too many pupil teachers—an ever-increasing army, not possible, according to the death-rate of existing schoolmasters, to find employment in schools by vacancies. 4. The consequence is that certificated masters and pupil teachers readily feel themselves justified in leaving their peculiar calling for other employments less onerous or more agreeable or remunerative; and thus a large sum of the taxes is lost to the public intention, though not to individual gain. 5. The question, therefore, arises, should Government continue to expend so much money upon certain individuals—more than many a respectable parent is able to spare for his own child—under the idea of fitting them for a calling which many of these individuals know they do not mean to follow, and which others cannot follow; but the training for which, they all know, is most useful for private ends—for 'knowledge is power'? 6. The simple remedy or requirement seems to be to put the training colleges on their original footing—*i.e.* on their own resources."

That is the opinion of the principal of a training college as to the excessive supply of teachers under the existing system. I will not weary the House by reading more extracts with reference to this part of the subject; but I must say a word or two upon a point to which I have not yet adverted—I mean the extravagance of giving money where it is not required. One of the first letters in this blue-book of mine, at page 49, relates to a school at Fairford, in Dorsetshire—

> "The school there is endowed with £150 per annum. They can therefore command a certificated master. The parishioners have never been called upon to subscribe to the school, nor, I believe, has the clergyman, simply because the endowment, with the payments from the children, are ample for all their needs. The trustees of the school, however, desired Government inspection. Mr. Bellairs was accordingly instructed to proceed to Fairford. He said, however, that he could not continue to inspect the school unless they had an annual grant. As the master was certificated, there was no difficulty; and as the school was large, so was the grant. Will you believe it, that a grant of £130 per annum was thrust upon a school not needing or desiring it, because they could not get inspection without; while the adjacent little village schools, struggling unbefriended to keep their heads above water, can get nothing, on account of some grossly absurd rule about certificates, though the results produced in these same village schools may be all that are desired?"

The writer of that letter referred me for its confirmation to the vicar of the parish, the Rev. Mr. Rice, who happens to be a personal friend of mine, and who wrote to me on the subject. From his letter it appears that the endowment is not £150, but £120; and he adds that the grant was not thrust upon them, because they were very glad to get it. I have no doubt that few clergymen would be unwilling to receive a grant, no matter what might be the endowments of their schools, but it does seem to me to be a *reductio ad absurdum* of the whole system to grant the public money voted by this House to schools of this class—endowed schools, already in possession of £120 a year. If any charity whatever would fitly come under the lash of my right hon. Friend the Chancellor of the Exchequer, it would be such a school receiving £120 a year by endowment and an equal sum from the Privy Council Office. There is only one other letter to which I will refer, and that only in consequence of the respect which is due to the writer. I have been favoured with a letter from the author of *The Christian Year*, the Rev. Mr. Keble, in which he expresses his cordial concurrence—and he is no mean authority—with the view which I take of this subject.

I will not trouble the House with any more remarks upon the second Resolution, which is the more important of the two, but I should like to make a few observations with regard to the first, which defines the class of schools to which I think the second Resolution is properly applicable—namely, schools not being private schools—that is, not being kept by private persons for profit. The Commissioners, I am aware, did not draw that distinction. They thought that all schools, whether kept by private persons for their own profit or not, should receive money levied from the public in the shape of county rates; but I must say that after giving the subject the best consideration in my power I am not able to come to that conclusion. I think that the subsidizing of such private schools would introduce an altogether new and dangerous principle, and therefore I do not propose to include them in the terms of my Resolution. There are also other reasons against doing so; one is the character of most of these schools. They are generally of a very inferior description. The testimony of almost all persons who have examined them agrees upon that point. Mr. Hare says—

> "In general little satisfaction is found in visiting private schools of an elementary description, after witnessing the procedure of a well-regulated public school. With extremely rare exceptions, everything—place and furniture, books and apparatus, master and scholars—everything is painfully inferior."

There is another difficulty with which we should be met if we were to assist these private schools—and that is that there is a large class of private schools of a superior description intended for the middle classes, which at present suffer considerably, not only from the operation of the Government grant, but from the competition of schools supported by voluntary subscriptions—I mean the inferior grammar schools in country towns, which are very seriously injured, even under the existing system, by the competition of publicly-assisted and publicly-supported schools. I have received a letter from the master of a small village school in Oxfordshire, complaining that his school is being seriously injured by the number of children of a higher class who attend the national school of the place. This is a difficulty which I have often felt, which I suppose is a recognised difficulty, and one which we can hardly meet. Whenever a good village school is established, it is sure to be attended by children of a higher class than those for whom it was intended. I might mention a school in my own village. The children of farmers attend, paying only the usual 2*d.* a week, and I find it difficult to refuse them. There is no other equally good school in the neighbourhood, and it is difficult to raise the fee without sanctioning the principle of having two different classes of children in the school, which, I think, is rather a dangerous principle to introduce. It is therefore generally found best to admit children of that description, although it may to a certain extent be considered an abuse of private charity, and, still more, an abuse of public grants, whenever the children of the middle classes attend schools which are intended only for the children of the lower classes. That difficulty would certainly be increased if private schools likewise were supported by Government grants. I have therefore thought it right to exclude them from any share of the grant; the more especially as I believe that in time these private schools will become extinguished, as they cannot sustain the competition to which they are exposed by a system of public schools.

There is, however, another description of schools which I think ought to participate in the grant — namely, the ragged schools. I know that there is in the minds of some persons a prejudice against ragged schools, because it is supposed that they offer a premium to dissolute and negligent parents. It has been attempted to be shown that the ragged schools are used by children of the same class as attend the ordinary national schools, but that the parents of the one class are respectable and those of the other are not; and therefore it has been contended by some persons that ragged schools ought not to be encouraged. I do not think that that argument can be fairly maintained. There are other considerations to be attended to than are included within its scope. After all, we must remember that there are such persons as parents, who, being needy themselves, know how to give good gifts to their children. It may so happen that a drunken and dissolute parent may have enough decency and morality left in him to wish that his child should be better than himself. The children of such persons go to the ragged schools, and I do not think that such schools ought to be excluded from a fair share of the Government grant, if they comply with that which I conceive to be the only just test which can be applied to any school. I have trespassed too long, I fear, on the attention of the House. I only hope that if hon. Members have done me the favour to attend to my arguments, and if they have been in any measure convinced by them, they will put a stop to this illiberal and pedantic monopoly; and that they will do one of two things, and either compel the Educational Department to contribute some portion—for I make no exhorbitant or immoderate demand—of those funds which are liberally placed at its disposal, to those excellent, praiseworthy, and self-denying gentlemen, who constitute the management of most of the rural schools of this country, on their fulfilling and coming up to the test which the inspectors may require; or else that they will relieve these managers and the country at large from contributing any longer to a grant which becomes odious as soon as it is proved to be unjust. The hon. Member concluded by moving the Resolution.

MR. BUXTON said, he rose to second the Motion. He hoped the House would observe that there was nothing in the Motion of his hon. Friend which indicated that the system of giving certificates to teachers upon examination was to be done away, or even weakened in the least degree. Neither he nor his hon. Friend sought to place the schools under non-certified teachers upon the same level as those of which the teachers had obtained certificates. Such a radical change would be rash. All that they wanted was, that under certain conditions, all schools for the working class should be open to inspection, and that for each child who was actually found proficient in reading, writing, and arithmetic, the managers should receive that portion of the grant which was to be based on such proficiency; but that the attendance grant should still be confined to schools under certificated teachers. When the subject was brought forward last year, he was one of those who, after hearing the debate, in the hope of being led by it to a fair conclusion, felt that the matter was one in which it was not possible to decide without a great deal of inquiry and thought, and therefore abstained from voting. Since that time he had carefully gone into the question, and it was perfectly clear that, with the modification he had now spoken of, the proposed change would do almost unmixed good.

The doubts which he, in common with others, had felt upon the subject were three-fold. In the first place, there was the question whether the alteration would not involve a breach of faith with vested interests. Then, there was the question whether it would not be at variance with the general policy of the country, both with respect to expense and also with respect to the maintenance of that great educational organization which had been set up. Lastly, there was the question whether the change would injure or whether it would advance the education of the poor.

The first question was, whether the alteration would not be unfair towards the certificated masters and the training schools. If the grant for attendance were only given to those schools the masters of which were certificated, that alone would be a sufficiently powerful inducement to every manager to get certificated teachers if he could possibly do so. More than that, if it really were the case that the certificated masters were better teachers than the uncertificated — and that, of course, was the essence of the argument of those who pleaded for them — it must then follow that the certificated teachers would be most likely to secure to the school a larger proportion of the proficiency grant. The managers would therefore have strong pecuniary motives for getting a certificated teacher—first, with the view of securing the attendance grant; and secondly, with the view of obtaining the proficiency grant, through the children being better up in their reading, writing, and arithmetic. But even if those pecuniary motives were less powerful, who could doubt that managers would be eager to get the best masters they could? Certificated teachers would therefore still be able to sell their services at full value, and there would be the strongest motives to young men entering on that profession to obtain certificates, and therefore to go to the training colleges. The alteration, then, would cause no wrong to any vested interest. On the other side, justice demanded the change. The managers of schools were taxed for the educational grant; and if their children were well taught, it was unfair to debar them from sharing in it by an arbitrary restriction. It was also unjust to the masters of such schools.

Then came the question whether they would not be ruining that mighty educational organization which had been erected with so much labour and outlay during the last thirty years. By degrees that system had been developed with its certificated masters, its pupil teachers, and so forth. Last year they had made an important reform in the mode of administering it; would it not be rash again to set their hands to it, and perhaps tumble it down altogether? Now, he allowed that nothing could be worse in the administration of affairs than to be setting up one day and pulling down another, and in a love of tinkering to forget the inestimable value of stability. And certainly, had they sought to sweep away the certificate system, they would be dealing a very deadly blow to the educational organization; but what they actually sought would leave it untouched. If the proposed modification were adopted, there would still be certificated masters. To them, and to them alone, would pupil teachers be apprenticed. The training schools would still find it worth while to educate young men with a view to obtaining these certificates. That pupil teacher system, to which so many were warmly attached, and which he believed to have been invaluable, would not be one jot or one tittle the worse. He was unable, therefore, to discover that their educational system would receive the smallest injury.

He would now pass on to the question of expense. They must all, he thought, have felt some anxiety of late years in looking at the rapid increase of outlay under the head of Education, and he hoped they would all shrink from making any lavish increase in that direction. But the proposed alteration would, at the outside, cause an increase of £200,000 per annum. It was shown last year that, in all probability, the amount that under the Revised Code would be given under the head of the proficiency grant to the schools now under inspection, would amount to a little less than £300,000 a year. These schools contained 1,000,000 children. That left a balance of 600,000 children in the other working-class schools. They might fairly suppose that only half a million of those children, at the very outside, would obtain the grant. In that case—and that was a most liberal computation—the increased outlay in the shape of the proficiency grant would only reach £150,000 per annum; but he would give a margin of £50,000 for the increase of staff expenses, salaries of inspectors, and so forth. He had no doubt himself that in making that allowance he was going a great deal further than the case really demanded. It must be remembered that under the Revised Code it was reckoned that a saving of more than £100,000 a year would be made; consequently, half the proposed increase would be, so to speak, provided for by that saving. He owned, however, that even that increase was serious. At the same time, he utterly denied that the argument from expense was a legitimate one to use in order to prevent schools that now lay beyond the action of the national system from being connected with it. The country had deliberately accepted the principle that stimulus and superintendence should be given by the Government to the education of the working class. That conclusion had been come to, and had been acted upon for many years, with the goodwill of the whole people; and it was an anomaly, not to say an absurdity, deliberately to adopt such a policy, and in accordance with it to give lavish aid to a certain portion of the schools, but, after all, to shut out one-third of them upon the ground of expense. It clearly would be right rather to give small aid to all, so as to cover the whole area, than to give abundant help to a few and none to others. It was a breach of principle, nay it was a breach of common sense, to let their frugality lead to such an arbitrary distinction. These, however, were comparatively secondary considerations.

The real, the essential question was, would the change be likely to make or to mar the work the State had undertaken, of raising the character of the working class? That was the end they all had in view. What they wanted was, that in days to come the working class should be raised to the highest practicable point of intelligence and morality. It was with that view that they had established an immense educational machine. Would their machine be more or would it be less potent if they made the change? Now, on the one hand, the only way in which the alteration would damage education would be if it caused non-certificated teachers to be substituted for certificated. But he had already given reasons for believing that that would very rarely, if ever, be the case. Let them, however, assume, that in some considerable number of schools such a result would follow. His hon. Friend the Member for Berkshire, in a speech last year, and in some of his letters, had given solid grounds for doubting whether the certificated teachers were so very much better than the non-certificated. He (Mr. Buxton), however, was ready to take for granted that the difference in value was very great indeed, and that it would be a serious loss in those cases to lose the certificated and substitute a non-certificated master or mistress. But it might be observed in passing that the managers would be likely soon to find out their mistake if they were in reality getting an inferior teacher. However, let them grant the outside of damage that would be done to education in that way. But then they must weigh, on the other side, the immense increase of value that would be given to the education of the children in those schools which, unless the rule be modified, would be excluded from connection with the Committee of Council. They must bear in mind the striking fact, that although the so-called National System had been at work for a great number of years, schools containing 600,000 children of the working class were debarred from connection with it. Some of them, no doubt, from various motives influencing their managers, or from other circumstances, would not in any case be brought under the Committee of Council. But they might fairly believe that the managers of five-sixths of those schools would be very glad indeed to connect themselves with the Board, to receive inspection, and to obtain grants, were it not that, from various causes, their teachers had not obtained certificates. And let them not give way to the delusion that the reason why so vast a number of masters and mistresses had not obtained certificates was, that they were too ignorant, or too immoral, to be able to obtain them. In a small number of cases that was true. But in by far the greater number the reason simply was that the school was a small one in some outlying district. It would not be possible for the managers to obtain as a teacher of such schools the services of a person "who was able [he was quoting Mr. Norris] to give a year's hard study to the subjects on which he or she would be examined," and, further, to give a whole week to the examination, involving the expense of the journey and of board during that time, and to pass successfully an examination which, unless it was to be degraded into a useless absurdity, must really show that a man or woman had a highly-cultivated mind. It would not be either practicable or desirable for petty schools in agricultural districts to be superintended by teachers with such high qualifications, pecuniary and mental, as those which the certificate must imply. It was the vainest thing in the world—it was utterly against common sense to hope, or even to wish, that the mass of small schools, for the poorest class, could have teachers of so high an order. The instrument would be too valuable for the work to be done. Such schools were not unworthy of aid; they might be very efficient for the purpose for which they were intended. But, though they could not hope ever to obtain certificated teachers for those schools, it would be of the highest value to them to be examined by inspectors sent down from the Government. Nothing could give a stimulus so potent as that, and he lamented extremely that the existing restriction should deprive half a million children of such a vast advantage. But, besides the advantage of inspection, the Government grant would enable the managers to adopt a better apparatus, and in every way to improve the education they were bestowing; and it seemed to him as clear as daylight that the good they would be doing to the education of the working classes, by giving these benefits to those outlying schools would a thousand times outweigh the possible contingent evil that might arise, here and there, from non-certificated teachers being substituted for those with certificates. These, be it remembered, were the very schools that wanted aid. The schools for the upper part of the working class in the wealthiest districts were, almost without exception, under the Government Board. But that portion of the working class which most wanted training, and from whose want of training the country suffered most severely, was found in schools of the lowest class, by far the greater number of which were at present debarred from those benefits of which he had spoken. If it be the fact that Government superintendence and aid really made the training in the schools better, it would be wiser to throw the whole of its force upon the lowest class of schools, rather than, as now, to exclude that class from all aid, and concentrate all endeavours upon the schools of a higher rank. But more than that, he had no doubt that the effect would be very good upon the schools that were already under the aid of the Council. At present they had not that stimulus which they ought to have from competition. They received the whole aid, while many other schools near them were deprived of it. Now, if those additional schools were in that respect placed on the same level with them, the effect of that touch of free trade would be to make them exert themselves more vigorously. Upon the whole, it seemed to him that the proposed change would not ruin, or in any way endanger their educational organization. It would not involve the country in extravagant expense. It would not be a breach of justice, but would, in fact, do justice to those who were at present wronged. In the long run it would spread the blessings of a sound education over a far wider space, and would give an additional stimulus to that good education which already existed.

Motion made, and question proposed,

"That it is the opinion of this House, That the sums annually voted by Parliament for Educational purposes ought to be made applicable to all the poorer schools throughout the Country (not being private schools, or carried on for profit), in which the attendance and examination of the children exhibit the results required, under the Revised Code, by Her Majesty's Inspectors of schools."

MR. LOWE: Before I offer any remarks, I wish to ask my hon. Friend the Member for Berkshire whether it is his intention to persevere with his second Resolution. [Mr. WALTER: Certainly. That is the Resolution to which I attach the most importance.] Then I think my hon. Friend and his seconder scarcely appreciate the gravity of the step they have resolved to take. They have placed on the papers of this House Resolutions embodying directions which I, in the management of the Department which I have a share of governing, am to obey. I have endeavoured, as well as I could, to make myself master of these Resolutions, and have come down prepared to give my reasons why I cannot agree to them. But what have my hon. Friends done? They have moved and seconded the first Resolution in speeches which are entirely contradictory to its spirit; and not only that, but they do not offer the least explanation of parts of the Resolution which to me are utterly incomprehensible. Suppose they carry that Resolution—a Resolution contradicted by their own speeches, a Resolution which contains very important matter to which they have not made the slightest allusion — what course am I to take? I object exceedingly to the proceedings of the hon. Gentleman. It is not fair to a person in my situation, whose words are weighed and scanned with more minuteness perhaps than those of any other public functionary, because upon what I may say depend the pecuniary interests of many classes who receive grants of the public money—it is not fair to give notice of one proposition, and then change it without giving any intimation or warning of the change. Sir, I am bound to great care and circumspection in every word I utter, and therefore I have a right to expect that hon. Gentlemen who make a Motion after months of notice and preparation will condescend to make one which conforms to their speeches, or that they will make speeches which conform to their Motion. The House has heard the speeches of the Mover and

Seconder, and hon. Members will gather from those speeches that it is to be optional with the managers of all schools whether they will employ a certificated teacher or not; but in case they do not employ a certificated teacher, they are not to receive the grant for attendance. Very well, Sir, that is the speech; now hearken to the Motion—

> "That it is the opinion of this House that the sums annually voted by Parliament for educational purposes ought to be made applicable to all the poorer schools."

The Motion, then, was applicable to all the poorer schools; and yet the hon. Gentleman expressly made certain exceptions. The Resolution went on to say—

> "All the poorer schools throughout the country (not being private schools or carried on for profit), in which the attendance and examination of the children exhibit the results required, under the Revised Code, by Her Majesty's Inspectors of Schools."

Now, I ask whether it is fair to the public or to me to come down and make a Motion, and then strike out of it a certain part? I mention this because I am not going to shirk the question. If I could get over my duty by reading extracts of letters from clergymen and others, as the hon. Gentleman did, I should consider it a very easy task; but it is not so. I am bound to be most careful not to commit the Department I represent; and I certainly feel that I have been rather taken advantage of by the manner in which this Motion has been brought forward. But this is not all. Not only does the Motion contradict the speeches of the two hon. Gentlemen, but it contains a proposition which I cannot think was intended, it is so monstrous and unreasonable; but not one word was said with regard it. The construction of the Resolution would be this—that in any one of the "poorer schools," whatever that means, for no definition is given, where on examination pupils are found exhibiting the results required under the Revised Code, although there might be not only no certificated teacher—although the school might be a sty as regards cleanliness, and a bedlam as regards order—although it should not be divided into classes, and should exhibit a total disregard of sanitary arrangements—although the master might have the worst character—although the whole thing were done in the very worst way—as this Motion is worded, I should be bound to give to that school, if any children passed the examination, and the proper attendance could be shown, as ample a grant as to the best-regulated school. That is the proposition, and I really feel at a loss how to deal with it. I am quite sure, if you debated it for hours, it would be impossible the House could pass such a proposition. But my hon. Friend now says he intends to move his second Resolution. I can make nothing of it. It involves a proposition manifestly absurd. It would be offering a large premium on schools that should not be clean, decent, or well managed. It would be as if saying to schools—If you have certificated teachers, you shall have every rule sternly enforced against you; but if you break through the wishes of the Privy Council—if you have not certificated teachers—then you shall be exempt from those rules and receive the very same grant. I should then be throwing the whole weight of my Department against decency, order, and good management.

My hon. Friend, whose abilities I do not wish, in the least, to disparage, should have taken the trouble to acquire that information which could alone enable him to deal with this subject. He has assumed that I shall object to his Resolutions on the ground of the vested interests of the teachers. It is not my intention to raise any such objection, and the concession he offers I am not disposed to take, being quite satisfied, that if this concession were made—if we were to say that a manager employing an uncertificated teacher should obtain the grant on examination of the pupils, just as if the teacher had been certificated, there would be but one result—that is, there would be an agitation commenced founded on exactly the same arguments, that the only thing to be looked to was results, and that if these were obtained, no matter for the rubbishing certificate of the teacher. We should then have given up that high principle on which we can stand—that we are bound to test those to whom we intrust the education of the young at an expenditure of so much public money; we should be obliged to give up certificated teachers altogether. That would be ridiculous. Examination is easily borne down by pressure. It requires all the support we can give it. It requires a good inspection and good teachers up to the mark. We must maintain the standard. The thing must stand on those three feet; take away one and it topples over. I should utterly despair of maintaining the standard if the certificate were broken down. The standard of the teacher would speedily degenerate, and the whole matter would become a mere scramble for the public money. The expenditure would increase, and there would be no security whatever for efficiency. I cannot assent to such a proposition.

The objection I have is, that the Government should make grants to any school where they have not tested the teacher. Passing over other matters, I will address myself to what I always understood was the real question, as to whether we ought or ought not to maintain in our schools certificated teachers. My hon. Friend has thrown it out somewhat in his speech, and more largely in the letters he read, that it was not the practice of the Privy Council to attend to the quality of the teachers, and that this was left to the managers. It is impossible to give a more inaccurate account of the matter. When the Privy Council first meddled in the question, it was under the guidance of Earl Russell and the late Marquess of Lansdowne—two of the most experienced statesmen in the country. Their first effort, made in 1839, was to improve the teachers in the schools. They attempted to form a training college, in order to raise the character of the teaching in the country. They were defeated by the Episcopal bench; and being unable to do so, they desisted altogether from making grants towards the sustentation of schools, and contented themselves for seven years with making grants for buildings. In 1846 they renewed their efforts to found a training college in order to raise the character of the teachers, and granted payments to teachers and pupil teachers which almost absorbed the first grants for education. So anxious were those members of the Committee of Council, who are now accused of being indifferent to the quality of the teaching, that the qualification of masters should be thoroughly tested, that it was the practice of the inspector not only to examine the children, but the master himself. That practice continued until 1853, when the present system was introduced, that no master should be permitted to receive aid from the Government without a certificate of qualification, that certificate being only given after examination. That system has lasted to the present time; and I think we have had no reason to regret the part we took in that matter. People may differ in opinion upon some points of the system, but there can be no doubt as to the benefit conferred upon schools by giving them really efficient teachers, in raising the standard both of managers, schools, and teachers, and maintaining it firmly as it has been for now these ten years. If the Privy Council have done any good by their labours in this department, it has been in this respect. And it has not been done without cost. Of the £6,700,000 which has been spent on the education of the people by the Privy Council I compute not far from £5,000,000 has been expended on this very object of raising the character of the teachers.

My hon. Friend says he is going to move his second Resolution, that the teachers shall no longer be required to hold certificates; in other words, he says you are still at liberty to spend £100,000 per annum in training and testing your teachers; but when you have so tested and trained them, you shall not be at liberty to give the public the advantage of the knowledge so obtained. You must show no distinction: certificate or no certificate, you shall intrust the care of the young indifferently to the master who has and to the master who has not a certificate. You must avoid a monopoly, although that monopoly be based in knowledge and experience. The hon. Gentleman has so framed his Resolution as to turn prohibition into protection. He says you may dispense with a certificated teacher; we impose a penalty, but it will not be enforced. His argument goes to that extent. Now, have we been wrong in what we have done? We have 9,115 certificated teachers, and I will venture to say that there is not a single one of all the schools in which they are employed where cleanliness, decency, neatness, order, and discipline are not enforced—not a single one of all these masters or mistresses, varying in many respects as to their qualifications, that is not perfectly able to give the instruction that is required. There may be exceptions, but, as a whole, they are highly respectable, useful and laborious. It is easy to pick out a few instances to the contrary and make the most of them. I am not prepared to say that there is not matter for regret in the conduct of any of the teachers. The training college system was originally pitched far too high. My hon. Friend read many extracts from the evidence taken before the Commission condemning many things that were wrong, but he has never given himself the trouble to inquire what alterations have been made in the system. He read a long and ridiculous catalogue of the high qualifications required, while the whole of them have been swept away from the syllabus under our direction. The only one that is retained is Latin. Of course, I do not mean to say that young persons were not conceited and guilty of many follies—indeed, I have been obliged myself to point them out, but just consider what was their position. The public money was poured out all at once so lavishly that the schoolmaster became the most difficult animal in the world to train. Young men and women of twenty or twenty-one who had just left school, and who ought to have been placed for eight or ten years under a good master to learn their business, all at once found themselves at the head of large establishments with hundreds of pupils, with pupil teachers, with large salaries and high position. No wonder these things made them mad with vanity. The House would have a faint idea if they suppose the case of a sizar or Bible clerk, having just taken a degree, and perhaps not a very good one, who finds himself, by some incomprehensible stroke of fortune, suddenly placed at the head of Eton or Harrow. One cannot be surprised that these young people's heads were turned. They have not always been placed in judicious hands. I have heard of their being told continually, that great as may be the dignity of the Commander-in-Chief, or the Archbishop of Canterbury or the Prime Minister, the glory of those offices was nothing as compared with the glory and usefulness of those who imparted instruction to children. They were taught to consider that their social position was not appreciated; that the times were not enlightened enough to permit of their value being fully understood, and other such nonsense. It is ridiculous to use arguments founded upon that highly exceptional state of things, which has now passed away.

I will just mention another thing. There used to be three classes of certificates, as though they were degrees, and, indeed, those certificates were not only degrees, but fellowships, because by them young men immediately received extra payments, according to the classes of certificates which they held. That tended to puff them up, and to set them over people who were quite as useful, although they had not passed so good an examination. We have now altered that, and in future no master will be placed in any but the fourth class; and if he rises higher, it must be by a certificate of good conduct, and not of examination. It would have been better if all these things had been stated to be of five or six years' standing, and not be raked up now against me. We have been labouring incessantly for the last three years to abate these evils; there is not one for which we have not proposed a remedy, and yet they are put forward now as if they still existed—take the case of the Revised Code. But my hon. Friend has produced not only a speech, but a blue-book. He has sent round for information, and the questions to which he sought replies have led to the production of the most extraordinary blue-book I ever saw. Here is a circular addressed to a certain number of clergymen, for I perceive the printed letter begins "Reverend Sir," and therefore excludes all laymen—and it appears from the replies that the letter was sent exclusively to clergymen in charge of small parishes. What did my hon. Friend want? Did he want information as to the public interest in the matter, or who was right or wrong upon this question? Why did he confine his inquires to one single class of clergymen in remote parishes? Why did he thus seek for information upon a great question of public policy if he wanted the truth? But if he wanted clamour and support from interested persons, who thought such a Motion would relieve them, he did take the right course. It has been an appeal to a class of persons, almost all of whom are prejudiced upon pecuniary grounds. The hon. Gentleman asked them, in fact, whether they thought that doing what they now do, and with out making any further effort, they ought to get as much as if they had made further efforts, and they all say, "We should like it." If my hon. Friend had gone further, and asked them whether they thought it might not be as well to intrust them with the examination of their own schools, and that the Government would be content to make grants upon their own reports of the progress of the children in them, does he think he would have met with any strenuous opposition from Gentlemen who all begin their answers to his questions by saying, "My school is a heavy expense to me. The squires will not do anything, and the farmers will do nothing." [*Laughter.*] It may be a very good joke, but I do not think it is, for I commiserate the gentlemen who have been thus brought before the public. But to seek to invest them with a position which these gentlemen, in their letters, do not pretend to fill, and to think to influence the House by such evidence, so taken from one class, does appear to me a mixture of astuteness and credulity of which I did not think the hon. Member would have been capable. These gentlemen say, "Certainly, we did not like the Revised Code; but now that it has passed, let us carry it out logically. The logical consequence of the Revised Code is clearly that there should be no more certificated masters, and yet we are to receive no grant of money unless we employ them." These gentlemen profess a great fondness for logic just now; but it is essential, or it used to be, when I had the honour to study the science, that we should have premisses to argue from, and that is just where these gentleman are weak. They are like my hon. Friend—not one of them, to support his conclusions, has taken the trouble to make himself, in the slightest degree, master of the details of the subject. They all say that is the logical inference from the Revised Code, and that is the sheet anchor of my hon. Friend.

I beg the attention of the House when I tell them what the Revised Code really is, and what is its logical inference. When I came into office, I found the quality of teaching, as far as I was able to judge, most excellent; that the £5,000,000, or thereabouts, of public money that had been spent upon it, had borne fruit, and that the standard of teaching had been raised to a very respectable height. But the Report of the Royal Commissioners came—and they, while agreeing as to the general excellence of the teaching, pointed out, that good as was the quality, there was a deficiency in quantity—that not so many children were taught, thoroughly taught, as should be. We set ourselves to remedy that evil, and the attempt to remedy the evil produced the Revised Code. We now know that we have a continued excellence of quality, and that no master is admitted to teach a school without having been thoroughly tested, and proved himself capable of teaching. But we found that masters were paid by Government a portion of their salaries, and that they were sure of those payments whether they worked hard or not; in fact, that unless they were guilty of some misconduct so gross as to justify the inspectors in taking away the grants altogether, they were sure of the payments. A schoolmaster, therefore, had no pecuniary inducement to work his best. We endeavoured to offer some stimulus to exertion, and for that purpose we thought it necessary to abolish the augmentation grant. It is no longer appropriated to the schoolmaster; we left him a certificate to insure quality, and we determined to give the grant for quantity of teaching; that is, according to the number of children who passed. That is the history of the Revised Code. My hon. Friend charges us with relying upon nothing but results, but we retained all the machinery of the Minute of 1846—teachers, pupil teachers, inspectors, religious teaching — everything except that clause which appropriated the augmentation to teachers, and we made the augmentation dependent upon the examination and attendance of the children. It is obvious what was our policy. We let go no security for the quality of the teaching, and we took greater securities for the quantity. Is it a logical inference to draw, that we abandoned all care of the quality of teaching, all rules that had hitherto prevailed, and therefore were bound in consistency to sweep everything away? That is the logic of my hon. Friend and his correspondents. But I maintain the logic is the other way. When a Department undertakes the distribution of public money to private, varying, and irresponsible individuals, it is bound to take every security possible; and if we could obtain ten times the number of securities, there would not be one too many. Therefore, it is quite clear that it does not at all follow, logically or otherwise, from the Revised Code that we are bound to let go the least security because we have added another security.

I may as well mention what I think my hon. Friend had not given much consideration to, until I drew his attention, in a marked manner, by laying papers on the table. He read an extract from my speech, in which I pointed out that the system had not penetrated as far as I could wish in the country districts. That was so; but in meeting the objections, we felt bound to take the best measures to make our education efficient. We have established three classes of teachers. The first are intrusted with the charge of pupil teachers. They must have taken, at least, a certificate in the upper part of the fourth class, and must, therefore, have passed a fairly hard examination. We do not agree with my hon. Friend that it is nothing for these teachers to be able to teach children up to twelve years. But these teachers are also intrusted with pupil teachers. They form a sort of normal college; and this shows the danger of dogmatizing on these subjects without looking into the minutiæ. It is not wonderful that my hon. Friend should have overlooked this; yet it makes all the difference. Well, that is the first class. The next consists of persons who have not been in training colleges; and with express reference to the wants spoken of by my hon. Friend's correspondents, the country clergymen, we made this rule—that if any one wanted his master to be certified, he had only to invite the attendance of the inspector, who would twice inspect the school; and if he were satisfied with its condition, the master would be told to appear in December following the second inspection; and then, if he passed what would be considered as a very easy examination, he would receive a certificate. That certificate would not entitle him to have the care of pupil teachers, but it would entitle the school which he served to the full amount of the capitation grants upon examination and attendance, just the same as if he had been passed in the higher branches. Not content with this, we furnish a provisional certificate; that is, the pupil teacher who passes with credit is allowed, upon the recommendation of the inspector, to take a rural school with a certain moderate number of children, up to the age of twenty-five years, on the understanding that at that time he must take a regular certificate. My hon. Friend disapproves of that arrangement. But it is optional, and it may be dispensed with; because as long as acting teachers may be certified, we get over all the difficulties which my hon. Friend and his correspondents raise. Yet there is not a letter written by those gentlemen which does not show that the writer believed, first, that no school could receive grants except it was under the care of a certificated teacher; and secondly, that no teacher could procure a certificate unless he served in a training college. I cannot perceive a trace of their being aware that it was open to them to have their teacher examined, and that then, if he passed, their school would be eligible for the Government grant.

And what does this magnificent grievance amount to? The examination which these acting teachers in the country districts have to pass consists of reading, writing, ciphering, arithmetic, not including the rule of three, a very slight knowledge of history, a very slight knowledge of the geography of the world, a very little more extensive knowledge of the geography of the British islands, and, if a member of the Church of England, a knowledge of the liturgy, the catechism, and the Bible. That is all; and the grievance is, that we will not give grants to schools taught by teachers who will not submit themselves to that examination—who are either too ignorant, or too wilful, or too wayward, or too conceited, or too timid to submit to it. That is the whole amount of the grievance which my hon. Friend brings forward. It is either that or nothing. Of course, he speaks of the examination of the training colleges, and it would be a good argument if we asked the country teachers to go to those colleges and pass an examination similar to that passed by students there. But we ask nothing of the kind. The whole matter is, that we refuse to trust the education of children in this country to the hands of persons of whom we know nothing except that they are unwilling for some reason, best known to themselves, to pass an elementary examination in reading, writing, arithmetic, the elements of geography, history, and Church catechism. Will any man assert that persons who do not possess this knowledge ought to be in charge of any school, or that persons who do possess this knowledge, and do not choose to submit to the test which we impose, should—I do not say remain in charge of the school, but receive one penny of public money?

It is quite true that this public examination will not make teachers better than they were before; all it does is to make us know what the man is. It is the difference between knowledge and ignorance on our part. People talk of certificated and uncertificated teachers as if they were two distinct classes of animals; but the only difference is, that the one class has been tested, while the other is untested. It is possible that the man who remains untested is better than the one who has submitted to the test; but that is a point beyond our knowledge. A bottle of wine untasted may be better than one which we have drunk. All that can be said in such a case is, "I know the quality of the one, and I know nothing about the other." What can justify the expenditure of £800,000 of public money in the support of schools whose masters shrink from this test, who wilfully shroud themselves in darkness, and do not allow us to know what their capacity is? Only look at the coolness of these gentlemen. The correspondents of my hon. Friend, as well as I can gather, are 600 in number, and each may possibly represent schools with fifty children in them. That would make 30,000 children, and for the sake of those 30,000 children, who they think ought to receive assistance for their education—assistance which I should be very glad to give—they call upon us to bring down the system which is acquiesced in, approved, liked, and practised in the education of more than a million children. They ask us, in point of fact, to vitiate the education of the larger part for the advantage of the smaller part—to destroy our whole system of teaching in order to admit these schools. I think I have now said enough as to the arguments adduced in these letters. I meant to have read some of them, but my hon. Friend has read so many, that though there are some on the other side, and very excellent ones, I cannot ask the House to hear any more of them.

And now I come to the points that are urged against me. In the first place, my hon. Friend calls the existing system a monopoly. He says that to examine teachers, and refuse Government assistance where the teacher has not been examined, is to establish an "odious monopoly." Well, it is a very curious thing, that as free trade has been developed, these "odious monopolies" have increased in number and intensity. A little while ago there was no such thing as the examination of the master of a ship. Now, we trust no man with the command of a ship who has not undergone an examination testing his fitness for the post. A little while ago there was no examination for an attorney. Now, no man is allowed to deal with the property of his fellow-creatures in this way unless he has passed through the same ordeal. Formerly medical men were unexamined. Now, at least, no man can recover the money of his fellow-creatures for what he may do to their persons without undergoing examination. Does anybody conceive that these are violations of the principle of free trade? The principle of free trade is surely to promote efficiency and to secure the best article. My hon. Friend says, "Trust to the interests of the managers themselves for employing the best men; and let Government take it for granted that this will be done." But this is not so clear. I know instances where men have been made masters of schools in order that they may not become the inmates of workhouses; and I can well conceive that it may be cheaper for school managers to employ bad teachers than to employ good ones, and then try to get a share of the grant. The mere pecuniary interest of the managers, I say, is by no means clear. But is this interest a safe guide? Look at the instances I have given. One would think that no man would trust himself at sea with an incompetent captain, and so run the risk of being drowned; but does the Legislature consider that a sufficient protection? One would think that a man's desire to win his lawsuit would lead him to choose a competent attorney, and that in the wish to avoid being murdered in a legal way by a doctor he would choose a competent medical practitioner. But the Legislature has not thought that a reason why the attorney and the doctor should not pursue a certain course of study and pass a certain examination to entitle them to practise. Now, if that is the case with regard to private business, how much more should it be the case in public matters? If the Legislature will not allow me to trust my money or my person to an unskilled hand, but will insist on taking care that I employ skilled hands, what shall I say in dealing with public money—money which is not mine, with which I am intrusted by the State, and for the proper expenditure of which I am answerable? Of course, the argument is ten times stronger. It would be inexcusable for me to intrust my interests in the cases I have supposed to incompetent persons; but it would be doubly inexcusable for me to do so when I have to deal with public money. Therefore, I think the argument which is drawn from interest falls wholly to the ground.

The next point urged is as to the number of schools to which this rule is said to apply. It has been said, on the authority of the Commissioners, that there are more than 15,000 schools which are excluded from the grant by the condition of certificated teachers. Now, I will undertake to say, reserving demonstration to another time, that the figures on which that statement is based are utterly unreliable. The way they are arrived at is this:—The religious societies report to the Commissioners that there were 22,849 schools in connection with them, assisted and unassisted. The Committee of Council returned that there were 6,897 assisted schools. The Commissioners subtracted the one from the other, and said that 15,952 is the number of unassisted schools. Placing that side by side with the 6,897, it appears that the number of unassisted are to the number of assisted schools two to one, and that is made a great argument. But it happened to me to receive from a most excellent inspector of schools, Mr. Norris, an account of the schools in connection with the Church of England in Staffordshire. He returned the number as 420; I compared with that the number given in the Commissioners' Report, where it was given as 622. On looking further into the matter, I find that these 622 schools include 19 grammar schools, which, of course, have nothing to do with the question; 88 dame schools, which have still less to do with it, 20 schools held in churches, 43 where more departments were enumerated than ought to have been, and one workhouse school. That is a specimen of the sort of way in which the total number was made up. I asked how these 19,000 odd schools were made up. The National Society gave me the desired information very readily, and stated that in 1847 they made an investigation of the number of schools, and they found it to amount to 17,015, and that between that period and 1858, there had been added 2,534 more, making 19,549. In that 19,000 were included 3,222 dame schools; and the fallacy of the argument founded on those figures was quite manifest. We have not been informed how many of these old women have died; it is perfectly well known that every new school we set up destroys two or three of those other schools. The conclusion at which I arrive may be stated in two ways:—First, that if those figures of the National Society can be relied on at all, so far from the relative numbers being something like "assisted" schools, 7; "unassisted," 15, the numbers should be something like "assisted" 2, "unassisted," 1. But it would be paying too great a compliment to those figures to base any conclusion on them. The only conclusion we can come to on the subject is, that the whole basis of the calculation has failed, and that it affords us no data as to the number of unassisted schools.

I think the effect of such a plan as that proposed by my hon. Friend must be to prevent young men from entering those training colleges. Unless a certificated is to have a preference over an uncertificated teacher, is it at all likely that a young man would enter a training college? Is it likely that a young man would go through two years of training, when he was to be treated after that time as if he had gone through no training at all? Again, how is it at all likely that persons should be found willing to carry on those establishments when the Government was doing everything to discourage young teachers from adhering to their profession, and when, as a consequence, it had become a matter of doubt whether they would adhere to it or not. Then, as to the share the Government should take in giving effect to such a plan—how could any man, holding the position which I have the honour to fill, have the impudence—for I can call it nothing else—to come down to the House and ask year after year for £100,000 for training masters, at a time when with the same breath he would have to tell you that the Government would not give trained masters the slightest advantage, but would place them on a level with persons whose character, antecedents, and qualifications we could know nothing about?

I beg to point out another objection to the proposal. This system of the Revised Code is untried. I have the greatest confidence of its success; but not only is it untried, but, in deference to the feelings and wishes of the House, the plan has been deprived of much of its original vigour and efficiency. We had to give up the grouping by age, which was one of the most important of its provisions. Will the House, after obliging me to weaken the examination, to make the test less stringent—will the House, after having compelled me to do that, ask me now to stake on an examination more than I ventured to stake on it when the Code was in its vigour? When we had grouping by age, I never dreamt that the examination in those schools could be taken as a test independently of the fact whether or not there was a certificated master. Now that we are deprived of that system of grouping, would it not be monstrous to make an untried system depend even more on examination than was originally intended?

There is this point also which I think the attention of my hon. Friend has not been called to:—Very heavy duties are thrown on the schoolmaster by the Revised Code. He has to keep a log-book of the school; he has to keep a register on the contents of which the money is granted—a register of the qualified children. He has in his hands the arrangement of the children for examination; and he may pack them by putting them in the wrong classes, and so deceive the inspector and injure the system. Is it too much to expect that the person in whom we place so much confidence should be not only a man of acquirement, but also, as far as we can judge, a man of honour and integrity? We have, in the certificate, not only a guarantee for the man's efficiency, but a document on which is endorsed the history of his life—where he has been, what he has done, whether there is anything that affects his professional character. We have now something like a hold over the master to whom we intrust the public money; but to rob me of that! I confess I can imagine nothing more scandalous than that we should be paying money on the faith of one of whose private history we know nothing, and respecting whom we have not troubled ourselves to make any inquiry. According to the proposed plan, any school which has a candidate to examine has nothing to do but call upon the Education Department to send down an inspector. If the parties connected with the school get nothing else, they will have the pleasure of a conversation with an educated gentleman. How many of those inspectors does my hon. Friend think I should keep, like post horses, ready to start? How many inspectors should I keep to supply any one who took it into his head that he should like to have the pleasure of an examination? We might send down a man whose expenses would be £10, while the school would not get 5*s.* after the examination. On the other hand, by this preliminary test of a certificated master, we have at all events the security that there is in the school a person capable of teaching the children. Are we to be at every one's beck and call, sending on fool's errands over the country to schools where they have not this chance of good teaching, because they have not employed men fit to teach.

I will state my decided opinion that the Privy Council ought to adhere most firmly to the rule, that no school should receive a grant unless it had a certificated teacher. That rule is most valuable for the poorest of country schools. We have a graduated system in reference to those teachers, for there are two classes—the superior and the inferior. I hold that we are bound to adhere to the system we have adopted. We had the experience of three centuries previously to 1846, and we saw what teaching under uncertificated teachers had accomplished for our people. There is no one connected with the Department of Education with whom I have had the pleasure of consulting, and who has had any practical knowledge of the subject, who is not of opinion that this is the very corner-stone on which our system rests. I hold it to be a duty we owe to the managers that we should test the efficiency of the master for them; I think this is the greatest service we perform for them; far greater than the payment of money. I hold it to be a duty, when a man has made a good character in his profession, that the public department which presides over that profession should keep a registry of the fact, and give the person every advantage that he ought reasonably to derive from his meritorious exertions. I hold that it would be disgraceful if, when we are in possession of the fact that there are 9,115 competent teachers in the country, we should wilfully shut our eyes to that knowledge, instead of applying it to the benefit of the public schools in which the children of our people are to be educated. I hold that it is equally our duty to the parents of those children, who are often poor, uneducated, and ignorant persons, that we should judge of the qualifications of those masters. I can imagine no duty more imperative on the State than to see that they intrust that priceless treasure, their children, to no unworthy hands. In 1856 Earl Russell stated that the object of the system was to create models of education. Nothing could be more melancholy, nothing could lead to more distrust in the advance of human progress and enlightenment, than, after the signal success of the effort made of late years to improve the quality of education, to fling all this aside as of no value. I hold it also to be our duty to the pupil teachers, as long as we retain them, to adhere to this test. Of course, my hon. Friend wishes to do away with the pupil teachers. I do not argue that point with him. If the goodly ship is to be scuttled, I do not care to ask what is to be done with the pinnace. But we cannot leave the instruction of the pupil teachers to persons of whose fitness for the task we have no guarantee, except that they have been engaged by managers, who may not always be proper judges in such a matter. It is our duty to provide that they shall have efficient teachers, and not to tempt them into a position where they will not have the means of obtaining the knowledge they require, or have the prospect before them to which they may fairly look.

Another reason is, that a really well-educated or well-trained teacher is of enormous assistance to the clergy of a district, and an immense addition to its civilizing influences. As is well established by Mr. Lewis Campbell in these letters, the children after they leave school are not likely again to be brought into contact with a being so intelligent and cultivated as such a master. Are we then to destroy this influence, merely, as it seems to me, to give a premium to ignorance, which may justify the squandering of the public resources? We find no security for the fitness of the teacher in his selection by the managers, because managers have often a pecuniary interest in preferring a cheap and inefficient master to a dearer and more efficient one. Neither can we find it in inspection, because there are numberless things which the most experienced inspector—and I need only refer to Mr. Norris's testimony on this point—cannot discover. We cannot trust to simple examination, because that only shows that a certain number of children have gained a certain amount of proficiency. How many things are there in the conduct of a school, none of which either the inspector or the manager may see, and which may yet, perhaps, be the most essential of all? Consider what a schoolmaster is. He is the very life and soul of the school. His mind, his moral qualities, his peculiarities, are all stamped with the greatest facility, but with the most indelible accuracy, on the young and plastic natures committed to his charge. The school is the express reflex of his own intellect and character; and we cannot be too jealous or too careful in ascertaining that the man to whom we intrust so enormous a power for good or evil over so many of our fellow-creatures comes up, as far as our means of investigation will enable us to test it, to the standard of qualification which his task demands. I know that all we can do to insure this falls far short of what is to be desired. Examinations will not enable us to judge of a man's morals, but our knowledge of his previous history and of his associates, together with the examination, all give us at any rate a much better knowledge of him than we can have of a person of whom we know nothing except that he has not undergone any such test.

I have said that there are many things in the conduct of a school which neither inspection, nor examination, nor managers can discover; and these things we must take on trust. Well, but in whom shall we trust? Shall it be in the person of whom we know nothing? That is the whole question. I say we are bound to take every precaution in our power; and when we have done that, we have done little enough. You would not let a man cut a diamond for you without some assurance that he had proper skill; but we are asked to instruct the youth of the country to teachers of whose competence we have no assurance; and yet the youth of the country is worth many diamonds. As the teacher is, so is the school. But would it not be a monstrous absurdity for the Privy Council to be so strict and minute in requiring that the sanatary arrangements of the school, the ventilation, the make of the desks, and the shape of the forms should be of a particular kind, and yet that it should be perfectly careless and indifferent about the one thing on which everything else depends—namely, the character and the attainments of the teacher?

But there is one more consideration which I would urge on this subject, and that is that we owe it to the public, not only to do our best for them in the ways I have named, but to influence them as far as we can in the right direction by precept and example. A Pagan satirist has said—

> "Nil dictu fœdum visuque hæc limina tangat,
> Intra quæ puer est. . . .
> Maxima debetur puero reverentia. Si quid
> Turpe paras, nec tu pueri contempseris annos."

And if we were to show negligence and carelessness in these things—if, while we looked with prying eyes to so many matters of minute detail, we used no vigilance in regard to that which is greatest of all, and on which the temporal and eternal welfare of the children so much depends—I hold that there could no greater abnegation of duty on the part of a public department. These are the grounds upon which I confidently entreat the House not to ask us to give up the requisition that a certificated teacher should be indispensable in every school, and also not to ask us to fritter this security away by countenancing the employment of uncertificated—that is, unknown teachers, in a certain class of schools. If the principle of the certificate is right, let it be enforced universally; if wrong, let it be swept away altogether. But do not ask me, believing as I do that there is a serious obligation resting on the Government to maintain this security, to barter it away for the small advantages held out to us from waiving it. The matter cannot be compounded in that way.

The employment of these teachers is either a great principle or it is nothing.

There is only one other thing which I wish to say, and I say it with great reluctance. But I must make a humble appeal to the House on behalf of my noble Friend (Earl Granville) and myself. We undertook this business of the Revised Code with the experience of three campaigns before us, and with a knowledge of the obloquy it would provoke. We have carried it through, I believe, on the whole, with considerable success. We ask, in all fairness, to be allowed to carry out the experiment for which we are so deeply responsible, under the safeguards and conditions upon which the House last year assented to it. We do not ask to be relieved of any part of our responsibility heavy as it is. But, on the other hand, we supplicate the House to abstain from destroying the one thing which we believe to be essential to its success—namely, the standard of qualification in the teachers. On the whole, the Department is not, I think, in such a state as to render it necessary for the House to interfere in order to set it right. When we came into office, the aspect of things was really formidable. The average excess of the estimates for education over those of the preceding years was no less than £130,000; and they were steadily increasing at the rate of £130,000 a year. In January 1860, Sir J. Kay Shuttleworth, when examined before the Commissioners, gave it as his opinion that this expenditure might be expected to go on increasing from its then amount—namely, £836,000, at the rate of £100,000 a year for a period of five years. That was the opinion of that experienced man on the prospects of the department. Well, since 1859 we find 203,000 more children in the schools inspected, and we have provided accommodation for 267,000 more than in 1859. Now, the expenditure of the Department in 1859 was £723,000; and although there has since then been the addition I have mentioned to the number of children, the expenditure last year was only £774,000, or an increase of only £51,000 over that of 1859. The estimate for this year is only £804,000. Contrasting this with Sir J. Kay Shuttleworth's anticipations, according to which the estimate ought to have been £1,200,000, my hon. Friend, I think, does not do rightly in accusing us of extravagance. We have, as far as we could, stood in the breach, and stemmed the tide of this vast expenditure. We have, we believe, now settled every question that was open when we came into office, and we implore the House to give us some peace and rest after the crisis we have gone through, and to leave things to work so that we may gather experience from what is doing. We implore the House not to unsettle men's minds more than is necessary, and to wait a year or two to see what is the effect of the changes so lately introduced. I think that is not an unreasonable request. I am most sanguine as to the result. I cannot find that the frightful consequences which many predicted from the Revised Code have really occurred, nor that that unpopularity has attached to the Department which some apprehended. We are gradually covering the face of the country with good teachers and good schools—well-taught, orderly, well-disciplined, and each forming a nucleus of civilization in its own sphere. As long as we continue to do this, I am sure the House will not grudge a further expenditure if necessary. But if you break down your system for the very purpose of increasing your expenditure, you will only open a floodgate which will not be easily closed. Let nobody imagine, that if you break down the regulation as to certicafied teachers, you can stop there. One barrier after another will give way, and each successful attack will only make resistance more difficult. If the House will kindly abstain from pressing upon the Department, if it will not break us down by such Motions as the present, if it will leave us to manage our business upon the principles which on so many occasions we have propounded to it at large, I think it has a reasonable prospect, in return for a very slightly increased expenditure, of getting enormously increased advantages. The Commissioners themselves say that the number of children whom they expect to see in the schools for many years to come will not be more than 1,500,000. Already we have school accommodation for 1,378,000; in other words, our accommodation is only about 120,000 short of the quantity which the Commissioners think will be required for a considerable time. Let the House remember, in conclusion, that this Department differs in one important respect from the Department of War, or of the Navy, or any of the great Departments of Government. There you may reasonably hope that by an increased expenditure you will obtain greater efficiency. The more money you spend, the more men, the more artillery, or the more ships you will get. It is not so with this Department, which depends upon its efficiency as a check to expenditure. If you break down that efficiency, you will increase expenditure; but exactly in proportion as you increase expenditure do you diminish the utility of the Department, do you frustrate the purpose it was intended to answer, and do you involve the country in endless expense, every additional thousand pounds of which only leads to less substantial results.

MR. DUTTON said, he thought that everybody connected with schools in the rural districts must be greatly obliged to the hon. Member for Berkshire not only for bringing this question forward, but for the very comprehensive speech which he had made. All connected with rural schools must know that the great difficulty was, not in getting schools built, but in maintaining them after they were built; and he had often thought that it was a great blot on their educational system that the State did not come forward to aid private persons in their efforts to keep up these rural schools. It was true that a grant might be obtained if the master and mistress were certificated, but in many instances these certificated teachers were not wanted in the rural districts, where children were rarely kept at school beyond twelve years of age. He quite agreed with the hon. Member for Berkshire in what he had said with regard to the effects of over-education. One of the most painful signs of the times was the number of young men turned loose on the world who had nothing to do with their knowledge. Being in a position to give employment to well-educated young men, he found that he was not able to supply one in twenty of those who applied to him. At the present time he had applications from two schoolmasters who were unable to get schools and were obliged to turn to other pursuits. A child educated beyond his station was in a worse position than one who had to get his living with his own hands. If the hon. Gentleman should divide the House on the question of giving grants to schools which had not certificated masters, he should certainly go into the lobby with him.

MR. F. S. POWELL said, he begged leave to tender his thanks to the right hon. Gentleman the Vice President of the Board of Education for the very able speech he had just addressed to the House. He wished that the same spirit of justice and conciliation towards all the persons engaged in the educational system of the country had actuated him in the discussions of last year. Many of the difficulties which he had then to encounter would have been greatly diminished, and the solution arrived at would have been much more satisfactory. He differed entirely from the hon. Member for Berkshire as to the over-education of the people. He did not believe that mechanics' institutes, the Society of Arts, or the educational institutions called into existence by the Privy Council, had led to any over-education. Neither did he agree with what had been said by the hon. Gentleman as to the College of Preceptors. Part of its machinery might be rude and defective, and some of its pamphlets might not have exhibited that deference to public opinion which ought to be shown by an experiment; but their efforts were all in a right direction, and a great want in the education of the middle classes would be supplied by them. The hon. Member for Berkshire had kept his eye almost exclusively on the rural schools, and had not sufficiently regarded the schools in towns. Any one who compared masters as they used to be in the olden times with masters as they were then, would see that an immense improvement had taken place in the social, moral, and intellectual condition of the class. Some time ago he had had occasion to visit a school on the moors in the West Riding of Yorkshire, which he found presided over by an old man, whose account of his appointment was that he had been brought up in a neighbouring workhouse; that when he was a young man he had the misfortune to lose the use of his left leg and his right arm; and being utterly incapable of getting his living in any other way, and having two cousins on the foundation, they got him made master of the school. He might contrast a new school maintained in a high state of efficiency by a master of the modern style, which had been highly spoken of by Mr. Watkins, the gentleman whose report had been most unjustly and unrighteously suppressed by the Vice President. This master, however, was afflicted by a plague—he was under the impression that his calling in life was to be a dealer in artificial manure. Next he took it into his head that he ought to go into the stained glass business. In that state of uncertainty he left the school, but there was no difficulty in procuring an excellent master to succeed him; while the old incapable at the other school still continued to be an incubus on the education of the district. Something had been said about the unwillingness of masters to take pupil teachers, but he trusted the time would never come when that would be the case. He was aware that in some departments of instructed labour—among the masons and the carpenters, for instance—there was a great aversion to teaching others, but he hoped nothing would ever be said which would, in any degree, indispose masters to take pupil teachers. Without discourtesy, he ventured to ask the hon. Member for Berkshire what was the period at which the requisitions of the training college were such as he quoted. Year by year those requisitions had been lowered as the friends of education found that the sanguine hopes which they had entertained some years since in reference to the education of the labouring classes could not be realized; but while they were trying to adapt the system to the real wants of the people, it was neither fair, generous, nor politic to set before the House as a warning that which every year was becoming less a part of the system which they wished to maintain. He did not think that they ought altogether to throw overboard the Report of the Commissioners of Education some years ago. The Report of Mr. Arnold as to some departments of education abroad was most instructive; and although he could not cite the precise words, Mr. Arnold stated in effect that it was no part of the liberalism of France to intrust the education of the people to men unknown to the State, and probably incompetent to instruct the children of the State. Mr. Arnold, in the same Report, stated that in France the masters of the schools were overwhelmed with the multitude of their scholars. He had visited some of the schools in France, and he found two systems in operation—one, of the master teaching the whole school; and the other, of the master being aided by monitors. He believed that they could never induce the intelligent artisans of this country, who were paying *3d.* or *4d.* a week to have their children educated, to submit to continue those payments, if they were told that their children would not be instructed, but would have, without pay, to instruct their juniors. As to testing a system by results, the amount of knowledge in reading, writing, and arithmetic was no adequate or sufficient test. The true test was the future career of the children, or, in other words, the increased power to raise themselves in the social scale, represented by a higher morality, a more elevated religious tone, and a more complete performance of the duties of citizens among the members of the rising generation. It was to realize those hopes that the friends of education had toiled, and he trusted that up to the present hour their labours had been consistently and perseveringly directed to the attainment of those great objects.

Mr. SALT said, the proposition of the hon. Member for Berkshire was extremely plausible and extremely tempting. The hon. Member complained, with a great deal of apparent reason, that while the country was spending something like three quarters of a million a year in public education, there were a great number of schools extremely poor and needing assistance to which the public money did not come. That was a very strong position, and it was very difficult to give to that statement a definite answer. But when they left the abstract proposition, and came to the Resolutions of the hon. Member, considerable difficulties arose. In the first place, the Resolutions were founded upon the assumption—which they were hardly in a position to make—that the system of the new Code, with regard to examination, would be successful. The new system about to be adopted was one of strict individual examination of schools; and until it was ascertained how far it would work, it was quite impossible to say that they could carry out the Resolutions of the hon. Member. Again, with regard to the new Code itself, it was not adopted last year without great opposition and after considerable Amendments. It was a measure of great importance, peculiarly affecting the whole population, and he thought it very undesirable, even although a clear and definite advantage could be proved, to make any change in a system which had so recently been adopted by the House. As manager of a school, and he believed in the name of the managers of schools generally, he was prepared to say that their object was simply to do the best they could for the cause of education, and that whatever was the system which Government and Parliament had carefully and deliberately adopted, they considered it their duty to carry it out as fully and as well as they possibly could. Therefore, without going into the merits of the propositions of the hon. Member, he thought the time peculiarly inopportune to propose such Resolutions as those before the House. If they were carried, they must necessarily hamper the operations of the House with regard to education either in this or in some future years. The whole system upon which they were going was experimental, and every one who had the cause of education at heart must concur in wishing to be let alone for a year or two to see how the system worked. With regard to certificates, any one who took the trouble to read the Parliamentary papers, and especially two letters of a most excellent school inspector, Mr. Norris—a man who was known to be a gentleman of great ability, of great experience, and of the greatest sincerity—would find that the evidence in their favour was very strong indeed. Another reason for saying the moment was inopportune was that they did not know what expense would be entailed by the additional labours of the inspectors which the Resolution would involve, or how many additional inspectors would have to be appointed, or how much time the inspection of so many more schools would require, or whether they could be inspected at all under the new Code. Under these circumstances, and with a strong feeling that it was most desirable that when a great measure had once been passed, with whatever feelings it was regarded, it ought to be fully and carefully put to the proof before it was meddled with by legislation, he should not vote with the hon. Member for Berkshire.

Mr. ADDERLEY said, that before the debate closed he was anxious to call the attention of the House to the Amendment to the first Resolution, which he proposed to move. The proposal of the hon. Member for Berkshire went as far as to create a new distinction in regard to poorer schools, and to abolish the use of certificates to teachers. He owned that the hon. Member for Berkshire ought to have full credit for the indefatigable industry with which he had mastered the subject, and for the perfect fairness and obviously high intentions with which he had brought forward his Resolutions. He could not agree with the Seconder, the hon. Member for Maidstone, that the effect of the Resolutions, if carried out, would be anything short of the destruction of a principal feature of the present system. He was rather surprised to find that a gentleman who had given such substantial proofs of his interest in national education should be ready in so summary a way to endanger, if not absolutely to demolish, the chief element of the system which they had occupied thirty years in setting up, and on which they had spent millions both of public and private money. The majority of the House was, he believed, agreed as to the principle that grants of public money should be given only in aid of voluntary undertakings for the education of the poor —the main intention of such aid being to improve that which had previously existed. It must also be admitted that no system of public grants could be safely administered without rigid rules and checks. Whatever difference of opinion there might be as to the Revised Code, it had at least this good point about it, that it threw back on the voluntary managers the charge of the schools for the poor, and restricted the grants from the Treasury to the aid of such undertakings. It sought for guarantees of the work of education being really carried out by those whom the Treasury aided. The tests established by the Code were three in number :—First, that the scholars individually should furnish some proof that they had received elementary instruction ; secondly, that the inspection of the school should show satisfactory results as to attendance and the general condition of the establishment ; and thirdly, that the school should employ a certificated teacher. It was very reasonably stipulated that no school should be entitled to public money which did not fulfil these three conditions ; that is, if not even elementary instruction were given, if the scholars did not attend, and the master could not pass an examination for certificate. The hon. Member for Berkshire, however, coolly proposed, that within twelve months of the adoption of that system, two out of the three checks should be abolished, and that the Treasury should be open to all schools which could show scholars at the lowest standard of elementary instruction. Since the hon. Gentleman first gave notice of his Motion he had somewhat modified it, and now asked only part of the grant for schools which only complied with the first test. That, however, did not in the least affect the principle of his Resolutions, which was the same whether it was applied to a part or the whole of the grant. The hon. Gentleman had thrown his proposition into a terse, well-rounded, plausible syllogism. The public money, he said, was promised by the Revised Code on certain results being shown ; these results could be secured, not only by the specified means, but in a thousand other ways, and therefore the public money was due to those results, however obtained. The fallacy of the syllogism lay in its first premiss, in which the hon. Gentleman designated as total results those proofs of merely elementary instruction which formed one of the three prescribed tests. That test was of the most meagre kind, and even the opponents of the Code had attempted to get it improved. It did not cover even the field of elementary instruction, for it omitted a most material part of it—religious teaching. [Mr. WALTER: No, no; that is a result required by Her Majesty's Inspectors of Schools.] The hon. Member, he believed, was mistaken on that point, and therefore his proposal was defective in not providing for religious instruction. Moreover, the syllogism ignored the two other tests enforced by the Code—the tests of Government inspection and certificated masters. The intention of the hon. Member's Resolutions was obvious, and on the first blush was a good one. It was to bring the "poorer schools" of the country within the scope of the Government grants. Now, he was satisfied that there was nothing more mischievous in a system of public grants than to permit an exception from the general rule. [Mr. HENLEY: Hear, hear!] The right hon. Gentleman confirmed that opinion, and could not therefore support the Resolutions, which in express terms required special indulgence to poorer schools. The fact was, that the exceptions were sure to become rules. That could be aptly illustrated in the very Department under consideration. The old capitation grants were originated for the assistance of poor schools, and an attempt was made in the Minute to define what were poor schools. The definition, of course, broke down entirely, and the exceptional assistance to poor schools became a regular largess to rich schools. If it were thought that the present system were forced beyond its original intention, and had so deserted the poorer classes for whom it was primarily intended, there was still no necessity for disturbing the machinery by which it was worked. The proper course, on the contrary, to take would be to bring the whole system down to its intended level. While, however, he should urge the restriction of public grants to schools for the poor, the House ought to distinguish that from giving public grants to poor schools. The business of Parliament was not to favour schools of an inferior kind, but to give a lift to the schools of the inferior classes. The great object of the hon. Member for Berkshire was to get poor schools within the reach of the grant, and for that purpose he proposed that the test should be restricted to mere attendance, and that certificated masters should no longer be indispensable, in fact, that the lowest hedge school, if it could reach the art of spelling and the first rules of arithmetic, should pass muster for Treasury payment. But he would ask the House what grounds the hon. Gentleman had given to lead to the belief that any decent schools of the country districts were excluded from the receipt of the grant. He had looked through the blue-book of correspondence of the hon. Gentleman, but he had failed to find any such conclusion established. There was not a case of a single schoolmaster of any schools worthy of receiving a farthing from the public Treasury who might not obtain a certificate if he chose. He therefore entirely denied the proposition that the schools of the poor could not come within the reach of the grant, the fact being that they would not in every case in which they did not.

The real obstacle was not the stipulation for a certificated master, but rather a certain timidity, or perhaps pride, on behalf of the old teachers which prevented them from submitting themselves to examination. Another obstacle was the narrow-mindedness of some of the managers of the distant rural schools—small farmers and tradesmen—who objected to exposing themselves to Government inspection. He could mention several instances in his own neighbourhood in which contributions towards the establishment or improvement of a school had upon those grounds been refused, because the donors had stipulated for having Government inspection. A third and a fourth obstacle were to be found in the objection sometimes raised by the clergy to associating small adjoining parishes together for the purpose of forming a school; and in the occasional illiberality of gentlemen in the rural districts, who refused to put their hands in their pockets, hoping that the Government would support a school for them, and not much caring whether it did or not. Such were the obstacles which kept some rural schools from the grant, and it was not his intention to upset the existing system, which worked well when not so impeded, simply in order to get rid of such impediments. The hon. Gentleman's correspondents who disagreed with him had truly said that a certificate was not only a scholastic guarantee but an economy to a school. Were they to yield to the prejudices of those who could not see that fact, clearly as it might be substantiated if there were only a will with the way to that conclusion. The hon. Gentleman asked what was the use of the certificate. From what the hon. Member had said it appeared that he thought those certificates should be done away with altogether. In effect, the hon. Gentleman asked why should we go on expending all that money in the maintenance of a system when they could find masters better or as good in the open market. At all events, let them consider, on the other hand, the consequences of abolishing the requirement of certificates. It was completely involved in the hon. Gentleman's proposition, on his own showing, that if the preference given to the certificated master were done away with, the training colleges would be destroyed. Neither would young men then go to these colleges, nor would managers of schools seek for masters there, if they were to be more cheaply obtained in the open market; and thus a system by which a better class of masters were obtained at public expense would be put an end to. The Royal Commissioners, in their original Report, stated that the most useful application of any sums voted by Parliament would consist in the establishment of normal schools. From the earliest proceedings of the Committee of Council on Education, that had been the primary and chief object and the most successful part of the system; and the Commissioners asserted that it was proved beyond all doubt that the trained teacher was greatly superior to the untrained, and that lowering the standard by diminishing the importance of the trained teacher would be a fatal measure. There was not a single country, he might say, in which a system of national education had been attempted, where the establishment of training colleges would not be found to be a principal part of that system, though a most difficult part to rear and maintain. In America, where the whole system of national education was carried out in the most popular manner by rates—even there training colleges existed. They were not supported by rates; for it would be very difficult to get people from year to year to vote large sums of money for institutions the benefit of which was deferred. Still, these institutions existed in every State, and were placed upon endowments in lands and fixed property. If, by passing a Resolution like that before them, the House struck a paralysing blow at the training colleges in this country, they would never revive. Many persons had spent their £100 and £1,000 in establishing and maintaining training colleges; and if those institutions were allowed to die, no one would be foolhardy enough to make advances from his own private resources again for the purpose of re-establishing them. It was quite clear, that if they went into the market for masters, instead of applying to the training colleges, the cheapest article would be taken that was capable of obtaining a grant from the Treasury; and if the hon. Member's Resolution should be carried, the national system would go down to the level of teaching the mere elementary matters referred to in the Motion, and would sink down to the point from which it sprang. If the views of the hon. Member for Berkshire were participated in by many Members of that House, they had better not pass those Resolutions, but make up their minds to trust to the voluntary system exclusively, and no longer to waste the public money in attempting to uphold one the principal feature of which the House was prepared to dispense with. The right hon. Gentleman concluded by moving his Amendment.

Amendment proposed,

To leave out from the word "applicable" to the end of the Question, in order to add the words, "to Schools only of the working classes, but to all of them alike, in the way of proportionate aid to voluntary support; subject to the favourable report of the Inspector, and to tests of at least elementary instruction being given in them by teachers in all respects qualified,"

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. HENLEY said, he felt some difficulty in offering to the House the few observations he had to make, on account of the very curious way in which the Motion of his hon. Friend had been met. Speeches had been made, distinguished by very great ability, as was especially so the speech of the right hon. Gentleman opposite (Mr. Lowe); but every word of that speech, fine as it was, would have been just as applicable to the state of things three years ago as at present. They had been asked, by his right hon. Friend near him (Mr. Adderley), to wait and see how the changes made operated; but the right hon. Gentleman opposite had stated that the number of the unassisted schools had been greatly exaggerated. Now, he did not know whether they amounted to 15,000, 12,000, or 10,000; but at all events it was admitted that from 500,000 to 600,000 children were not receiving education in the assisted schools and private schools. Now, these children were scattered over the face of the country, many of them living one, two, or perhaps three miles from the national school. The people, however, where they lived were taxed at the rate of 1*d.* in the pound on the income tax for the maintenance of the present system—for that was what the Education Grant came to—and so far from their being able to get any benefit from that grant, their children were actually shut out by the conditions of those schools from obtaining any share of the public grant, which the right hon. Gentleman opposite said ought to be administered with the greatest care. The right hon. Gentleman who last spoke maintained that they were not shut out, but said that some masters were timid, and that the narrow-mindedness of the small farmers and tradesmen managing the schools was the cause of the schools losing a share of the public grant. Now, he should like his right hon. Friend to produce evidence, from which any general conclusion could be drawn, showing how many schools were managed by small farmers and tradesmen. So far as the Reports of the Commissioners and Inspectors were to be depended on — though he certainly was not one who placed implicit reliance on those reports — it appeared that that class of persons would not touch the schools at all. They held off altogether, and it was difficult to get them to do anything. They really seemed to think that they wanted some assistance themselves, without giving assistance to others. What he wanted to know was, whether they were going to meet the difficulty in respect to the 500,000 or 600,000 children he had referred to by lowering the certificate; and if they did so, how long would they be able to keep up the higher certificate? He believed that the people would all come down to the lower certificate. Besides that, there was another difficulty to be encountered. It was not to be supposed that they could go on laying a tax upon the whole community at the rate of 1*d.* in the pound on the income tax for a system so contrived that it only reached two-thirds of the persons that were wanted to be reached. At the same time, he would admit that the question how they were to bring that class of children within the range of State assistance was a most difficult question to solve. For fifteen or sixteen years the country had been waiting to ascertain the results of the system, and at the end of that time they were told by the Queen's Commissioners that the scheme set up had entirely failed and broken down. A great deal had been said about the high quality of the teaching power. It was true, as far as the masters were concerned, that the teaching power was very great, but unfortunately it lacked one element—it could not be brought to bear successfully upon the scholars. The Privy Council Office had so beautifully moulded the formula intended for the information of the House and of the country, that persons, when they heard that good teaching power existed in such and such a school, in their ignorance believed that the pupils were taught there. When the Queen's Commissioners went round, however, they showed that to be an utter mistake; and, on the contrary, that the pupils were not taught at all. Then the right hon. Gentleman, being acquainted with the mysteries of the Privy Council Office, explained that the phrases used only meant that the masters had the power to teach, but did not do so. The right hon. Gentleman shook his head; could he deny that this was an accurate description of what had happened? [Mr. LOWE: It is quite accurate.] Persons who had been assured for sixteen years that this was the best possible system of popular instruction, and that nothing, in fact, could be done without it, went on paying their money contentedly, in the absence of results, believing that by so doing they were conferring enormous benefits on their countrymen. But when the Queen's Commissioners reported that the system was a total mistake, people began to say, "We ought not to be taxed any longer, or, at least, we ought to get a share of the money for ourselves." "No," said the right hon. Gentleman, "you shall not have a clean face if you will not shave with my razor, which I candidly tell you, at the same time, will not cut at all." The right hon. Gentleman had given a description so beautiful that he would not venture to realize it till he saw it in print, of the condition of these pupil teachers at the time when, by the blessing of the Almighty, he came to manage them—of the system as it was established by those great men Earl Russell and Lord Lansdowne, beyond all comparison the best judges of matters of this kind; but he added that they had since been obliged to cut it down to something approaching an every-day level. Now they had got that amended article, the country was recommended to go on again with perfect contentment, paying its penny in the pound for ever so many years more—to open its mouth, in fact, and see what God would send. That was exactly what they were asked to do; and to determine, under the circumstances, what course should be adopted was to solve a most difficult problem. The right hon. Gentleman objected to the phrase "poorer schools," and that was not an accurate definition. There were many localities in England with small populations, the number of children ranging from twenty-five to forty, where the difficulty was to get a school at any cost. The right hon. Gentleman said, "Why not unite these?" and, applying some term to the clergy which was not complimentary, he urged that they stood in the way of union. He by no means believed that the clergy were the only persons opposed to union; but it must be remembered that the villages where these people lived were scattered often at distances of one or two miles from each other. If little children, eight, nine, or ten years of age had to travel a couple of miles to school every day, trapesing and dragging there under all weathers, in this uncertain climate, and, it might be, sitting in their wet clothes during school-hours without the possibility of going home and being fed in the middle of the day, the result would be that children would not go to school at all. That would be the A B C of it. Everybody knew, that when children lived one or two miles away from school, the attendance was most irregular; villages hung together in the same way as counties or countries, and try as they might they could not break up that feeling. The clergy of the country felt very properly that it was part of their duty to look after the education of children; and if the children of three or four parishes were brought into a common school, through providence or improvidence it might happen that there would be four clergymen of extremely different views. In that case he should like to know how the combination proposed by the right hon. Gentleman would be brought about. He believed it would be an absolute impossibility. The effort had been made in many places; but it had never worked successfully. The Motion of his hon. Friend the Member for Berkshire proposed to bring home to parts of the country some slight benefit from the contributions which they had been making for the last sixteen or seventeen years without any result. He did not say that he agreed absolutely with the proportion for which his hon. Friend had asked; that was an entirely different matter. But he would ask the right hon. Gentleman opposite whether in lowering the standard of certificates a greater risk was not incurred of lowering the quality of the education imparted to over a million of children, than there could be in allowing small schools, with a limited number of children, and under conditions properly laid down, to participate in the grant without possessing such a certificate. That was a question very difficult of solution. Last year he had supported the Motion of the hon. Member for Berkshire, and he would support it again, in case he went to a division, on the grounds he had already stated. He did not believe the conditions laid down by the right hon. Gentleman would produce all the good effects that were anticipated. It would be attended, in his view, with mischievous consequences to place a village school, containing thirty or thirty-five children under the exclusive control of a female pupil teacher, between the age of twenty and twenty-five, without a mother or any one else to look after her. Not to speak of the scandals which would arise, practically speaking the children would be exposed to temptation, and the pupil teacher herself would be placed in a position of difficulty. He believed that the effect of lowering the certificate would be most effectually to pull down the general quality of the schools. Both his right hon. Friend below him and the right hon. Gentleman opposite appeared to be in favour of pulling them down. Another very important question which was raised by the Resolutions was, were hon. Members content to make every schoolmaster and schoolmistress the paid servants of the right hon. Gentleman opposite? The right hon. Gentleman said that he would have them. He would have a nice army. He wished any one, who had to look after them ten or fifteen years hence, joy of his office. The right hon. Gentleman was going to increase their numbers and lower their quality. He did not think that that was good policy. He believed that schools in which there were any considerable number of children would, for their own sakes, always have these trained masters; but a lowering of the scale of the certificate would reduce all to the same low level. He did not say that the proposal of his hon. Friend the hon. Member for Berkshire was a perfect remedy, but it was, at all events, a step in the right direction. It would, to a certain extent, compel the trained masters to show, not only that they had the power to teach, but that they did teach. They would, through the inspectors, come into competition with men trained in a different way, and the results would be beneficial to both.

His right hon. Friend below him said that the proposal would wholly exclude the consideration of the religious teaching given in the schools. He did not understand it in that sense, and the hon. Member who proposed the Resolutions had repudiated that construction, and placed upon the words the larger interpretation which they certainly would bear. The inspectors were to look into the whole condition of the schools proposed to be admitted under these Resolutions, in the same way as they did with regard to those which already received the grant. He considered that the words of the Resolution were large enough. If he did not, he certainly should not support them, because the two points to which he had always attached the greatest importance were, that education should be based upon religion, and that the Privy Council system should be made more elastic, so that it should not shut out the large number of children who were now excluded from its benefits. With reference to ragged schools, he must say that the children who attended them, those outsiders of society whom the Privy Council would not admit into their schools, were just those who were the most destitute and most neglected, and who required the most looking after; and any system which did not take hold of them failed in a most important particular. They were the most destitute of God's creatures. It was perhaps their misfortune that they had careless parents. It might be their great misfortune that they had wicked parents; but they were cast loose to go to what mischief they might, and for some reason or other the Privy Council would not attempt to recall them. What had been said that night upon the subject deserved great weight. He had, over and over again, urged those who had the management of the Educational Department to endeavour to recall what were called the "Arabs" of this and other great cities, and not leave them to go wholesale to a place which must not be named, without a helping hand being held out to save them. He believed that the Motion of his hon. Friend would have a tendency to make the Privy Council system more elastic, and to enable it to reach those whom it did not reach. If they adhered strictly to the system as it was now established, they would go on for fourteen or fifteen years more having large classes shut out; the consequence of that would be that they would become impatient of paying, and then those who were now sucking the orange to their hearts' content would not find it yield quite so much juice as it had hitherto done.

MR. PULLER said, he would suggest to the right hon. Gentleman opposite (Mr. Adderley) that it would be better to meet the Motion of the hon. Member for Berks with a direct negative than by the Amendment which he had proposed. That Amendment would, as it stood, exclude from the grant schools for the teaching science and art, which were not confined to the working classes, and would, in fixing the amount of aid, leave out of consideration fees and endowments, neither of which results could be desired by the right hon. Gentleman. The right hon. Gentleman the Member for Oxfordshire (Mr. Henley) took a view of the matter different from that entertained by the hon. Member for Berks. The latter hon. Gentleman in his second Resolution complained of the injustice done to managers; but the whole burden of the right hon. Gentleman's complaint was the injustice, not to the managers of schools, but to the payers of taxes. The first Resolution spoke of the poorer schools. There was a cognate expression which was often used—that of "poor parishes." The poverty was often fictitious and imaginary rather than real, and arose, as the Commissioners themselves stated, not from any want of property in the parishes, but from the indifference of non-resident proprietors and their unwillingness to pay for the support of that education to which they ought to contribute. Only last year the right hon. Gentleman the Member for Oxfordshire stated that there were in that county sixty assisted schools. The population of the whole county was 170,000, and that of the places where the assisted schools were situate 70,000, or about 40 per cent; while, according to the Income Tax Returns, those places represented about 30 per cent of the property of the county. Therefore, comparing property with population, the part of the country which was assisted had a smaller proportion of property and a larger proportion of population; while that which was not assisted had a smaller proportion of population, and a larger proportion of property. It was said that the population was scattered over a large area divided into small parishes; but did the proposition of the hon. Member for Berkshire meet the cases of small parishes where there was no liberal esquire or energetic parson? Not at all. He proposed to meet the case of those who, being able and willing to pay for a good teacher, and so to produce certain results, were now excluded from the grant because their teacher had not got a certificate; but the difficulty of the small parishes was to take the first step, that of securing a good teacher; and if the hon. Member wished to meet the wants of really destitute parishes in the manner suggested, he must go on and guarantee the salary of the teacher, without waiting for any results. If that were done, the House would never have any rest until it consented to take into its own hands the entire control of the education of the country. That would be the fatal result of departing from the system of wholesome supervision which the House had hitherto exercised. He should give a decided negative to the Resolutions.

SIR STAFFORD NORTHCOTE said, the House had heard a great deal about logic, but he must protest against some of the logic he had heard. The case put by the right hon. Gentleman (Mr. Adderley) was, that there were three conditions under the Revised Code necessary for the receipt of a grant—instruction, the approval of the inspector, and the presence of a certificated teacher—and that the Resolution of the hon. Gentleman (Mr. Walter) did away with two of these conditions and retained only the test of instruction. So far, however, from that being the case, it was the reverse of the case; and what the hon. Member for Hertfordshire (Mr. Puller) had said was an illustration of the mistakes into which hon. Gentlemen had fallen. What the hon. Member for Berkshire, however, did, was to put before the House the case of a large number of schools the managers of which could not afford to pay certificated teachers. These uncertificated masters had been spoken of as cheap and bad. Now, the Vice President of the Education Committee was not asked to lower his certificates until they became of no value, so that bad and cheap masters could obtain them. What was asked was that the managers of schools should produce certain results of instruction, and that they should have the advantage of the stimulus of a Government inspector, who should make the schools as good as circumstances permitted. Disguise it as they might, a large number of schools were unable at present to take advantage of the Government grants. These schools were mainly of two classes—small country schools not supported in their localities, and ragged schools in towns. As long as their educational system excluded these two classes of schools, it rested on an unsound and illogical foundation. Depend upon it, such a system, however they might patch it up, could not be maintained. In some way or other the difficulty must be met. The Vice President of the Education Committee was aware of the defect, and how did he intend to meet it? In the most objectionable way possible—namely, by lower classes of certificates. He said, "I will still keep up this system of certificates, still maintain a class that shall have a monopoly; and, in order to reach the classes in question, I will endeavour to make my certificates really worth nothing by lowering them." The right hon. Gentleman was not asked to do that. Those who wished for some alteration in the present system felt the advantage of the trained masters, the certificated teachers, and the pupil teachers. The latter were an important class, and it was desirable that the duty of instructing them should be intrusted to men of high certificates. The right hon. Gentleman was only asked to make some provision for those children who were excluded from any participation in the Education Grant. The hon. Gentleman (Mr. Walter) had moved two Resolutions—the first was of a very positive character, and might be embarrassing to the Government. He was certain the hon. Member did not wish to embarrass the Government, but to carry the principle of his second Resolution, which should have his hearty support. He trusted that the hon. Member would consent to withdraw his first Resolution, so that the issue might be taken on his second Resolution, which was a protest against the necessity of employing a certificated teacher. If that were the issue, he should heartily vote with the hon. Gentleman the Member for Berkshire.

SIR MINTO FARQUHAR said, that he had taken considerable interest in the subject, and having last year joined in the opposition to the right hon. Gentleman (Mr. Lowe) he felt that they had now reason to be thankful to the hon. Member for the University of Cambridge (Mr. Walpole) for the course he then took, which obliged the Government to re-revise the Revised Code, and to make it more acceptable to the country. On this occasion he felt bound to take a different course, because the right hon. Gentleman, in an excellent, clever, able speech, had shown that he had lost much of the feeling which he displayed last year. He then made most unfair attacks upon the schoolmasters, but on re-consideration, he now candidly admitted their usefulness in the work of education. The right hon. Gentleman had shown that the Resolution proposed by the hon. Gentleman (Mr. Walter) would entirely interfere with the system proposed by the Privy Council. That system had effected a great improvement in the education of the country, and he should be sorry to see it interfered with. The right hon. Gentleman (Mr. Henley) had said that the children at present were in some cases not taught at all. That was going, he thought, much too far. The Commissioners of Education had acknowledged the great advantages derived from the present system of education. He felt satisfied, that if the Resolution of the hon. Member for Berkshire were carried, it would very materially interfere with the education carried on by the Committee of Privy Council. If, as had been stated, the test was so simple, he could not understand why the masters should not submit to it, seeing that such submission would not only give them a status, but would entitle their schools to an assistance they did not receive. He hoped his right hon. Friend (Mr. Adderley) would accede to the suggestion of the hon. Member for Hertfordshire, and withdraw his Amendment, so that the House might be able to come to a decision on the Motion of the hon. Member for Berkshire.

MR. WALTER: After the indulgence which the House accorded me in the early part of the evening I shall make but a very few remarks in reply. I heartily agree in the proposal of the hon. Member for Hertfordshire (Mr. Puller), that it would be far better to come to a vote, "Aye" or "No," upon one or other of these Resolutions than upon the Amendment which the right hon. Gentleman (Mr. Adderley) has submitted to the House. But I must first offer a few remarks upon the verbal criticism which my right hon. Friend (Mr. Lowe) made in the course of his speech upon the first Resolution. I do not know whether he imputed what he found objectionable in that Resolution more to stupidity on my part or to *malice prepense.* Now, it is not easy to frame a Resolution which shall be entirely unexceptionable, but I agree with the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) in thinking that the terms of the Resolution were simple enough. The first Resolution was intended to define the sort of schools to which the second Resolution was to apply, and when I spoke of "the poorer schools" I wished to include such schools as the ragged schools, and to exclude private schools or schools carried on for profit. As regards the word "attendance" it would have been better to have omitted it, but it certainly never occurred to me for one moment to exclude from the results to be required by the inspectors, and of which they were to have the means of judging, the religious instruction, cleanliness, and, in general, the proper condition of the school. That, of course, I took for granted —it was taken for granted in the Revised Code—and I never intended to include those hedge schools which would not satisfy the ordinary requirements of decency, order, and discipline. But as the first Resolution is of no material consequence, I should wish it away altogether, and that the Vote should be taken upon the second, which is entirely on the question of certificates. When my right hon. Friend uttered his glowing eulogium upon the schoolmasters, and described the great achievements which they would perform, it occurred to me that that was not quite to the purpose, because we have not to deal with children of high-skilled mechanics who are to be made Stephensons or Brunels, but with the children of labourers and poor men, for whom all this sublime, marvellous, and exceedingly expensive machinery is not required. We are spending at present £800,000 in educating a million of children. I say that is monstrous. Give me £80,000 and I will educate 250,000 children in the best possible way. The sum which I think at the outside my Resolution, if carried, would cost the State would be £100,000. It would be long before 250,000 children would come within the scope of this Resolution. But, taking 5,000 schools of fifty children each, and allowing £15 for every school, that would give £75,000 for 250,000 children. Add to that sum the expense of an extra clerk and fifty assistant inspectors, which might be set down at £25,000, and the entire cost would be £100,000. That is cheap in comparison with the system which the Government is at present carrying out. But I think my right hon. Friend the Member for Oxfordshire (Mr. Henley) hit the right nail on the head when he said that my Resolution would not interfere with the training colleges so much as the Government themselves have done. There is much more consistency in trying to abolish the training colleges altogether, which I do not propose to do, than in introducing an utterly sham certificate in order to meet the case of those hedge schools. We are told that the certificate is to prove the moral character of the teacher; but if you give a certificate on two totally different principles, there is an end of its utility. What I ask is, that those trees of knowledge which the rural managers—the country clergymen chiefly—are planting in all the rural schools of the kingdom, and planting at their own expense, should be judged by their fruits, without the Government inquiring whether certificated teachers have been employed or not. That is the sum and substance of my Resolution, and I trust that it will meet with the support of the House.

MR. LOWE said, he rose merely to add one piece of statistical information which he had omitted in his former address to the House, and which would have some bearing on what had fallen from the right hon. Member for Oxfordshire. In the Report of the Royal Commission, page 318, it was stated that in the year 1858 there was in the parishes of under 600 inhabitants in the county of Somersetshire only one school which was aided by Government. There were now twenty-seven. In Devonshire there were only two such schools in the year 1858, there were now twenty-three; in Dorsetshire there were in the year 1858 only ten such schools, there were now twenty-eight; and in Cornwall there was then only one, whereas now there were ten.

Amendment and Motion, by leave, *withdrawn.*

Motion made, and Question put,

"That to require the employment of certificated teachers, or of pupil teachers by school managers, as an indispensable condition of their participation in the Capitation Grant, is inexpedient, and unjust to the managers of such schools.

The House *divided:*—Ayes 117; Noes 152: Majority 35.

Mr. Walter

UNIFORMITY ACT AMENDMENT BILL.

LEAVE. FIRST READING.

MR. E. P. BOUVERIE said, he rose to move that the House go into Committee for the purpose of enabling him to introduce a Bill to make an Amendment in what was commonly known as the Act of Uniformity. He did not propose to deal generally with the question, which, as they all knew, had recently excited considerable attention and discussion in the country, so far as it related to the condition of the clergy of the Church of England and the subscription to the liturgy. That was a far wider question than the one he proposed now to deal with. The hon. Member for Maidstone had given notice of a Motion touching that question, and he did not intend to trench upon his province. His object was to amend a portion of the Act of Uniformity which was comparatively unnoticed and obscure. The eighth section of the Act required a great number of persons, deans and canons, and prebendaries, professors, masters of colleges, and all fellows of colleges, to make a declaration of conformity to the Liturgy of the Church of England before they took possession of their fellowships or incumbencies. In accordance with that requisition, no person could become a fellow of a college at Oxford or Cambridge until he had declared before the Vice Chancellor of the University that he would conform to the Liturgy of the Church of England. Now, up to the year 1854 at Oxford, and the year 1856 as regarded Cambridge, that clause of the Act of Uniformity might be said to have had no operation, because until then nobody could take a degree without declaring in one way or another that he was a member of the Church of England. At Oxford he had to sign the Thirty-nine Articles when he was matriculated or became an undergraduate, and again when he took his degree; and at Cambridge, when a person took his degree, he had to declare that he was a *bonâ fide* member of the Church of England. The Oxford Act of 1854 and the Cambridge Act of 1856 did away with that requisition, and these two Acts provided, the one with reference to Oxford that nobody should be required to take any declaration or make any oath on taking his bachelor's degree; and the Cambridge Act declared that for any degree except divinity no oath or declaration should be taken. Now, a Fellow, as they all knew, to obtain a fellowship must have a degree; and as that declaration in connection with the Church of England was required at the time of taking a degree, no person could possibly by university law become a Fellow who was not a member of the Church of England. But, in addition to that, he would have also to make a declaration under the Act of Uniformity, that he would conform to the Liturgy of the Church of England. What he proposed to the House to do was simply to repeal this requisition. It was not merely as a theoretic question of liberty of opinion that he proposed it, for on that ground he never would have invited the House to make a change; but it was at the request of an influential portion of the resident Fellows of the University of Cambridge. In the past year he had presented a Petition signed by no less than seventy-four of the resident Fellows, comprising many of the most eminent names of men connected for a long time with the educational system of that great university, and stating that that requirement of the Act of Uniformity was in their opinion injurious to the interests of the university, and praying the House to repeal that clause. When he mentioned that amongst the names attached to the Petition were those of Professor Sedgwick, Mr. Clarke, Mr. Phear, Mr. Todhunter, and others well known in association with the educational system at Cambridge, anybody who had any knowledge of that subject would admit that great weight was due to the authority of that Petition. The ground upon which the opinion of those Petitioners was formed he ought to state to the House. One great change effected in the universities by the Acts to which he had referred was to render Dissenters admissible to degrees. Up to the Act of 1854 no Dissenter could even have matriculated at Oxford, but at Cambridge they were more liberal; they allowed a man to reside, and till he took his degree no declaration was required of him. Up to that time no Dissenter or Nonconformist could take a degree; but by those two Acts Dissenters and Nonconformists of every kind were admissible to a degree, and admissible at Cambridge to all the scholarships and exhibitions without any declaration or oath required of them by an express clause in the Cambridge Act. What had been the consequence? A certain number of gentlemen had come to reside in different colleges of the University of Cambridge who were not members of the Church of England, and some of them had turned out the most distinguished of the undergraduates. The gentleman who was Senior Wrangler in the year 1860—a Scotchman — was a member of the free Church of Scotland. He took his degree as Senior Wrangler, and he (Mr. Bouverie) was informed that it was perhaps the most brilliant degree taken for the last half century. He was a mathematician of the first order, and would have adorned the annals of Cambridge. He was a scholar of Trinity College, and had he been able to make the required declaration of conformity he would have been elected a Fellow. The college, as he was informed, was desirous of electing him a Fellow, as it had happened that for some years no member of it had taken a distinguished degree in mathematics, and there had not been a Trinity Senior Wrangler for sixteen years. The college was therefore desirous of strengthening its mathematical teaching power; but this particular gentleman was stopped by the declaration, although he had attended the services in the chapel, and he believed had taken the sacraments, and thus the college lost the services of Mr. Stirling. The same thing happened in the case of another Nonconformist, also a Senior Wrangler. These examples happening so shortly after the admission of Nonconformists to degrees showed what good grounds those gentlemen, who were most competent to form an opinion, had for thinking that such exclusion was injurious to the university and to the cause of education. Great educational establishments like Trinity College, with Fellowships open to all classes, offered great prizes for intellectual ability. By excluding Nonconformists from competition they were deprived of incentives for going to the university, and for exertion if they did go there. The colleges which desired the services of such men were not only robbed of them, but the field of choice for Fellows, who ought to be distinguished for intellectual capacity, was limited. He did not wish to put forward the case of injustice to Nonconformists, but where there were no clerical privileges, nor theological questions affected, he thought the exclusion was an injustice. Take the case of his constituents in the north. Why were all Scotchmen to be excluded from all opportunity of obtaining those prizes? It was a curious fact that this particular clause in the Act of Uniformity did not appear to have been originally part of the Bill, but was introduced by the Commons as an

Amendment to an Amendment of the Lords. The object of the Amendment seemed from contemporary history to have been that a monopoly of the training of the nobility and gentry of the country should be confided to members of the Church of England, and the provision extended to every schoolmaster and even to a tutor in a private family. It was stated that so many of the gentry and nobility had adhered to the Long Parliament that it was determined, now the Church had regained uncontrolled power, that steps should be taken to insure it a monopoly of education. But was the House prepared now to maintain that restriction? He did not ask for more than that the colleges should be left to themselves, to do what they might think best for their own interests. At Cambridge there were four colleges, which, in their statutes, made no condition about religion for fellowship. In one of them, so far from its being devoted to teaching in theology and clerical education, there was a condition that no clergyman should be a Fellow, and the consequence was that the Fellows were all lawyers. Was it at all desirable that a man who gained a fellowship of £150 a year for a few years, to enable him to start in life in an open profession, should be obliged to declare that he conformed to the Liturgy of the Church of England? As to two other colleges, of which Trinity was one, the requirement on their statutes was, that Fellows should declare that they belonged to the true religion of Christ. That was hardly a test which a Nonconformist or a Presbyterian could refuse to take. The remaining college required a declaration from its members that they were *bonâ fide* members of the Church of England. He repeated that all he asked was that colleges should be left to themselves. At Cambridge and Oxford they had power to modify their statutes, and all he asked was to allow those colleges which thought it advisable to remove the restrictions, to apply for the consent of Her Majesty in Council to the alteration. He asked for that freedom, believing that those bodies were the best judges of their own interests and of the interests of education, and that the welfare of religion or of the Church of England was not promoted by such restrictions. In conclusion, he would quote an authority greater than any words of his could convey. Bishop Thirlwall, the Bishop of St. David's, said—

> "I can see clearly that the question is one in which science and literature may hereafter be interested, but in which religion has no concern. If that part of our endowments which are enjoyed by laymen were to be thrown open to Dissenters, I can see no other effect that would be produced than an increased activity of competition for them. Or, to put the same case in another shape, if one half of our junior Fellows who are now preparing themselves for the Bar, or practising at it, were Dissenters, instead of members of the Church of England, however this might be matter of regret as far as the individuals themselves are concerned, it does not appear how either religion or the Church would suffer by the change."

With that expression of so eminent an authority, than whom, for his ability, sagacity, and experience of the university, no one was better able to form an opinion on the subject, he should rest content, and he trusted the House would be willing to go into Committee.

Motion made, and Question proposed, "That this House will immediately resolve itself into a Committee upon certain portions of the Act of Uniformity."

MR. WALPOLE: Sir, my right hon. Friend said he did not intend to go into the general question of the Acts of Uniformity, but to confine himself to this particular clause relating to fellowships; and as we shall have an opportunity on another occasion of discussing the general question which is to be raised by an hon. Gentleman opposite, I too shall now confine my remarks to the particular section which my right hon. Friend has brought under our notice with such good temper and moderation. My right hon. Friend goes on to say that the declaration in the Act of Uniformity which he wants to do away with is a declaration taken by certain deans and other dignitaries of the Church, and also by the heads and fellows of colleges. Now, let me see whether the measure of the right hon. Gentleman is one the principle of which we ought to agree to; and let me further examine, if it were acceded to, what the practice would be in consequence of our acceding to such a Motion. My right hon. Friend says that this particular clause in the Act of Uniformity had virtually no binding application till 1854 and 1856, when the University Acts were passed, because, he says, and truly, that down to 1854 no person could even be a student at Oxford without making what was tantamount to a declaration that he was a member of the Church of England; and down to 1856, though Cambridge does and always did admit students who were not members of the Church of England, yet, on taking their degree, students at Cambridge made what was equivalent to a declaration that they were members of the Church of England. I entreat hon. Members to see what was the view taken by the House when those two statutes were passed. In 1854 two propositions were made by Mr. Heywood, who is no longer a Member of this House. The first was, that no declaration should be required on matriculating or taking the degree of Bachelor of Arts; and the second that no declaration should be made on taking the degree of Master of Arts. He carried the first of these propositions by a large majority after considerable discussion. The Government were in a minority on the first question; and when the second proposition was submitted to the House, I took the liberty of urging on the Government, who, having been beaten on the first proposition, seemed disposed to yield on the second, that they ought to reconsider their determination, because the second proposition contained a principle distinct from that contained in the first. This House assented to that view, and rejected the second proposition. Now, then, what are the principles involved? The principle of the first Resolution was, that the Universities of the land should be open to all the subjects of the Queen for the purposes of education; but the principle involved in the second proposition, and involved, as I shall presently show, in the proposition of my right hon. Friend, is that the government of the university, and consequently the endowments of the university and the colleges, might be held by those who were not members of the Church of England. The House adopted that distinction, and decided that while for the purposes of education the university should be open to all, the government and endowments should be confined to those who professed the established religion, in relation to which those colleges and those universities had been founded by benefactors in times long past. In 1856, when the Cambridge Bill was before the House, similar propositions were submitted, and with precisely similar results. My right hon. Friend has pointed out, that in consequence of the existence of the declaration which he seeks to remove, a gentleman of high ability who attained the distinguished position of Senior Wrangler in the university had not become a Fellow of his college. My right hon. Friend is not quite accurate in the cause to which he attributes the fact of this gentleman not having become a Fellow; because it appears from my right hon. Friend's own statement that during the whole of his undergraduate career he did conform to the Liturgy of the Church of England; and the only declaration required by the Act is one that the person will conform to that Liturgy. My right hon. Friend shakes his head; but I may tell him that the cause generally assigned for the gentleman in question not having taken the declaration was, that the Nonconformists had persuaded him not to stand for the fellowship.

Now, as to the necessity for the measure proposed by the right hon. Gentleman, it is true that Petitions have been signed by some of the most eminent men of Cambridge University, praying that this alteration may be made. But has a single college petitioned for it? They are the bodies corporate, to whom we must look in order to find whether such a measure is necessary or desirable. There are Petitions from members of the colleges, but not from any college in its corporate capacity. It must be remembered that the statutes of these colleges were settled recently, not only with reference to education, but also with reference to the design of the benefactors; and I believe there is hardly a case in which the design of the benefactor was not to keep the college in connection with the Established Church of England. Let me now inquire what the effect of altering the declaration would be? We will suppose the case of an undergraduate of a college at Cambridge who is not a member of the Church of England, or of any Christian Church, but a member of the Jewish persuasion. Would you alter the declaration for him? [Mr. WHITE: Hear, hear!] The hon. Member for Brighton said "Hear!" Would he take away every declaration with reference to the religion to be taught in those colleges? If so, how is discipline to be maintained in them? If you do away with the declaration, one of two consequences must follow—either you must say that every one is entitled to have in those colleges the religion which he chooses, or you must say that there need be no religion there at all. You cannot avoid one of these alternatives. When the University of London was founded, Dr. Arnold was very anxious that the Christian religion should be professed; that lectures should be given, but all shades of difference avoided. The matter was discussed. Those who took a great interest in the university—and Earl Russell was one of them—in drawing up the statutes, found it so utterly impossible to frame a statute applicable to a general lecture on the Christian religion, that they were, in the end, obliged to say, "We will confine the objects of the university to science and literature." [Mr. WHITE: Hear, hear!] I am glad to notice the cheer of the hon. Member for Brighton. He means that these great educational establishments, which, like your State, are founded upon religion, and are in connection with the established religion, ought no longer to be founded upon that principle, or to be connected with that establishment. If the House is prepared to adopt the conclusion which is the legitimate consequence of my right hon. Friend's Motion, it will assent to the Motion; but inasmuch as I hope the House will not adopt it, I think it fairer to my right hon. Friend at once to say, that in my opinion, we had better not go into Committee on the Act, because it would be only encouraging the hope and expectation that we were prepared to assent to such a proposition. I, for one, am not prepared to assent to it, and therefore I shall move a negative to the Motion that you, Sir, do now leave the chair.

MR. POLLARD-URQUHART said, he had heard with much regret the opposition of the right hon. Gentleman to what he thought was the very candid, just, and beneficial proposal of his right hon. Friend. It could not be said that the universities were practically open as places of education to the Dissenters of the United Kingdom, when Dissenters were deprived of the rewards which were given to other students. How could the universities hope in these days to maintain their position as champions of the faith, and defenders of that revelation in the truth of which they believed, if they shackled the spirit of religious inquiry? How could men be trained up to defend the revelation with ability and with reason if an attempt were made to stifle free thought and limit free inquiry to what the universities regarded as true? He denied that the Church of England would be injured if the proposal of his right hon. Friend were acceded to, and did not think so meanly of the doctrines of the Church as to suppose that they could only be maintained by a system of rewards and punishments at the universities.

LORD STANLEY: Sir, I should be glad if I could give a silent vote on this question, but having been a member of the University Commission that was formed under the Act of 1856 for Cambridge, and having been a good deal in communication with members of the university upon this subject, I feel bound to offer to the House one single remark upon a question of fact. My right hon. Friend (Mr. Walpole) says this is the question as to the admission of Nonconformists to fellowships which was considered in 1856, which was then very fully discussed, and was rejected by this House. Now, unless my memory fails me, I think there is some misapprehension on the part of my right hon. Friend. The proposition of 1856 was totally different from that now submitted to the House of Commons. In 1856 it was proposed that all tests of religious opinion for admission to fellowships should be done away with, and therefore that all colleges, whether they desired it or not, and without any reference to their wishes in the matter, should be compelled, they being to a great extent ecclesiastical bodies, to admit Nonconformists to their fellowships, all rules of theirs to the contrary notwithstanding. That was the proposal of 1856, and looking to the circumstances of the case, looking to the ecclesiastical character and traditions of these bodies, I do not hesitate to say that in my belief the House exercised a wise discretion in rejecting that proposal. But the proposal now made is one of a totally different character. Its effect is not to take away from the colleges any rights which they possess. It recognises that which the proposal of 1856 did not recognise—the right of self-government; nay, it even extends the right in removing them from the external control to which they have been subjected. The state of the case, I take it, is this:—The colleges—I am speaking of Cambridge—vary a good deal one from the other as to character and constitution. Some are decidedly more ecclesiastical than others in their character. The governing body is not in all constituted in precisely the same manner; but, generally speaking, there is a preponderance of power in the senior Fellows, a large proportion of whom are clergymen of the Church of England. Among those Fellows there is a comparatively small minority of laymen; but there is not a single person among them who is not a member of the Church of England; and there is no body of men—as I can testify from a four years' experience while acting upon the Commission—who are more intensely imbued with academical and ecclesiastical feelings and traditions. You may, therefore, take it as a thing absolutely certain that under no circumstances will they be likely to use the privilege which it is proposed to confer upon them, unless the admission of some fresh blood is likely to prove a very manifest benefit to their colleges. I confess that I have some doubt whether, under the circumstances, this privilege is likely to be taken advantage of to any great extent. If I were asked what would be the effect of adopting the proposal now made, I should say that the larger colleges are not likely for a considerable time to make any change in their regulations. But cases may occur from time to time in which men of great ability and great eminence are virtually about to be sent away from Cambridge, and are unable to pursue a scholastic life in consequence of the opinions they entertain; and the smaller colleges, which are not always very well supplied with men of this class, will be anxious to secure them, so that first one and then another will relax their rules. The small colleges will be opened in the first instance, and it may be—though this is a distant future to look forward to—that at some more remote period the movement will extend to the larger colleges. In no case, however, under the provisions of this Bill, can any Nonconformist be admitted as a Fellow of any college except upon the free choice of the majority of the governing body, that governing body being composed exclusively of Churchmen, and in most instances of clergymen of the Church of England. That gives, I think, a sufficient security for existing rights and privileges. I know that the heads of colleges, and the senior Fellows, will be generally opposed to this concession; but I know also that among the younger members of the governing bodies there is a growing opinion that some such change as this is reasonable, and they will at no distant period be a majority of the whole. In the interest of the colleges themselves, I shall give my vote for it. But the point to which I rose to call the attention of the House was this—that the proposition before us to-night differs totally from that which was considered and rejected several years ago, because the one took away the powers of these collegiate bodies, whereas this proposition leaves them not only with the powers they have, but actually increases and extends them.

Sir WILLIAM HEATHCOTE said, he thought his noble Friend had somewhat forgotten what really took place some years ago on this matter. There were two clauses in the Cambridge University Act, the enactments of which would be found, if examined, to bear a rather different construction from that which the noble Lord had put upon them. He believed it had been the deliberate opinion of Parliament that while every facility should be given to Dissenters wishing to receive the advantages of the education at the universities, yet that the bent of those institutions should be kept unswervingly in the direction of the Church of England by retaining the fellowship and the whole government of the universities in the hands of members of that Church. As to the alleged hardship of Dissenters who were not rich not being allowed to obtain the means of supporting themselves while at the university, there was a clause in the Act which met that case by throwing open to such persons all scholarships and undergraduate emoluments. In another clause, where it was conceded that all degrees might be taken without the takers being members of the Church of England, there was a special proviso, that unless they belonged to that Church, they should not be Members of the Senate, or of any governing body. Moreover, in both the Acts degrees were not to qualify Dissenters taking them for any office previously held by members of the Established Church. He considered, therefore, that the question before the House had been really raised on the previous occasion, and he wished to warn the House that it was a far graver question than the noble Lord or the right hon. Gentleman opposite supposed. The question was whether they should entirely overturn the position of the Church of England in the universities; and though the present step was but a small one, it had a very distinct and definite direction.

Mr. GRANT DUFF said: Sir, at this very late hour I will not attempt to detain the House by a speech—although, if I had risen earlier, I should have wished to express the very strong views of the younger M.A.'s of Oxford upon this subject. As it is, I will merely put two questions to the right hon. Gentleman the Member for Cambridge, than whom no fairer disputant sits in this House. He has told us, that if a member of the Jewish persuasion is allowed to become a Fellow without making the declaration to which the right hon. Gentleman the Member for Kilmarnock objects, there will be an end to the discipline of the University. Now, I want to know how they manage at those foreign universities where, happily, honours are bestowed without any reference to the religious opinions of the candidates. Take, for instance, the great University of Leyden. At Leyden there are many Jews, who are admitted to the same privileges as other students. Nay, one of the most distinguished professors of that University is a Jew. Does that impair the discipline of Leyden? And further, is it not a fact at this moment, in spite of the dangerous presence of this Jew in the governing body, the Christian Divinity School of Leyden is as much superior to the Christian Divinity School of Cambridge, as one thing can be to another?

Lord ROBERT CECIL said, he was happy to receive the avowal of the hon. Gentleman that the measure was one to assimilate the universities and theology of England to those of Germany and Holland. He could assure the hon. Member that he regarded it with the same certainty as he did the probability that the adoption of this measure would reduce or elevate our discipline and our theology very much to the level on which both stood in the German universities; and if that admission was any satisfaction to the hon. Gentleman, he had the greatest possible pleasure in making it. The whole of the question seemed to have been argued on a false issue. They were told that these were prizes for which Dissenters had as much right to contend as churchmen; but if fellowships were nothing but prizes, they would not need to fight that battle long. Fellowships really gave those who held them the power of regulating the studies of the universities, and therefore the measure was practically a measure for transferring the control over the studies and religious education of the universities from members of the Church of England to Nonconformists. The noble Lord the Member for King's Lynn (Lord Stanley) said the measure was one for giving independence to the colleges. If the colleges were isolated bodies, having no connection with the university, that argument might hold. But on the constitution of the colleges the teaching power of the university depended. The noble Lord had in his mind the idea of a small college of Unitarians or Jews existing in the middle of a Church of England University. ["No!"] He contemplated all the Nonconformist element gravitating to a small college. Well, the small colleges, at Oxford at least, had the power not only of furnishing proctors, who appointed the examiners, but they also elected a head who in due time became Vice Chancellor of the university. Now, he would not put the matter upon high religious grounds, but would ask whether that would pay? Imagine the University of Cambridge or Oxford with a Unitarian Vice-Chancellor. He knew that the right hon. Gentleman opposite (Mr. E. P. Bouverie), and the noble Lord the Member for King's Lynn were men of enlightened mind, and that they would send those over whom they had power to a place of education presided over by Unitarians or Jews, with perfect confidence that it was all the same thing. But the difficulty was that, unfortunately, the people of England were not as enlightened as the noble Lord and the right hon. Gentleman. What he was afraid of was, that if there was a Unitarian or a Jew Vice-Chancellor, or if there was any distinguished teacher in the university who occupied the position of the celebrated professor at Leyden, the fathers of families throughout the United Kingdom would as soon cut off their right hands as send their children to the universities. If it was intended to pass a measure which would prevent the universities from being, what they had heretofore been, the favourite resorts of the middle and upper classes of England, justice required that they should hear the universities themselves. They were now asked to do that which would not only change the character of the universities as religious seminaries, but destroy their influence and position altogether. The subject, however, deserved a more lengthened discussion than it could receive at that late hour, and therefore he begged to move the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."

Viscount PALMERSTON: My right hon. Friend who proposed this Motion gave a notice so vague in its wording that it conveyed no notion whatever of the particular proposition which he intended to found upon it. His Motion, no doubt, is one of considerable importance, and I think it would have been fairer to the House, and would have enabled them more easily to come to a decision, if my right hon. Friend had specified distinctly what was the particular object which he had in view. But the present stage, I take it, is equivalent to moving for leave to bring in a Bill. It might be said that this measure is rather one of principle than of detail, and consequently that the House should be as competent at the first blush to form an opinion upon it as if they had the advantage of seeing its clauses. On the other hand, it relates to a matter upon which parties out of the House are fairly entitled to have full time for consideration, and for that reason I should not be indisposed to vote for going into Committee, which simply means that my right hon. Friend should have leave to bring in his Bill. I confess, however, that I think the subject itself is one which will require very grave consideration. The distinction taken by the right hon. Member for Cambridge University seems to be a sound one—namely, the distinction between admitting persons of all religious opinions to every advantage in point of education which our universities can confer, and admitting them to be part of the governing bodies. It also appears to me that the point adverted to by the noble Lord who spoke last is not unworthy of notice, for one can conceive that there might be peculiar circumstances connected with the religious opinions of the governing body of a college which might have a very material influence in preventing parents from sending their sons to such college. I shall not be more particular, but I am sure everybody will understand the bearing of that remark. On the whole, I should say that it would be consistent with the usual practice of the House to allow my right hon. Friend to bring his Bill in, but, in voting with him, I must hold myself perfectly free to deal with the measure afterwards in such manner as upon further consideration may appear to be expedient. It would be fair to the universities to give them an opportunity of considering the Bill, and making their wishes and feelings upon it known to the House. Therefore, as far as I am concerned, I have no objection to vote for the introduction of the Bill, but my right hon. Friend must not understand that I express any opinion favourable to the measure itself.

MR. E. P. BOUVERIE said, he wished to correct an error into which the right hon. Member for Cambridge University had unintentionally fallen. The Bill which he proposed to introduce was limited to fellowships, and did not touch the headship of colleges.

MR. LYGON said, that if the House should be allowed to go into Committee, he hoped it would be only on the understanding that the Chairman should immediately report progress, and that the question of leave to bring in the Bill should stand over until after the universities and the Church of England had had an ample opportunity of considering the matter. If the House went into Committee, he should avail himself of its forms to prevent a division being taken on the Main Question.

LORD ROBERT CECIL said, that as it seemed to be the wish of the House and the Prime Minister to divide upon the Main Question, he had no objection to withdraw his Motion for the adjournment of the debate.

Motion, by leave, *withdrawn.*

Original Question put.

The House *divided* :—Ayes 157 ; Noes 135 : Majority 22.

Act of Uniformity *considered* in Committee.

(In the Committee.)

LORD ROBERT CECIL said, he hoped that as the Bill affected the material interests of persons at a distance from the House, the right hon. Gentleman would give them what was always accorded to criminals, "a long day," in order that they might have an opportunity of considering the proposals of the Bill which was to be introduced.

MR. E. P. BOUVERIE said, that if hon. Gentlemen would allow the Bill to be brought in that evening, he would undertake to fix the second reading at a sufficiently remote date to give every opportunity for considering its provisions.

MR. WALPOLE said, he accepted the division as an intimation that the House desired to see the provisions of the Bill, and he hoped that before the House went out of Committee the right hon. Gentleman would fix the day for the second reading.

MR. E. P. BOUVERIE said, he would fix the second reading for Wednesday, the 3rd of June.

MR. HUNT : That's Ascot week.

MR. LYGON said, he wished to point out that the Public-houses Bill, which was sure to create much debate, was fixed for that day.

MR. E. P. BOUVERIE said, he would look through the Order Book, and fix a day for the second reading on the following day.

Resolved,

That the Chairman be directed to move the House, That leave be given to bring in a Bill to repeal so much of the Act of Uniformity as relates to Fellows and Tutors in any College, Hall, or House of Learning.

Resolution *reported.*

Bill *ordered* to be brought in by Mr. EDWARD PLEYDELL BOUVERIE and Mr. POLLARD-URQUHART.

Bill to amend the Act of Uniformity, as regards Fellows of Colleges, *presented,* and read 1°. [Bill 104.]

HOLYHEAD HARBOUR.

SELECT COMMITTEE MOVED FOR.

COLONEL DUNNE said, he rose to move for a Select Committee to inquire into the state of Holyhead Harbour, with a view to ascertain the best method to afford safe and efficient accommodation for the Vessels engaged in the Irish Mail Service, and for the Passengers conveyed by them. When the wind blew from particular quarters, there was considerable danger, and vessels were not safe alongside the pier. It was said that there should be a protecting wall, but the only protection was by piles, and it was totally insufficient. The Government had promised to strengthen the pier on more than one occasion, and had failed to perform those promises. The vessels were often delayed twenty or thirty minutes in getting alongside the pier, and the passengers had to scramble over wet planks on a dark night. He hoped the Committee would be granted, as it was the only hope which passengers to and from Ireland had of any attention being paid to their just complaints.

MR. LEFROY seconded the Motion. The noble Lord the Secretary for the Admiralty had himself on more than one occasion expressed his concurrence in the importance of these improvements. He might say that long and unavoidable delays in landing the mails were often occasioned by the state of the accommodation.

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire into the state of Holyhead Harbour, with a view to ascertain the best method of affording safe and efficient accommodation for the Vessels engaged in the Irish Mail Service, and for the Passengers conveyed by them."

MR. MILNER GIBSON said, the House was hardly in a position to accede to the Motion of the hon. and gallant Gentleman. The correspondence on the subject was on the point of being circulated among Members, and ought to be perused before the subject was discussed. As far as he knew, there was no disposition on the part of the Government to deny that they were bound to make arrangements for the safe landing of the mails and the accommodation of passengers. The packet company had not complied with the requirements of the contract in regard to speed, but there was no connection between that and the state of the pier. The Government were prepared to carry out the plans certified as sufficient for the accommodation of the steamboats, and the captains of the vessels had admitted that those plans were satisfactory. The works were in progress, and the jetty was about to be filled in so as entirely to exclude the sea. The covered building suggested had not been erected because it was believed to be too heavy for the jetty; but a substitute would be provided. He hoped that under the circumstances the hon. and gallant Member would not press his Motion.

MR. HERBERT said, he regretted that the answer of the right hon. Gentleman was not more satisfactory. There had been a distinct breach of contract by the Government. For eight years the steamboat company had put themselves in a position to keep their part of the contract, but the Government had not performed their part.

LORD NAAS said, he thought there ought never to have been any correspondence at all. The House had a right to insist upon the Government keeping its part of the contract. The Government had, eight years ago, promised to build a pier for the passengers, and they had not done it. The steamboat company, on the contrary, had done all in their power. The Government had much better make up their minds to build a new pier than to try to patch up the old one. He hoped the appointment of the Committee would be agreed to.

MR. WHALLEY said, that the Holyhead route was not the best way of communication with Ireland, and contended that to lay out any more money on it in addition to the £1,000,000 which had already been expended was a course which ought not to be adopted without due consideration.

LORD CLAUD HAMILTON trusted the Government would not throw away any more public money in an endeavour to make the present pier-head the place for landing.

THE CHANCELLOR OF THE EXCHEQUER said, he should move the adjournment of the debate. He did not see that the case was one for investigation by a Committee; and even if it were, the House ought not to proceed further in the matter until the correspondence mentioned by his right hon. Friend the President of the Board of Trade, which was now in the press, was in the hands of Members.

MR. MILNER GIBSON said, that he thought the question of the appointment of a Committee was not proper then; but if, after the perusal of the correspondence, the House should think otherwise, it might be proper to re-consider the point.

Motion made, and Question proposed, "That the Debate be now adjourned."

The House *divided*:—Ayes 40; Noes 35: Majority 5.

Debate *adjourned* till *Tuesday* next.

DARTMOOR PRISON.

PAPERS MOVED FOR.

MR. NEWDEGATE said, he wished to move for an Address for a copy of, or extracts from, the correspondence between the Home Office, the prison authorities, and the visiting Roman Catholic priest recently dismissed from attendance at the Dartmoor Prison. It was important that the correspondence should be produced before the House was called on to pass a judgment on the Prison Ministers Bill.

Moved,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Copy of or Extracts from the Correspondence between the Home Office, the Prison Authorities, and the Visiting Roman Catholic Priest, recently dismissed from attendance at the Dartmoor Prison."

SIR GEORGE GREY said, he had no objection to produce the letter in which he had intimated his opinion as to the conduct of the Roman Catholic priest dismissed from attendance. He considered, that owing to deficiency of temper and discretion, his continuance in the office was inconsistent with the good order and discipline of the prison; but he thought it was undesirable in such a case that all the correspondence should be laid before the House.

MR. KINNAIRD said, he regretted that any desire should be evinced to conceal the facts of the case. In his opinion, the whole correspondence ought to be produced, as it bore upon the Prison Ministers Bill, which the right hon. Gentleman had introduced.

MR. WHALLEY said, that similar correspondence, in another case, had been given to him, and he thought it was most reasonable the House should require the correspondence in the present instance.

Question put.

The House *divided*:—Ayes 21; Noes 35: Majority 14.

WRITS PROHIBITION (No. 2.) BILL.

BILL WITHDRAWN.

Order for Second Reading read.

MR. E. P. BOUVERIE, finding the opposition with which it was threatened of too serious a character, begged to move that the Order be discharged.

Order *discharged*:—Bill *withdrawn*.

PIER AND HARBOUR ORDERS CONFIRMATION BILL.

Pier and Harbour Orders Confirmation—*considered* in Committee:—

(In the Committee.)

Resolved, That the Chairman be directed to move the House, That leave be given to bring in a Bill for confirming certain Provisional Orders made by the Board of Trade under the General Pier and Harbour Act, 1861, relating to Blackpool, Deal and Walmer, Exmouth, Llandudno, Rhyl, Rosehearty, Ilfracombe, Instow, Bangor, Chatham, Bray, Dartmouth, and Nairn.

Resolution *reported*.

Bill *ordered* to be brought in by Mr. MILNER GIBSON and Mr. HUTT.

Bill *presented*, and read 1°. [Bill 109.]

HARWICH HARBOUR BILL.

Harwich Harbour—*considered* in Committee:—

(In the Committee.)

Resolved, That the Chairman be directed to move the House, That leave be given to bring in a Bill for the Preservation and Improvement of Harwich Harbour under the General Pier and Harbour Act, 1861.

Resolution *reported*.

Bill *ordered* to be brought in by Mr. MILNER GIBSON and Mr. HUTT.

Bill *presented*, and read 1°. [Bill 110.]

DRAINAGE AND IMPROVEMENT OF LAND (IRELAND) BILL.

On Motion of Mr. PEEL, Bill to enable Landed Proprietors to construct works for the Drainage and Improvementof Land in Ireland, *ordered* to be brought in by Mr. PEEL, and Mr. CHANCELLOR of the EXCHEQUER.

Bill *presented*, and read 1°. [Bill 106.]

SALE OF MILL SITES, ETC. (IRELAND) BILL.

On Motion of Mr. PEEL, Bill to amend the Act of the twentieth and twenty-first years of Victoria, authorizing the Sale of Mill Sites and Water Powers by the Commissioners of Public Works in Ireland, *ordered* to be brought in by Mr. PEEL and Mr. CHANCELLOR of the EXCHEQUER.

Bill *presented*, and read 1°. [Bill 105.]

SHERIFF COURTS (SCOTLAND) BILL.

On Motion of Mr. CAIRD, Bill to enlarge the Sheriff Small Debt Jurisdiction in Scotland, *ordered* to be brought in by Mr. CAIRD, Mr. DALGLISH, and Mr. MACKIE.

Bill *presented*, and read 1°. [Bill 107.]

VOLUNTEERS ACTS AMENDMENT BILL.

On Motion of The Marquess of HARTINGTON, Bill to consolidate and amend the Acts relating to the Volunteer Force in Great Britain, *ordered* to be brought in by the Marquess of HARTINGTON and the JUDGE ADVOCATE GENERAL.

Bill *presented*, and read 1°. [Bill 108.]

House adjourned at Two o'clock.

HOUSE OF COMMONS,

Wednesday, May 6, 1863.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Church Rates Commutation [Mr. Newdegate] [Bill 14] (*negatived*); Church Rates Redemption [Mr. Alcock] [Bill 12] (*negatived*); Marriages Registration (Ireland) [Mr. Monsell]*[Bill 39]; Admiralty Court (Ireland)* [Bill 45]; Security from Violence [Bill 35].

Report—Security from Violence.

CHURCH RATES COMMUTATION BILL

[MR. NEWDEGATE]—[BILL 14.]

SECOND READING.

Order for Second Reading read.

MR. NEWDEGATE, in moving the second reading of this Bill, said: I am anxious, Sir, to express my thanks to the Government and to the House, for having permitted me, after having withdrawn this Bill in its first form, to re-introduce it at the close of the last Session, in order that it might be considered during the recess. I availed myself of the opportunity thus afforded, and complied with what I believe to have been the intention of the House. About 2,600 copies of the Bill were circulated during the recess. A copy was placed in the hands of each Board of Guardians, and of each Rural Dean; a copy was sent to each Cathedral Chapter, and copies were sent to many of the clergy in the towns in which the pressure of the anti-church rate agitation has been severely felt; I have the satisfaction of knowing, that although this Bill will be opposed by persons of extreme opinions—on one side, by those who will be content with nothing short of the unconditional abolition of church rates—actuated by whatever motives, whether from a dislike to the Establishment, or from a desire to get rid of the vestries, and thus to get the control of the arrangements of the church, and the church itself into their own hands—although I know this Bill will be opposed on the other side by some very high Churchmen, who will be content with no settlement of the question that will not restore the state of things which existed two hundred years ago, or with only such changes in law as would by adaptation to the present times render the law no less stringent than it was at that period—yet I find that this measure meets the views of a very large number of sound Churchmen, and of the religious as distinguished from the political Dissenters. It would be idle to hope for the concurrence of persons holding the extreme opinions to which I have referred, for no measure can content both sides when their opinions and wishes are antagonistic. But of this I am confident, that any hon. Members who think fit to vote for the further consideration of this measure will find themselves giving expression to the wishes of the great body of occupiers, and of all those who entertain moderate opinions upon church questions. My communications have naturally been very extensive, and what I have said conveys, to the best of my belief, a fair version of the result of these communications.

I am anxious, Sir, that the House should for a few moments consider the present position of the church rate question. Last Session, after the Bill proposed by the hon. Baronet the Member for Tavistock (Sir John Trelawny) had been rejected by a majority of one, in a House of 559 Members, the House came to a Resolution, by a majority of seventeen, to the effect that it would be unjust and inexpedient that church rates should be abolished until some substitute for them had been supplied. Again, this Session, the Bill introduced by the hon. Baronet, at the instance of the extreme anti-church rate agitators, was, in a House of 560 Members, rejected by a majority of ten votes. It therefore appears, that so far as the opinion of this House has been indicated by its action, the House has practically decided that it will consider some substitute for church rates—some change of the law, which shall provide for the maintenance of the fabrics and of the services of the church, but that the means for obtaining that provision shall be adapted to the altered circumstances of the country, now that one-third or one-fourth of the population are not members of the Established Church. I do not pretend to ignore that fact, and it is with direct reference to that fact that the Bill which I ask the House to consider has been drawn. But it has been drawn with this further view—that it is not the intention of the Legislature—that it is not the intention of this House to disturb the connection of the Established Church with the Constitution of this country, but that it is the intention of Parliament to preserve the Church in her parochial organization as the means by which the poor shall always have, without payment, means of divine worship and the doctrines of true religion taught them without cost. I observed last week, in the leading organ of the press, *The Times*, an article to this effect:—That unless this Bill, which is there termed "Mr. Newdegate's Specific," be adopted, the church rate question, with all the bitter division of opinion and of feeling which it entails, among those who ought to be united on the main questions of religion, will continue long to be agitated, and that thus this strife will be prolonged, with all its evil consequences, for many years to come. I believe that *The Times*, in deprecating this result, has truly represented that sound but quiet mass of opinion and of feeling, which, although not always apparent on the surface, yet when the time comes, never fails to make its weight felt. I am anxious to show to the House that this Bill is no crotchet of my own, but that its principal objects have been contemplated by statesmen for whom the House has always entertained the respect due to their high talents and to their great prescience.

In 1837 the late Sir Robert Peel clearly indicated the kind of measure which, in his opinion, ought to be introduced for the settlement of this question—a settlement of which he urged in the strongest terms. The Government of that day had introduced a Bill to abolish church rates, but proposed to compensate that abolition, if compensation it could be called, by taking £250,000 a year from the revenues of the Church—in other words, to alienate that sum from the other objects of the Church, and apply it to the purposes of church rate. Sir Robert Peel condemned the proposal, on the ground that the property of the Church was not only inadequate to her then existing requirements, but utterly inadequate to provide for the spiritual necessities of the increasing population. He showed not only that the Church was unable to fulfil her function, but that the Dissenting bodies had failed to provide for the spiritual necessities of the poor. During the last Session, I served on the Committee which was appointed to consider the operations of the Ecclesiastical Commission; and although, as that Committee has not yet reported, I have no right to anticipate the conclusion at which we may arrive, yet the evidence has been printed, and I may be allowed to say, that it clearly proves the inadequacy of the means of the Church at this moment for the spiritual instruction of the people. Sir Robert Peel, as I have already stated, resisted the proposal to alienate the revenues of the Church in order to apply them to the purposes of church rate. I say "alienate," since Parliament has decided, by the appointment of the Ecclesiastical Commission, and by sanctioning the acts of that Commission, that these funds ought to be applied to an increased provision for the clergy, and increased Church accommodation for the people. Sir Robert Peel said—

> "If to meet these necessities a sum were taken from the Consolidated Fund, it would relieve the landowners of the country from the duty of supporting the Church. Whether there should be any new apportionment of the charge on land, making the owner and not the occupier contribute (a plan which he avowed would, in his opinion, be justice), thus continuing the connection between the landowner and the Church—whether it would be possible to reconcile such a plan with some means of giving relief to the Dissenters without any invidious test being imposed — whether it would be possible to draw a distinction between the cases of the town parishes and the rural parishes, in the latter of which the House might be assured the people did not wish to see the Church degraded—whether it was possible to do these things he was not then prepared to say, but, at least, such a measure deserved the best consideration." [3 *Hansard*, xxxvii. 326-7.]

If the House will consider the indications thus given by Sir Robert Peel, who was not then in office, of the kind of measure which he considered requisite to settle this question, they will find that he suggested, first, a new apportionment of the charge of church rates upon land, making the owner and not the occupier liable; secondly, that the measure should give relief to Dissenters without the imposition of any invidious test; and thirdly, that it should make a distinction between the position of the Church in the towns and in the country parishes. And the House will, on examination of this Bill, find that it combines these three objects. If the House would turn to the Resolutions of the Committee of the House of Lords on Church Rates, they will find that the concluding Resolutions run in these terms—

> "That the ratepayers in every new parish or district shall be ratable for the purposes of their own church, and for no other."

That object is provided for in the Bill. The next Resolution is—

> "That there shall be the same powers for the recovery of church rates as exist for the recovery of poor rates; and in case of objection to the validity of the rate, that an appeal shall lie to the General Quarter Sessions, and that the jurisdiction of the Ecclesiastical Court in such matters shall cease."

The House will find that recommendation also embodied in the Bill. The last Resolution is—

> "That the principle of assessing the owner instead of the occupier to the church rate is well deserving the serious consideration of Parliament in any future legislation on the subject."

The accomplishment of this object is the basis of the present Bill. It is quite true that the Resolutions of the Committee of the House of Lords appear to contemplate the continuance of a church rate; while the Bill before the House proposes the establishment of a charge upon property instead of a rate. I do not see the possibility of otherwise carrying out the suggestion of Sir Robert Peel, that the Dissenters should be relieved from all personal liability without the imposition of any invidious test. The hon. Baronet the Member for Finsbury (Sir Morton Peto), whose opinions are of great value, has denounced any plan which would have the effect of what the late Sir James Graham called "ticketing" the Dissenters; and I concur in the opinion expressed by the hon. Baronet, that any provision which would form a list, in every parish, of persons as objectors to church rate or to the Church, would be a source of difference and division, and would afford an ever ready *fulcrum* for bitter agitation. Looking at these difficulties, I do not see how it would be possible to transfer the onus of church rates to the landowner, or rather to recognise the real incidence of the burden of church rates as a charge upon the land, so as to give relief to conscientious scruples, by affording freedom from personal liability, without declaring that a charge upon real property shall be substituted for church rate, and that all personal liability to church rate shall cease and determine. I almost think I shall be fighting a shadow; but I have formerly heard it contended that church rate is not a charge upon land or upon real property. While speaking upon this subject last Session, I cited the opinion of the late Sir Robert Inglis, as expressed in the year 1834, that church rate is a charge upon the land. I cited also the opinion of the late Mr. Daniel Whittle Harvey, who stated in the same debate, that church rate is a charge upon land and real property; he mentioned the instance of his own house in George Street, Hanover Square, in respect of which he had just paid a church rate. I will now refer to the opinion of the Poor Law Commissioners, who state this fact in broad and distinct terms. In 1843 they reported —

> "Many inconveniences and anomalies arise from the fact that the legal character of the poor rate, and of all the local rates, except the sewer rate, is not made accordant with its real and essential character. These rates are essentially taxes upon the rent of the landlord; not taxes upon the occupier's profits; no legal declarations, no limitations of legal remedies to the person and goods of the occupier, however much they may disguise the aspect of the tax, or make its burden operate unequally on rent, can make it fall permanently on anything but rent. If the same rates were all avowedly laid upon the landlord, but made leviable upon any goods found upon the rated property, the occupier being enabled to deduct his rate from his rent, the amount of net rent which would then be paid to the landlord would doubtless be the same as now; but there would be no disguise of the real incidence of the burden. This result would be not only valuable for the sake of the abstract fairness of giving protection to those whose interests are really involved, but would be equally desirable for the sake of those classes, who, though not interested as taxpayers, are otherwise deeply interested in the proper administration of the laws; for perhaps the greatest abuses which ever prevailed in the administration of the Poor Laws arose from this fact, that the tax fell, and that it was found out by the occupiers that it did fall, upon the landlord, while the administration, expenditure, and appropriation of the tax was given exclusively to the occupiers, who did not really bear the burden. The attempt to give the tax the appearance of an occupier's tax involves besides many other practical inconveniences."

A stronger opinion than that could scarcely be given. The Report goes on to say—

> "Another inconvenience results from this. In order to catch the occupier, it is necessary to make the remedies very much more stringent than would be necessary if it were made clear to the occupier that what he paid in rate he would deduct in the rent. Committal of poor occupiers to gaol

for non-payment of rates would certainly be unnecessary, if the rate were made in law what it is in reality, a landlord's tax, and an avowed instead of a disguised deduction from rent."

No one will, I think, dispute the competence of the Poor Law Commissioners to give an opinion upon this subject; and if the House will be kind enough to consider the provisions of this Bill, they will find that in this matter of church rate it adopts precisely the view of the Poor Law Commissioners. In the course of the discussion which took place in 1849, on the subject of the abolition of church rates, the late Mr. Goulburn said—

> "Those who inherited land inherited it subject to church rates; and those who bought it purchased it at a lower price than would have been paid if church rates had not been leviable in respect of it, &c. They had therefore ample reason to reject this abstract Resolution [Sir J, Trelawny's for the Abolition of Church Rates], and to ask those who considered that they had a remedy for the evils which church rates had occasioned to bring in a new Bill, and show in what way the maintenance of the fabrics of the Church was to be provided for, and how justice was to be done to the public at large as against those who had property liable to the rate." [3 *Hansard*, ciii. 661-2.]

Subsequently, during the same debate, Sir Robert Peel said—

> "What was the Resolution in effect but a Resolution that the land should be relieved from this burden, &c.? The hon. and learned Member for Oxford (Sir W. P. Wood) stated, that both by the common law and the statute law, the land had always been chargeable with a payment for the maintenance of the parish church. He said that there was a distinction between the tithes and the church rates in several respects, but admitted that a payment from the land for the maintenance of the fabric was sanctioned by the common law; was it fitting, then, that they should exempt the land from this charge by a Resolution hastily passed by the landowners themselves." [3 *Hansard*, ciii. 667-8.]

Lord John Russell afterwards observed—

> "The hon. Member for Montrose (Mr. Hume) has stated that it was a shame the church rates should be exacted from Dissenters. He (Lord J. Russell) did not so consider the matter. In the first place, there was no shame in levying church rates on Dissenters, who had bought lands because they had bought them subject to the charge, and it was considered in the price." [3 *Hansard*, ciii. 674.]

Now, Sir, I think I need not add to these authorities in order to prove that church rate, like every other general rate, is a burden upon land. I am asking the House to carry out the objects indicated by Sir Robert Peel, and to act upon the views expressed in the Report of the Poor Law Commissioners in 1843—by declaring that the provision for the maintenance of the fabric and services of the Church in its average amount is a charge upon land, and shall be continued for the use and benefit of the parishioners of the several parishes of this country. I beg pardon of the House for having detained them so long, but I wish to be allowed to explain the general principle of this measure.

The first object of the Bill is, to remove all personal liability in respect of church rates. And here I am in perfect concurrence with the hon. Baronet the Member for Tavistock, and the Dissenters. I may perhaps state why I do not proceed by Resolution:—For three Sessions I have brought under the consideration of the House Resolutions with a view to the amendment of the Church Rate Abolition Bill; but the House has always told me that an abstract Resolution was useless, and that my particular Resolution was inadmissible, because the principle of the Bill was opposed to the provision of any substitute for church rates. Then, again, what happened last Session? When the right hon. Gentleman the Member for Wiltshire submitted a Resolution to the House, the right hon. Baronet the Home Secretary objected to it, remarking that the proposal of abstract Resolutions might be a very fit mode for raising discussions in the Social Science Society, but that this form of proceeding was really wasting the time of the House, because those who proposed changes in the law were bound to furnish the House with them in the practical form of a Bill, in which should be stated the scheme and details which they conceived to be likely to effect their object. And therefore, at the risk of appearing presumptuous, I determined to proceed by Bill, and not by Resolution. The next object in the principle of the Bill is, to acknowledge and confirm the right of the parishioners to that portion of the gross value of real property in each parish which, being beyond the rent paid to the landlord, has always been reserved for church rate. I need not dwell on the fact that this right has been prescriptive, even from Saxon times. The third object of the principle of the Bill is, to exempt all parishes in which no church rate has been levied for seven years from the charge on real property, reserved by the Bill elsewhere to the use of the parishioners. And the fourth object is, to give to two-thirds of the ratepayers of parishes, exempt as above, power to claim that the exemption shall cease, and thus to bring their parish within the charge.

Now, Sir, here is a point that I know will be contested. Some hon. Members will deny that it is right to exempt parishes where church rate has not been levied for seven years from the same category of legal provisions which would apply to other parishes. The House will, however, observe that Sir Robert Peel indicated that in the settlement of this question there ought to be a distinction observed between the provision for large towns and country parishes. The Secretary of State for the Home Department, in the year 1859 I think, urged upon the House that in any measure for the settlement of this question, the fact that church rate had practically, for a series of years, been abolished in large towns, must be recognised. Sir, I propose to recognise that fact; but in the 36th clause of the Bill—and I beg to call the attention of the House to this clause—it is provided that if two-thirds of the ratepayers shall apply to the quarter sessions, the exemption of their parish shall cease, so that the charge which the Bill provides elsewhere shall be there rendered available to them for the purposes of church rate. The intention of the Bill is that it shall not be at the option of the quarter sessions whether the charge shall attach or not, but that it shall be the duty of the quarter sessions to ascertain whether the application is really and genuinely that of two-thirds of the ratepayers; and if they find that it is so, then to give effect to the claim of the ratepayers to that portion of real property within the parish which the Bill will have secured elsewhere to the inhabitants of other parishes. The Bill therefore distinctly recognises the right of the ratepayers to this property whenever they shall claim it, and recognises the establishment of the Church within the parishes, at first exempt, by retaining the power of the parishioners to charge the property within their parish for the maintenance of their church, whenever by their free and voluntary action they shall think fit to enforce their right. The Bill further provides for the eventual commutation of the charge thus substituted for church rate into an endowment for each parish, the proceeds of which shall be applicable to the purposes of church rate; and further that the charge substituted for church rate shall cease on the creation of such endowment. Now, Sir, I should be sorry to see any injustice done to the owners of real property in this country, and I do not think that any injustice is done to them by the proposal which I make. My proposal is this—not that their property shall be taxed *ad libitum* by the occupiers in vestry assembled, but that the average of the church rate which has prevailed throughout England and Wales for the last twenty or thirty years, namely—2*d.* in the pound, shall be taken as the amount to be levied on real property. This proposal cannot be thought to injure the landowners, because if 2*d.* in the pound provides a larger sum than is required for the annual purposes of church rate within the parish, the surplus will accumulate in safe hands towards the formation of an endowment; upon the creation of which, the charge upon the property of the landowners will cease, and cease because an adequate provision has been made for the maintenance of the fabric of the Church and of her services. And if, during the interval, any landowner wishes to free his property from this charge—if he should find it more consistent with the feelings of his tenants, or for any other reason more convenient, that the charge should be paid directly by himself, or by his heirs and executors, the Bill provides that which does not now exist—a means for effecting, and a substantial basis for commutation, regulated by law—a basis for commutation which does not exist in the Bill of the hon. Member for East Surrey. The Bill provides the means of commutation, regulated by law, on a principle analogous to that adopted by Parliament in the commutation of tithes, making allowance, of course, for the difference between the nature of tithes and the nature of church rate; but recognising the circumstance common to both, that each is a charge to which real property is subject.

It may, perhaps, be said in the case of some parishes, "Twopence in the pound will not produce so much as they require annually for the purposes of church rate." ["Hear, hear!" *from the Ministerial side of the House.*] Yes, it is perfectly true that there has been a large expenditure in some parishes; but there have been abuses, for it appeared in the evidence given before the House of Lords' Committee, that items have been provided for out of church rates which ought never to have been provided for from that source; and I therefore think it expedient that the charge should be limited to 2*d.* in the pound, the average amount which has been levied throughout England and Wales for the last twenty-five years. But, it may again be said, "This 2*d.* in the pound will not provide for more than the regular expenses of the parish; occasions may arise when it will be desirable that a larger sum should be provided." Well, Sir, if a penny in the pound will suffice for the ordinary expenses, the surplus would be available for any extraordinary emergency. But if the House is prepared to consider the Bill in Committee, or will refer it to a Select Committee, there will be no difficulty in framing clauses by which the credit of the charge might be used to meet any extraordinary emergency. I have not introduced this provision, because I considered this a matter of mere machinery or detail, that might properly be dealt with in Committee on the Bill. It is for very different reasons that I have omitted from this Bill any provision to meet one important recommendation of the Lords' Committee—namely, that the exact items of expenditure, for which provision by means of a church rate, and therefore of the church charge, ought to be made, shall be specifically declared by the law. The omission of this matter from the Bill is not an act of carelessness on the part of those who framed it, for this Bill is not merely of my own concoction, it is the result of the deliberations of several persons most competent to give advice. I have not proposed to deal in the first instance with this part of the subject, for this reason—the Bill as far as it goes, and some persons seem to think it goes quite far enough, is framed so as to raise no question of doctrine—no question that may create irritation in matters affecting religious faith. Were the House to enter upon the consideration of the particular objects, upon which the proceeds of the charge to be substituted for church rates should be expended, we should perhaps find ourselves involved in the discussion of doctrinal technicalities, upon which persons holding different phases of religious opinion within the Church might differ, thus diverting the attention of the House from the primary objects of the Bill, and to a certain degree embarrassing our proceedings. But should the House think fit to sanction the main objects of the Bill, and to allow the consideration of it in Committee, I am (should I find such to be the general desire) prepared to introduce clauses limiting the purposes to which the produce of this charge shall be applied, in accordance with the evidence of Archdeacon Hale, who recommended that for the future the legal purposes of church rate should be defined to consist in provision for the maintenance of the fabric of the church, for the decent arrangement and keeping of the churchyard, and in provision for the comfortable and decent conduct of the services of the Church in the ordinary manner. I should be glad to introduce clauses limiting the application of the funds to be derived by the process indicated in this Bill to the purposes thus defined.

Before I conclude, let me call the attention of the House to the machinery by which it is proposed to carry out the objects contemplated by this Bill. I propose to render the whole process for levying the charge, local and civil, analagous to and combined with that for collecting the poor and county rates. That is in accordance with the recommendation of the Lords' Committee. I propose to create a depository in which the proceeds of the charge thus levied may be safely kept, and whence they may easily be drawn by the representatives of each parish as required for annual or occasional purposes; and to provide that any surplus of the charge remaining to the account of any parish in the above depository shall accumulate to the credit of such parish for the purpose of forming an endowment; and to render this depository ecclesiastical in the sense of the Church of England, which combines the clerical with the lay element, both regulated by legal knowledge.

Let me call the attention of the House to this characteristic of the Bill. I have been asked why do I select the governors of Queen Anne's Bounty to form the executive body for carrying out the operations indicated in this Bill. My answer is very plain and simple. The body appointed for this purpose ought not to be purely ecclesiastical. It ought to be ecclesiastical in the sense of the Church of England. It ought to be ecclesiastical in the same sense as the Ecclesiastical Commission, but with one very essential difference. The right hon. Gentleman the Secretary for the Home Department, and a right hon. Member for the University of Cambridge, know too well that the representation of the laity in the Ecclesiastical Commission is far too small; this objection does not apply to the Board of Queen Anne's Bounty, which consists of the Bishops, of the Lord Lieutenants of counties, of the Mayors of cities and of towns, of the Lord Chancellor, of the Attorney General, of the Chief Judges, and of the Queen's Counsel. This combination affords a representation of the Church of England in its natural proportions as between the clerical and lay elements; and throughout the Bill this object is contemplated, for by the Bill it provides, that of the Executive Committee to be appointed by the governors of Queen Anne's Bounty, one-third must always be laymen; and further, that no appeal shall be decided by them, except in the presence and with the concurrence of some of those high legal authorities who are members of the Board of Queen Anne's Bounty.

Thus, in the formation of the depository, the Bill would secure elements befitting the appropriation of funds for ecclesiastical purposes. The Board contains legal knowledge sufficient to regulate the elements employed in relation to each other, and in accordance with the rights and the laws which exist in relation to the Established Church. Thus, the money rendered available for the purposes of church rate would be appropriated by an agency ecclesiastical in the sense of the Church of England.

A further object of the Bill is to revive and strengthen the parochial system of the Church of England, by conferring upon the incumbents and churchwardens of each parish corporate powers (analogous to those which they possess in the case of Church of England schools), for receiving the charge, and for holding benefactions or endowments for the purposes of church rate, subject to the legitimate control of the vestries. Now, Sir, at this point I wish to meet several other objections which have been made against this Bill. First:—It is said, "If you are going to convert the church rate into a charge upon land, you ought to have a landowners' vestry." I distinctly object to that suggestion. There are many parishes in which there is only one, or perhaps there are two landowners. There are parishes in which the landowner is not a member of the Church of England; in many parishes the landowners are not resident. And in all parishes, it is vital to the Constitution of this country, in which the State is united with the Church, that the existence, and functions, and activity of the vestries should be preserved as the living agency which represents the parochial system—the primary organization upon which the whole of our civil and political fabric rests; far, therefore, from proposing in this Bill to supersede the vestries, far from proposing to take out of the hands of the parishioners the control of their own churches, I would, by removing the difficulties incident to the assessment and levy of church rate, and by retaining to all vestries the control of their own churches, and of the expenditure thereon within the limits prescribed by law, strengthen that organization; by means of which the common sense, the neighbourly feeling, the charity, the benevolent and Christian action of the people are brought into perpetual exercise for the support of the State in all its ramifications.

I feel, Sir, that I have detained the House too long in endeavouring to explain the provisions of this Bill; but I may, perhaps, be permitted to add this one observation—I have said that the church rate is a charge upon property. It is so, remember, in its average amount, because it is the average amount on which the intending occupier calculates, when he makes his offer of rent for the property upon which he desires to enter. The church rate is not a charge upon property in respect of any occasional or unforeseen excess of levy above the average of ordinary years. If the church rate in a parish has been 2*d.* in the pound for a course of years, and in some year 5*d.* or 6*d.* in the pound is levied, the excess is a payment made personally by the occupiers. It is in order to get rid of the bitter feeling and the divisions which this personal incidence creates, that I propose to limit this charge to the average amount of church rate which has prevailed for upwards of twenty years, and to recognise that and that only as a charge upon real property. I know I may be accused of presumption in introducing this Bill. But it is not my crotchet. It is founded, as I have shown, on the opinions of the late Sir Robert Peel, and on the opinions of other most competent authorities, long since expressed. This Bill does not represent my own skill in legislation. It has been prepared by gentlemen of the highest legal attainments, whose names, if I were at liberty to mention them, would command the respect of this House. It may be asked, why do you urge this question perpetually, Session after Session upon the House? I do this for two reasons. I do not believe that any Government can settle this question, unless the opinion of the country is thoroughly prepared in the first instance. Illustrations of this necessity are abundant. The late Sir Robert Peel came into office, but he did not propose a Bill. We lament to this hour that he did not propose the measure of which, in his own cautious manner, he had indicated the outline. If we turn back to the Parliamentary history of the country, how many of us on this side of the House have reason to regret that Sir Robert Peel did not carry out the measures which he had indicated previous to his accession to office. I believe he reserved them; but he gave precedence to measures which so embarrassed those who wished to support him, that we were obliged to dissolve the connection which we so deeply valued. That opportunity was lost. Let the House remember what has since happened when any proposals have been made for the settlement of this question. The right hon. Gentleman the Member for the University of Cambridge brought in a Bill on the part of Lord Derby's Government. Certainly, the peculiar position of the right hon. Gentleman at that moment was, in many respects, unfortunate. I did not approve altogether of that Bill. But the real difficulty consisted in this—that the country was not prepared for it. Now, Sir, how is the country to become prepared, unless the independent Members of this House provide the people with the means of forming a correct judgment? Since such is the case, we shall not, I trust, when attempting to perform this duty, be looked upon as mere intruders. I should feel very grateful to the Government if they would take the matter out of my hands. And I would say to right hon. Gentlemen on these benches, it is only because you have not persevered in proposing a remedy for the existing evils that I prosecute this measure. It is at your disposal. It is ready to your hand; to alter, to arrange, to prepare it as you may think fit. But there is one thing that I will not consent to, and that is, that there shall be no prospect of a settlement.

In the course of the recent debate on the Church Rate Abolition Bill, the hon. Member for Leominster (Mr. Gathorne Hardy) said there was no reason for settling the question, no reason for relieving the clergy from this agitation. The clergy are, he said, in hot water on this subject, and they rather like it. Now, whether the clergy like it, or whether they do not, I do not think it wholesome for them to continue in this "hot water." This dictum of my hon. Friend reminded me of a communication I had that morning received from the Society for the Prevention of Cruelty to Animals. That society is labouring to put down cock-fighting. I have no doubt, that when the officers of this society go into a cock-pit and find some of the cock-fighters handling their cocks, and say that cock-fighting is very cruel, the cock-fighters answer for the cocks, that they rather like it. It does, I confess, seem to me that this system of cock-fighting amongst the ministers of religion, this continuance of quarrelling over pounds, shillings, and pence, between the incumbent and his parishioners, is unwholesome in every sense; it tends to perpetuate sectarian feeling and animosity; it ought to cease. I never hope to see the day, in this world, when all Protestants will worship in exactly the same form; but he seems to me an enemy to true religion who exaggerates these differences into religious bitterness; and I know there are—I speak not of the hon. Member for Leominster—I know there are those who do make use of these differences of form, of these matters of pounds, shillings, and pence in the externals of religious worship, to break up that community, that catholicity of feeling, which ought to ever exist among Protestant Christians. These persons, who keep the parochial clergy in perpetual opposition to the dissenting ministers, produce exaggeration of feeling in the Dissenters, driving them into the excesses of Calvinism, and drive the Church of England back upon the exclusive bigotry and sensualism of the Church of Rome. There are none who profit by this state of strife, except those who are seeking to re-establish in this country the Church of Rome as a rival to the Church of England. By the establishment of a second Church avowedly seeking supremacy and domination, the strife that existed in former years would be revived and aggravated; these religious differences may thus again become fraught, as in former times, with civil war. Some dream of the establishment of what is called equality of religious establishment as regards the State; to attempt this would be to foster the elements of strife which now exist in the once United States. Sir, the carrying out of the doctrine of religious equality is not only impracticable, but it is dangerous; it must tend either to religious indifference or to religious discord. Unless the striving elements of religion, thus placed in competition, are controlled by the power of a secular despotism, they will touch civil life, and generate political differences which may develop results as fatal here as in the United States—as miserable as they have been in former ages in this very kingdom. My object, Sir, is this:—To extend the amplest measure of toleration to all who differ from the Church that ever has been proposed from the Conservative benches; and in this matter of church rates to re-establish the Church upon the foundation indicated by the late Sir Robert Peel as that best adapted to the altered circumstances of the country, now that one-fourth or one-third of our population differs from the discipline, if not from the doctrine, of the Established Church.

SIR HENRY STRACEY seconded the motion.

Motion made, and question proposed, "That the Bill be now read a second time."

SIR CHARLES DOUGLAS said, that although he felt it to be his duty to move as an Amendment, that the Bill be read a second time that day six months, he fully recognised the honesty of the motives and the moderation of tone with which the hon. Member for North Warwickshire had introduced his Bill. But he could not help regretting, after what took place last week, that a general discussion on the subject of church rates should have again engaged the attention of the House. The hon. Gentleman seemed to anticipate opposition from two classes only—the Dissenters and the High Churchmen; but if the hon. Gentleman would look to the division list of last week, and if he could see the various communications which had been addressed to him from so many quarters, he would find that in every section of Churchmen there were opponents of church rates. For himself, he (Sir Charles Douglas) did not look upon this as a Dissenters' question. It was one in which the members of the Church of England were equally interested with the Dissenters. The hon. Gentleman had laid great stress upon the opinions expressed by Sir Robert Peel twenty years ago. He (Sir Charles Douglas), however, doubted greatly whether, considering the present state of public opinion on this subject, that great statesman would be now prepared to act upon opinions he then advocated. He should leave it to the Government to say whether they were prepared to support the second reading or to adopt the proposal of the hon. Member that his Bill should be referred to a Select Committee. He thought the machinery of the Bill was of so complicated a character that it could not be made very palatable to the country. He agreed with the hon. Member for Buckingham (Mr. Hubbard), who stated last week that this question would not be settled until both sides agreed upon some arrangement, the basis of which was a recognition of the rights both of the Church and of Dissenters. At the same time, he gave the hon. Gentleman (Mr. Newdegate) great credit for the zeal, earnestness, and devotion he had displayed in endeavouring to frame a measure which should settle the question, and also for the conciliatory manner in which he had dealt with the question. He was afraid, however, that the machinery of the measure was so cumbrous and unmanageable that it would never lead to any settlement, and that it would be a waste of time to carry the Bill any further; and he therefore thought the best way would be to take the course of moving that the Bill be rejected at once.

LORD HENLEY said, he would second the Amendment. He would readily acknowledge the exertions of the hon. Member (Mr. Newdegate) to bring about a settlement of this question; but he feared that no measure brought forward by those whose names were on the back of this Bill (Mr. Newdegate and Lord R. Montagu), however fair the proposals might be, would ever meet with favour from the Dissenters. He (Lord Henley) thought that the proposition for the settlement of this vexed question must come from the Dissenters themselves, and he was not without hope that when they found that they had no chance of carrying a measure for the abolition of church rates pure and simple, they would be willing to bring forward a proposal which would meet with the approbation of hon. Gentlemen opposite, which might become the law of the land, and settle the question for many years to come. The real gist of the hon. Member's proposition was contained in the 6th, the 15th, and the 35th clauses. The 6th clause proposed to make the rate a permanent charge upon land, not to exceed twopence in the pound; the 15th made it a landlord's tax, payable like the land tax by the occupier, and to be deducted by him from the rent; and the 35th provided that church rates should not be leviable in parishes where they had not been paid within seven years or in parishes in which they had been three times successively rejected by a majority of the parishioners. But many cases of hardship would occur notwithstanding this exemption. It was true that in parishes where the rate had been collected quietly and without opposition for a great many years some relief would be afforded by the Bill, because the amount levied was never to exceed twopence in the pound; but in many other parishes the Bill would put Dissenters, or those opposed to church rates, in a worse position than they now occupied. For example, in parishes where there had been constant disputes on this subject, and where church rates had been sometimes granted and sometimes refused during the last seven years, an opponent of church rates would be worse off under the Bill than he was before, because the rate was to be a fixed charge upon the land, and there would be no power in future of making any objections to the charge. Then as to making this a landlord's tax, what injustice it would be to tax the landlord when there would be no power for him to state his grievances; and although that might be cured by giving proxies in the vestry, yet in that case a greater evil would result, because he would be able, by the operation of his proxies, to swamp the votes of the parishioners in the vestry. Another objection to the measure was that the money would have to be handed about backwards and forwards. First, it would be received by the parish officers; they would pay it to the clerk of the peace; the clerk of the peace would send it to Queen Anne's Bounty office; and then, when it was actually wanted for the repair of the church, it would be doled out again to the parish officers. So numerous were the complications, and so intricate the machinery of the Bill, that he was convinced it would be far from popular. It would be all very well while there was an accumulated fund to the credit of individual parishes at the Queen Anne' Bounty office; but what were the parishes to do while the fund was accumulating, or in case of the twopence in the pound proposed by the hon. Gentleman not being sufficient for the repairs of the church? There would be no help but to resort to voluntary contribution. He hoped the House would not pass a Bill open to so many objections. At the same time, he professed himself most anxious to see this question settled upon a fair and honest basis, because he considered that it was the worst party cry that could be raised in that House, and one which kept alive an agitation and a contention very injurious to the cause of religion generally. He considered that the Bill had no chance of passing, and on that ground alone he felt bound to second the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

SIR HENRY STRACEY said, that so far from the Bill having no chance of passing, he thought, that considering the perseverance of his hon. Friend the Member for North Warwickshire for so many years, his earnest desire to obtain a settlement of this vexed question, and the spirit of conciliation which he had manifested towards those who differed with him, there was every chance of the House giving a favourable hearing to his hon. Friend. Considering, too, the conciliating conduct of his hon. Friend, he thought the noble Lord was not very happy in his suggestion that the Dissenters would never accept any proposition that emanated from his hon. Friend. With regard to the noble Lord's statement that the Bill made the tax a permanent charge upon land, he would remind the noble Lord, that although his hon. Friend proposed that there should be a uniform charge of *2d.* in the pound in lieu of church rates, that did not by any means imply that it would remain a fixed charge upon a parish for ever, and that there would be no means of getting rid of it. On the contrary, the 26th clause provided that in case of the charge becoming irksome to the landowner, he might be discharged from his liability by paying to Queen Anne's Bounty a sum of money equal to the capital value of the church charge, at the rate of twenty-seven years' purchase—his hon. Friend having found that that would be an adequate rate, instead of thirty years, as he had originally estimated. The great difficulty was, to ascertain exactly what were the difficulties under which Dissenters laboured: they enjoyed civil and religious liberty in an equal ratio with Churchmen; they could worship their God after their own fashion, and did so; and if they acquired or inherited land, they would always acquire and inherit it under the conditions which attached to and were inherent in it. Notwithstanding, then, that there was a prospect held out by this Bill of the ultimate relief of every one from the payment of church rates, the Dissenters still objected to the measure, and were disingenuous enough to abstain from stating their real grievances. If the hon.

Gentlemen who represented them would only come forward, and state in straightforward terms what their grievances were, hon. Members on his side the House had so great a disposition to meet all just demands, that he believed any real grievance would be at once remedied. But if, like some patients, they chose to keep back the nature of their disease from the physician, how could they expect that physician to help them? He was sure that the measure introduced by his hon. Friend was one of a most christianlike character; and not only had his hon. Friend's demeanour been most christianlike throughout the whole of this controversy, but he had exhibited admirable patience, great perseverance, and considerable boldness in grappling with this bone of contention.

MR. GATHORNE HARDY said, he hardly liked to trouble the House after the lengthy speech which he had made last Wednesday, but he wished to explain the phrase from the speech which had been quoted by the hon. Member for North Warwickshire, and which had been misapprehended by the right hon. Baronet the Secretary of State (Sir George Grey). The right hon. Baronet had quoted him as saying that the clergy preferred being continually in hot water to giving up the church rates. What he said was this:— The hon. Baronet who brought forward that Bill (Sir John Trelawny) had said that they were keeping the clergy in hot water by the church rate agitation, and that it would be better at once to abolish church rates altogether; to which his (Mr. Gathorne Hardy's) reply was, that they were prepared to keep in hot water rather than jump into the fire by abandoning church rates. In saying this, it was far from his wish to keep up strife. At the same time, he thought that that strife was exaggerated in the great majority of cases, and that in many cases there was no such strife at all. With regard to the present Bill, he thought that it had not the slightest chance of settling the question; and he was not, therefore, wishful to take any part in the discussion. He did not believe it would bring about an arrangement, or would tend to peace and reconciliation, and therefore he could not give it any support.

SIR GEORGE GREY said, the hon. Member for North Warwickshire needed no apology for bringing forward this Bill, for no one could doubt that he was actuated by the most sincere and earnest desire to settle this question. What had been said by the noble Lord (Lord Henley) as to the objections that would be entertained by Dissenters to any Bill bearing on its back the name of the hon. Member was a statement which he thought that the noble Lord himself, on reflection, would desire to qualify. He (Sir George Grey) only wished that he could see in this Bill the elements of a satisfactory settlement of this question; but he was bound to say that it seemed to hold out no such prospect. One or two valuable provisions it certainly contained—as, for example, the power given to landowners to discharge their property from any church rate, and the exemption in the case of parishes where the rate had not for a certain time been levied, or had been for a certain time refused. This was a provision which must find its place in any Bill which recognised the continuance of church rates. But its value in this instance was lessened by the clause which enabled parishes, in certain cases, to revive church rates, because he thought it better that where the tax was put an end to at all it should be permanently extinguished. The principle of this measure was the transference of the charge from the occupier to the landowner. The hon. Member proposed a uniform charge of 2*d.* in the pound, and that, subject to the exemption of certain parishes, the charge should be levied upon property, the occupier being called upon in the first instance to pay the charge, but being entitled to deduct it from his rent, in the absence of any special agreement to the contrary between landlord and tenant. Now, he quite admitted that church rates were a charge upon real property, but too much had been made of the argument, that because they were such a charge, purchasers paid less for real property than if church rates did not exist. The fact was that the tax was so small in amount in many cases that it did not enter into consideration. Then, in his view, the machinery of the Bill was altogether too cumbrous to enable it to work satisfactorily. The hon. Gentleman proposed to bring in the Governors of Queen Anne's bounty in several capacities—to make them the trustees of all the funds that would be raised under the Bill, to make them to a certain extent administrators of the fund, and also a judicial tribunal—for they were to sit as a court of appeal to decide upon every minute article of expenditure to which objection might be made by landowners. He presumed that this was proposed, because, as the vestry would be constituted as before, landowners, unless they were also occupiers, would not be represented there, and were therefore considered entitled to an appeal. If they were dissatisfied with the decision of the court he had just mentioned, they might then carry the case before the Lords Justices, who might call in the aid of archdeacons and others. But all this sort of machinery was unsuited to the objects which were in view, He thought, therefore, that the hon. Gentleman would do well not to press this Bill upon the House. It had been circulated throughout the country, it had been read and considered by many persons, and so far the object of the hon. Gentleman had been accomplished. But the contrast between the appearance of the House to-day and its appearance last Wednesday showed that the Bill was not looked upon as a practical measure, and there seemed to be a general opinion that it should not be pressed upon the House, and that no benefit would result from referring it to a Select Committee. The noble Lord (Lord Henley) had said it was probable that when the Dissenters saw that they could not obtain the Bill of the hon. Baronet (Sir John Trelawny) they would either themselves propose or listen to any proposal for a settlement of this question short of total abolition. He should heartily join in facilitating the progress of any measure of that kind, and he hoped that there was now a better prospect of the adoption of some such measure than formerly existed. It was very desirable that this long-existing contention should cease, and to any reasonable proposal made with that view he trusted that the House would be disposed to give a ready assent.

Sir STAFFORD NORTHCOTE rose to make an appeal to the hon. Member for North Warwickshire on behalf of a large number of Members who were anxious to support the Church from the difficulty in which they were placed in regard to this Bill. He trusted that his hon. Friend would not force them to a division. The Bill was one of great importance, intricacy, and difficulty. It contained forty-one clauses, all of which would have to be discussed in a House equally divided on the principles of the question, and under such circumstances it was utterly impossible that they could arrive at any settlement during the present Session. He thought, therefore, that there would be a great waste of time in discussing the measure, because it would re-open a controversy which would last during the whole of the Session, and which would, after all, lead to no practical result, although it might lead to many disagreeable incidents in the course of the discussion. At the same time, his hon. Friends would be very sorry to vote against the second reading. They all felt that his hon. Friend had done all that could be done to bring about a satisfactory settlement of this vexed question during the present Session. The hon. Member was quite agreed on principle with the rest of his party. They wished to maintain the principle of church rates, and to get rid of some of the evils which undoubtedly existed. They would therefore be very glad to have the assistance of an hon. Gentleman who had given such attention to the subject as his hon. Friend, and who approached the subject in the spirit he had shown. At the same time, his hon. Friend must see that there were difficulties in his proposal which he could hardly hope to surmount. But the principle proposed—that of changing the rate into a charge on land—would give rise to difficulties most difficult of solution. The exemption of certain parishes where there had been no rate for seven years was an acknowledgment that the principle of a charge upon property did not always meet the case, and, in fact, let in the principle of a rate, the characteristic of which was that the parish should settle whether or not a rate should be levied. Now, you might adopt either a rate or a charge upon the land, against both of which, and in favour of both of which, much might be said; but here it was proposed to combine the two principles. Again, it was proposed that parishes where the rate had ceased to be levied might revive the charge by a majority of two-thirds, but there was no corresponding provision enabling parishes where the tax was now levied to release themselves from its payment at a future time. These were cases of great difficulty. He did not say that they were insuperable; but if they were to go into Committee, and have to deal with them, the House would arrive at no satisfactory solution, and would only provoke feelings of animosity and ill-will in the discussion of details. He hoped, therefore, that his hon. Friend would spare them the necessity of voting for a Bill which, though brought forward in an amicable and conciliatory spirit, and with a sincere desire to settle the question, they believed would lead to unprofitable, and probably irritating discussion; or, in the alternative, the necessity of opposing a Bill which many would be very sorry to vote against, and which contained valuable details that on a future occasion would no doubt be worthy of careful consideration.

Mr. J. R. MILLS said, the question had been asked what was the hardship of church rates upon Dissenters. The hardship was, that having to pay for the support of their own ministers, and their own chapels, they had also to pay for the carrying on of the service of the Church. The hon. Member was not right in assuming that the church rate was a charge on property; it had been decided by the highest authorities that it was a charge on persons, in respect of their land, and the remedy in the ecclesiastical courts was against the person and not against the property. The charge of 2*d*. in the pound would produce £700,000 a year.

Mr. SCOURFIELD said, that the real grievance of Dissenters was, that they had to pay for the Church as well as for their own worship, and that was the plain reason for their wishing to get rid of church rates. Church rates were only available for repairing churches when they had fallen into decay; but they were wholly inoperative for preventing them for falling into that state, and the thing was not, whether the Church should be repaired, but whether the charge for repairing it was fairly and equitably assigned. No doubt it was true that the granting of an exemption on some was tantamount to the imposition of a tax upon others; but he thought that it had recently been very plainly shown that the time had not arrived when they ought to trust to unmixed voluntaryism for the support of the institutions of the country. He thought that it might, perhaps, be imprudent of the hon. Member for North Warwickshire to press his Motion to a division, after the appeals which had been made to him; but although he (Mr. Scourfield) recommended him not to go against the feeling of the House, he should certainly support him in the second reading of the Bill.

Mr. NEWDEGATE said, that in answer to the appeals which had been made to him, he must be allowed to state that he represented a very large portion of the community, which protested against the settlement of this question being any longer delayed. No man could take the steps he had taken to procure that settlement and exempt himself from the responsibility of dividing the House. He thought there was some confusion in the mind of his hon. Friend the Member for Stamford (Sir S. Northcote) as to the nature of his Bill. It was not a Bill to perpetuate church rates, but to substitute for church rates a distinct charge upon property; therefore, when his hon. Friend complained of the exemption of certain places from that charge, he forgot that the inhabitants were to have the power once for all, to reimpose that charge if they thought fit; and he confused the church rate and the right which the parishioners had to reclaim for themselves that portion of the gross value of the property of each parish which had hitherto been represented by church rates. He would willingly accede to the request not to trouble the House by a division; but seeing that it would delay the settlement of a question for which they had been waiting thirty years—which settlement had been four times attempted—he felt he could not, with justice to those whom he represented, refuse to give the Members of that House an opportunity of recording their opinions. At the same time, he had no objection, after it had been read a second time, to refer the measure to a Select Committee, in order that its details might be considered before they were submitted to the House.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 56; Noes 94: Majority 38.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Bill *put off* for six months.

AYES.

Bentinck, G. W. P.
Bentinck, G. C.
Beresford, rt. hon. W.
Beresford, D. W. P.
Bernard, hon. Col.
Booth, Sir R. G.
Bramley-Moore, J.
Bridges, Sir B. W.
Bruce, Sir H. H.
Butler-Johnstone, H. A.
Cartwright, Colonel
Cave, S.
Cecil, Lord R.
Clive, Capt. H. G. W.
Cole, hon. H.
Cole, hon. J. L.
Cubitt, W.
Dodson, J. G.
Du Cane, C.
Du Pre, C. G.
Galway, Viscount
Gard, R. S.
Gore, J. R. O.
Grey de Wilton, Visct.
Hamilton, Lord C.
Hardy, J.
Hay, Sir J. C. D.
Hodgson, R.
Hornby, W. H.
Howes, E.
Hunt, G. W.
Jermyn, Earl
Jolliffe, H. H.
Jones, D.
Kendall, N.
Knightley, R.

Langton, W. G.
Leslie, C. P.
Long, W.
Lopes, Sir M.
Macaulay, K.
Macdonogh, F.
Miller, T. J.
Pakenham, Colonel
Salt, T.
Scott, Lord H.
Scourfield, J. H.
Selwyn, C. J.
Somes, J.
Spooner, R.
Sturt, H. G.
Sturt, Lt.-Col. N.
Trollope, rt. hon. Sir J.
Vansittart, W.
Wood, W.
Wynne, W. W. E.

TELLERS.

Mr. Newdegate
Sir H. Stracey

NOES.

Adam, W. P.
Agnew, Sir A.
Alcock, T.
Atherton, Sir W.
Aytoun, R. S.
Baines, E.
Barnes, T.
Baxter, W. E.
Bazley, T.
Beach, W. W. B.
Berkeley, hon. C. P F.
Black, A.
Blencowe, J. G.
Briscoe, J. I.
Bruce, H. A.
Butler, C. S.
Caird, J.
Clay, J.
Clifton, Sir R. J.
Coningham, W.
Cox, W.
Cubitt, G.
Davey, R.
Dawson, R. P.
Dering, Sir E. C.
Dillwyn, L. L.
Doulton, F.
Dunbar, Sir W.
Dunlop, A. M.
Evans, T. W.
Ewart, J. C.
Ewing, H. E. Crum-
Foley, H. W.
Foljambe, F. J. S.
Forster, C.
Gavin, Major
Goldsmid, Sir F. H.
Gower, G. W. G. L.
Greene, J.
Greenwood, J.
Gregory, W. H.
Gregson, S.
Grenfell, H. R.
Grey, rt. hon. Sir G.
Hanbury, R.
Hanmer, Sir J.
Hartopp, E. B.
Hibbert, J. T.
Jackson, W.
Jervoise, Sir J. C.
King, hon. P. J L.
Kinglake, J. A.
Kingscote, Colonel
Knatchbull-Hugessen, E.
Langton, W. H. G.
Lawson, W.
Leatham, E. A.
Lee, W.
Lewis, H.
Lindsay, W. S.
Mackie, J.
Maguire, J. F.
Martin, J.
Mills, J. R.
Montagu, Lord R.
Morris, D.
Onslow, G.
Padmore, R.
Paget, C.
Pease, H.
Pender, J.
Pigott, Serjeant
Pilkington, J.
Potter, E.
Price, R. G.
Robartes, T. J. A.
Robertson, H.
Seely, C.
Smith, J. B.
Smith, J. A.
Smollett, P. B.
Stuart, Colonel
Taylor, P. A.
Thornhill, W. P.
Trelawny, Sir J. S.
Villiers, rt. hon. C. P.
Vivian, H. H.
Walter, J.
Watkins, Colonel L.
Westhead, J. P. Brown-
Whalley, G. H.
White, L.
Wickham, H. W.
Williams, W.
Winnington, Sir T. E.

TELLERS.

Sir C. Douglas
Lord Henley

CHURCH RATES REDEMPTION BILL

[Mr. Alcock]—[Bill 12.]

SECOND READING.

Order for Second Reading read.

Mr. ALCOCK, in moving the second reading of the Bill, said, it was one of a much less ambitious character than the Bill of which the House had just disposed. The object of that Bill was to settle the question of church rates. The object of his measure simply was to give persons an opportunity of redeeming the church rates of their particular parish, just as the existing law allowed the redemption of the land tax. At present, if persons wished to redeem the church rates of their parish, it would be necessary for them to obtain a special Act of Parliament. He proposed that application from such persons should be made to Commissioners, to whom must be given a very considerable discretion, as they were to be the arbitrators or judges in respect to the sum which ought to be paid for the redemption. He believed the Bill would effect much good; and he therefore begged to move that it be read a second time.

Mr. EVANS seconded the Motion. The Bill, if it did no great good, would do no great harm. They had heard a great deal of comprehensive measures, but he was afraid, from what passed last Wednesday and again to-day, the House was not disposed to pass a comprehensive measure, and therefore it might be well to pass a measure which was not of so comprehensive a character.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. NEWDEGATE said, he had hoped that his Bill would have been read and sent to a Select Committee, when it might have been accompanied by the present Bill. He did not believe that either this House or the House of Lords would sanction such a measure as that of his hon. Friend; and his hon. Friend would scarcely expect him to vote for it. He did not think the discretionary power given by the Bill would receive the sanction of the House; and if it did, it was not likely that the measure would receive approval in another place.

Mr. DODSON said, he was prepared to vote for the Bill, being anxious to see a settlement effected of the question with which it dealt, on any equitable terms. The course which was pursued with regard to that question by those Gentlemen who sat upon the two front benches was, he might add, not a little extraordinary. When the measure of the hon. Member for Tavistock (Sir John Trelawny) was before the House, many of them expressed their desire to bring about a compromise; yet when a compromise was proposed, they either voted against the second reading of the Bill embodying the proposal, or took the more undignified course of walking out of the House and not voting at all.

Sir GEORGE GREY thought, that however anxious he might be for a compromise, his anxiety on the subject afforded no good reason why he should give no consideration to the provisions of any Bills which might be laid on the table with a view to securing that object. It was very desirable to give every facility for the voluntary extinction of church rates. The present Bill, in his opinion, required considerable alteration in Committee, in order to prevent its conferring powers of too arbitrary a character on the Commissioners, as well as powers too extensive on the tenant for life. He, at the same time, had no objection to vote for its second reading.

Mr. DARBY GRIFFITH said, the right hon. Gentleman seemed inclined to extend support to this measure at present, with the prospect of the Government opposing it afterwards. The hon. Member (Mr. Alcock) recommended the Bill to the House as introducing into the church rate the same principle as that on which the land tax was redeemed; but the hon. Member had not ventured to say much with respect to the special application of the Bill, which he (Mr. D. Griffith) thought would be very trifling in extent. He was afraid such legislation would prove ineffective, and he could not give it his support.

Mr. BRISCOE would give his cordial support to the Bill. There were certainly objections in the details, but they could easily be removed in Committee.

Motion made, and Question put, "That the Bill be now read a second time."

The House *divided*:—Ayes 72; Noes 81: Majority 9.

SECURITY FROM VIOLENCE BILL.

[BILL 35.] COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Award of Punishment of Whipping).

Mr. PEACOCKE moved an Amendment to insert in Clause 1, line 2, the words "Provided any previous conviction for felony be proved against him," after the word "may," the object of the Amendment being to secure that corporal punishment should not be inflicted, as proposed by the clause, in certain cases for a first offence. If the Committee were to assent to the exceptional legislation which the clause was meant to enforce in exceptional cases of aggravated highway assault, the opinion of the public out of doors could not fail to be that the Bill under discussion, instead of being a well-considered scheme changing the course of our legislation, was rather the result of the panic and alarm which had last year been created by the garotters. If the right hon Gentleman who had charge of the Bill (Mr. Adderley) thought it desirable that corporal punishment should be inflicted in those cases in which personal violence was offered, why did he not make it applicable to other offences of a still more aggravated description—such, for example, as aggravated rape and night poaching? The great objection to corporal punishment was, he thought, that it tended to brutalize a man; but if a man were to be guilty of crime a second time, then it was a fair presumption that he had become so brutalized that corporal punishment would not add to his deterioration. With respect to ticket-of-leave men, their position indicated that they had committed a previous offence, and therefore they would not escape punishment if his Amendment were adopted. The great objection, therefore, he thought, to our present criminal code was that it did not make a sufficient distinction between the first and second offence. That was a distinction which, in his opinion, ought to be drawn, and he trusted the Committee would express their concurrence with him in that opinion by voting for his Amendment.

Amendment proposed, in page 2, line 4, after the word "may," to insert the words "provided any previous conviction for felony be proved against him."

Mr. ADDERLEY said, that when the time which had elapsed since the alarm in respect to garotters prevailed, and the period which had been allowed to intervene between the last stage of the Bill—which was taken in March—and the present were taken into account, the hon. Gentleman was not justified in supposing that the measure was the result of a panic. It was, he might add, his deliberate conviction that corporal punishment might with advantage be resorted to in the case of such offenders as those described in the preamble of the Bill. The great object of punishment was to put a stop to crime, and the punishment provided by the existing law could not, he maintained, be held to go as far as was desirable in that direction. The merit of inflicting corporal punishment as he proposed would be that it would be inflicted once, and that there would be no necessity for its repetition.

Mr. LOCKE KING questioned whether this mode of punishment would have the effect anticipated by the right hon. Gentleman.

Mr. KNIGHTLEY could not see why this punishment should only be inflicted once.

Mr. CLAY thought the exceptional state of things, against which this Bill was directed, had now passed away, and he objected to exceptional legislation for an exceptional state of things.

Sir STAFFORD NORTHOTE said, that the effect of the Bill would be not so much, perhaps, to deter persons who had entered upon crime as a profession from prosecuting such a career as to deter others from entering upon it at all. The great point was to stop crime at the outset, and he thought the punishment proposed would be likely to be most effective if prescribed in the case of a first conviction. He hoped, therefore, the clause would not be so altered as seriously to interfere with the efficiency of its operation.

Mr. PULLER said, that if the argument of the hon. Baronet were to hold good, we should repeal the principle of our criminal legislation which went on the principle of a gradation of punishment, by which the second offence should be more severely punished than the first; here we should visit the first offence with the heaviest punishment. A contrary system had for some time been in operation in the army and navy, under which the men were divided into two classes, a man being liable to corporal punishment only after he had, owing to misconduct, been degraded from the first class into the second. That system had, he believed, been found to work well not only in the army, but in the sister service. Some men were, no doubt, so hardened in crime that scarcely anything short of corporal punishment would have a very deterrent effect upon them; but then there was the danger, that if such punishment were assigned too indiscriminately, there would be a difficulty in obtaining convictions.

Mr. BENTINCK said, that hon. Gentlemen opposite seemed to deal with these questions as if they were dealing with the rights of their fellow-subjects; but he thought that criminals of the most hardened class should be considered as separate from the rest of their species. He protested against all maudlin sentiment, and thought the evil should be firmly and promptly dealt with. He should oppose the Amendment.

Mr. DAWSON said, he should oppose the Amendment, being of opinion that the administration of punishment should not be made so lax as to lose the deterrent effect it seemed in some degree to have effected.

Mr. MARSH agreed that the most efficacious way to prevent the crime was to nip it in the bud. He had had some experience in these matters, and he believed that corporal punishment was the very best of punishments, because nobody liked it. Occasionally, people were found breaking windows on purpose to be sent to gaol; but nobody ever broke a window to get a good flogging.

Colonel NORTH said, he could not understand the sympathy manifested for the delicate feelings of a garotter, and thought nothing so likely to put a stop to the offence as a good sound flogging. It was said that the crime was on the decrease; but the fact was these London performers were "starring it in the provinces." It was most absurd to object to the flogging of such brutal ruffians.

Lord HARRY VANE thought, that if the house were of opinion that to revert to corporal punishment would put an end to these crimes, it ought to be inflicted for the very first offence. Any one who committed this crime at once placed himself in the category of violent ruffians, and was a fit subject for a degrading punishment.

Sir BALDWIN LEIGHTON pointed out that the garotters were generally old hands at crime, and few of them who were indicted for garotte robberies were then arraigned for their first offence. Besides, it would be always in the power of the Judge, if he saw any reason to think that the criminal before him was not a hardened offender, to remit this portion of the punishment.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 37; Noes 191: Majority 154.

Mr MITFORD moved, that those words of the clause which sanctioned public whipping should be struck out.

Amendment *agreed to.*

Mr. HUNT thought that words of distinctive import should be used to define the number of lashes to be given.

Mr. ADDERLEY said, that the maximum number of lashes to be inflicted at a time was fifty.

Mr. KNIGHTLEY moved an addition to the clause, defining that the instrument used for the whipping shall be the "cat" employed in the navy, which, he was told, was more effective than that used in the army. As the Bill stood, a birch rod might be used; and though, in common with many other Members, who, no doubt, had experienced its good effects in early youth, he had a great respect for the birch, still it would be making a mockery of justice to use it to such criminals.

Mr. ADDERLEY said, it was intended that the instrument used should be a "cat," but there was no necessity to specify it in the Bill. By an earlier clause it was enacted that boys under a certain age should be punished with a birch only, which, of course, inferred that the cat was to be used for men. The instrument never had been specified in any Act of Parliament.

Sir GEORGE GREY wished to know to whose discretion the choice of the instrument was to be left. Under the existing Act, it was provided that the number of strokes and the instrument with which they should be inflicted should be specified by the Judge. The hon. Gentleman, he presumed, did not intend to leave this matter to the discretion of the gaoler.

Sir STAFFORD NORTHCOTE did not think it was desirable to insert the words proposed by the hon. Member. If it were provided that the conviction should specify the number of strokes and the kind of instrument with which they should be inflicted, the object of the hon. Gentleman would be sufficiently attained.

Colonel NORTH wished to know whether all the "cats" were of the same pattern, for that fact would considerably affect the measure of punishment.

Mr. BENTINCK objected to the matter being left to the Judge, for we might have Judges infected by maudlin sentimentality. Fancy Sir Joshua Jebb being a Judge. What sort of instrument would he prescribe? The Bill ought to be so framed that there should be no chance of escape for these fellows; and the instrument used—which should be that which would give the most effective flogging—ought to be specified in the Bill.

Sir BALDWIN LEIGHTON said, the punishment could not be uniform, unless there was a pattern cat. A navy cat was unknown in some counties. He had never seen one, although he had seen a military cat.

Mr. HENLEY thought it would be a great blessing if a Committee were formed of naturalists and officers of the army and navy, because he was not aware of there being any pattern cat either at the Admiralty or the Horse Guards. He had heard of pattern caps and pattern jackets, but never of a pattern cat. He had had some experience of the inconvenience of having to decide such questions. Some few years ago the Secretary for the Home Department—he did not remember whether it was the present Secretary—wanted to know what kind of a cat had been used in a prison in Oxfordshire. It was very difficult to give a description; for although it was easy enough to say the animal had so many tails and a body or handle so long, it was a very different thing when they came to the number of knots and the substance of the tails. So they sent their cat to the Home Office. They left it there a reasonable time, but by no possible entreaty could they ever get it back again, and he could only suppose it had ever since been the means of keeping the subordinates of the office in good order. Before parting with it, he had a conversation with the governor of the gaol, who had been in the navy, who said it was not a navy cat; and with another official who had been in the army, who said it was not an army cat. But if there was no pattern instrument at the Horse Guards or the Admiralty, a prisoner might complain of being unjustly punished, and there might be fifty officers on one side and fifty on the other to say that the instrument was or was not what they understood by a navy cat.

Colonel NORTH thought there should be some standard of punishment; or in one county it might be with an instrument having five, in another with an instrument having six, and in another with an instrument having nine tails.

Amendment *negatived.*

Mr. ADDERLEY moved the addition of the words "in each case the Court shall specify the number of strokes to be inflicted, and the instrument to be used."

Amendment *agreed to.*

SIR GEORGE GREY said, that after the decision of the House that the punishment of whipping ought to be applied to persons guilty of offences of violence, he would make no further opposition to the progress of the Bill. But he must remind the House that they were for the first time connecting a sentence of flogging with a sentence of penal servitude. Hitherto, those punishments had not been coupled. Whenever flogging could be inflicted, the Judge was at liberty to sentence a person to that punishment and imprisonment, but not, as might now be the case, to penal servitude for life, and to receiving 150 lashes at three periods, the intervals between which were not fixed.

MR. HIBBERT proposed to add to the clause the following words :—

"Provided that in all cases the whipping shall take place during the first six months of the period of imprisonment or penal servitude."

MR. ADDERLEY said, he had no objection to the addition of the words.

SIR DAVID DUNDAS said, the proviso implied that the punishment of flogging could not be inflicted on persons sentenced to less than six months' imprisonment, because the flogging could not take place after the expiration of the sentence.

SIR STAFFORD NORTHCOTE proposed that they should get rid of the difficulty by adding "if the sentence shall be as much as one year's imprisonment, and if less in the first part of the sentence."

MR. PULLER suggested that the Judge should decide when the whipping should take place.

MR. HUNT said, they might get rid of the difficulty by providing that no such whipping should take place after the expiration of six months from the passing of the sentence.

Amendment proposed,

To add the words, "Provided that in no case shall such whipping take place after the expiration of six months from the passing of the sentence."

MR. HENLEY said, it was the first time that penal servitude and whipping had been married. The practice in gaols was this :—When a man was sentenced to penal servitude, the sentence was sent up to the Home Office, and the local authorities knew no more than Adam when the man would be removed from the prison. Supposing under this Bill a man was sentenced to three years' penal servitude and to be thrice whipped, was he to be whipped three times before the Home Secretary could remove him? What were they to do? Were they to whip him at once, and so make sure of the whipping? Probably, before the Bill passed, provision would be made as to the strength of the arm of the person using the cat. But who was to give the punishment? Punishment of that kind incapacitated a man for travelling. You could not whip a man to-day and pop him into a railway carriage to-morrow to travel a hundred miles or more to the place to which the Home Secretary ordered him to be removed. Was the whipping to be after he was removed to the Government prison? Sometimes convicts were not moved for four months, and then all the whipping must be in two months; or, if the convict was to be whipped in the county where he was sentenced, there ought to be a provision of certificates, to insure his not being whipped over again when he had been removed. He thought it a great pity the innovation should be made of coupling whipping with penal servitude, and that it would lead to great inconvenience.

MR. DENT said, the Bill gave rise to so many perplexities that he thought more time ought to be given to consider the matter. He should move that the Chairman report Progress.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."

The Committee *divided*:—Ayes 32; Noes 159: Majority 127.

After further discussion, Amendment *agreed to;* Proviso added to the Clause.

On Question, "That the Clause as amended stand part of the Bill,"

MR. COX said, that if he had been satisfied with the result of the division which took place on the Amendment moved by the hon. Member for Maldon (Mr. Peacocke), he would not have troubled the House with another division; but he believed the fact was that many hon. Gentlemen had so great an abhorrence of the system of whipping that they would not accept even the Amendment which would have the effect of mitigating the evil. He should divide the House upon the question.

Question put:—The Committee *divided:* —Ayes 144; Noes 31: Majority 113.

House *resumed.*

Bill *reported;* as amended, to be considered on *Friday,* and to be *printed.* [Bill 111.]

House adjourned at half after Five o'clock.

HOUSE OF LORDS,

Thursday, May 7, 1863.

MINUTES.]—Public Bills—*Second Reading*—Exchequer Bonds (£1,000,000)* and Consolidated Fund (£20,000,000)* (Committee *negatived*); Cayman Islands [H.L.]* (No. 88).

Committee—Corrupt Practices at Elections (No. 62); London, &c. Dioceses [H.L.]* (No. 68).

Third Reading—Vice-Admiralty Courts [H.L.]* (No. 79), and *passed.*

CORRUPT PRACTICES AT ELECTIONS BILL—(No. 62.)—COMMITTEE.

Earl RUSSELL, in moving that the House should go into Committee on this Bill, stated the principal provisions of the measure.

The Earl of DERBY said, he did not intend to oppose the Motion for going into Committee, nor did he wish to take any notice of the earlier clauses of the Bill, partly because they related principally to the internal regulation of the House of Commons, and partly because he believed (with the noble Earl on the cross benches) that any provision which might be made for the purpose of preventing bribery at elections would prove in the end little better than waste paper. There were two clauses, however—the 7th and the 10th—to which he entertained serious objections in their present shape. With regard to the 7th clause, he regarded it as an unjust and unnecessary provision. Supposing a person conscious of having committed a grave offence against the Corrupt Practices Act, for which he was liable to penal consequences, were to appear voluntarily before an Election Committee; and, while criminating some other person, were to criminate himself also, but with respect to a matter wholly alien to the subject of the indictment pending against him, neither justice nor necessity required that he should be relieved, not only from the consequences of his evidence given against himself, but likewise from those of any action which he might have committed during the course of the election. Again, with regard to the 10th clause, although the House of Commons had been in the practice of suspending writs, usually for purposes of inquiry, and not for punishment, for one, two, or even three years, yet the suspension of a writ for five years, by a Resolution of the House of Commons, under the authority of an Act of Parliament recognising it as a right belonging to the House of Commons, irrespective of any reference to their Lordships' House, would be an unconstitutional aggression upon the rights and privileges of their Lordships. It seemed to him, that if the 10th clause were passed as it now stood, the House of Commons might as well be empowered to suspend a writ indefinitely, or, in fact, to disfranchise a borough altogether. The clause was objectionable, because it suspended a Resolution of the House of Commons, not only over the Parliament then sitting, but over succeeding Parliaments, and deprived the Crown of its constitutional right of issuing a writ of summons to the particular borough which had been condemned. The constitutional objection would, perhaps, be lessened if, as had been proposed, the Report of the Commission in regard to corruption in any borough were laid before the House of Lords as well as the House of Commons, and if their Lordships were called upon to pass a Resolution on the subject. He confessed, moreover, that he had grave doubts whether, when a borough had been convicted of corruption so great as to deserve disfranchisement for five years, it would not deserve to be disfranchised altogether. Moreover, he did not see, that at the end of five years, there would be any security that the constituency would be purer than at the beginning. On the contrary, the voters who had been denied their usual dole during these years would probably be ravenous at the end of the period, and anxious to make up for lost time. As to the 11th clause, which threw the cost of the Commission of Inquiry on any district found guilty of corruption, he held it to be singularly objectionable, and should move that it be struck out.

Lord REDESDALE said, that beyond doubt the 10th clause was open to the objection that it would enable the House of Commons to legislate without obtaining the consent of the other House of Parliament. He objected altogether to the principle of legislating by Resolution. The power would be very likely to occasion a conflict between the two Houses, and the clause had better be altogether expunged from the Bill.

Lord LYVEDEN reminded the noble Earl in charge of the Bill of the suggestion he offered the other evening, that the clause disqualifying agents from voting, which was in the original draught of the Bill, and had been struck out by the other House, should be replaced. If he met with any support from their Lordships, he should be disposed to move the re-insertion of that provision, which had been recommended by a Select Committee. Another excellent proposal made by the same Committee was, that the penalties of bribery should be extended to municipal as well as Parliamentary elections. The disqualification of agents would do much to check bribery and to lessen the complete subjection of candidates to the attorneys. No doubt, many of the latter were very respectable persons; but it was the class of small provincial attorneys who did the chief work during elections, and who always incurred great expense. They sometimes heard talk of "territorial" tyranny, but there was really no tyranny equal to that of the small attorneys in country places. They knew all the little secrets of property, and exercised their power often most unscrupulously. He quite agreed with the noble Earl opposite as to the injustice of the clause directing that places where bribery had been detected should pay the costs of the Commission of Inquiry. The only analogy, or supposed analogy to the proposition, was the regulation whereby the hundred was answerable for the expenses of a riot. But whilst it was possible for the inhabitants of a hundred to put down a riot, how could a borough possibly put a stop to bribery?

EARL RUSSELL explained, that he had not said it was difficult to prove agency, but that it was difficult to make a clause disqualifying paid agents effective. He had found how difficult this was from his own experience; because it was well known that agents were in the habit of coming forward and declaring that their services were gratuitous — that they had received nothing and expected nothing. He remembered the case of such an agent, whose services were alleged by him to be gratuitous, receiving unexpectedly, and of course to his greatest surprise, shortly after the election, a present of £500.

EARL GREY said, it was perfectly true that where the briber and the bribed persons were each equally desirous that money should pass from one to the other, it was extremely difficult to punish bribery. But as matters now stood, an attorney might send in his Bill for services. He thought if it were rendered illegal to take a fee, a considerable bar would be set up against bribery. As it was, a number of persons, messengers and others, were hired at elections, ostensibly for the sake of their services, but really for the sake of their votes. As to the 10th clause, he agreed that it was a very questionable policy to depart from the usual course in the case of suspending a writ and to proceed by Resolution, instead of by a Bill passed by both Houses and sanctioned by the Crown. He agreed with the noble Earl and with the noble Lord the Chairman of Committees, that the best course would be to strike out the clause altogether. It was difficult to imagine a case where bribery was proved against a borough in which a penal suspension of the writ would be more effectual than a statutory disfranchisement.

THE EARL OF DONOUGHMORE said, that according to the present law the Speaker directed a writ to issue for a re-election whenever there was a vacancy in the representation; whilst the Crown issued the writs for a new Parliament. Supposing a dissolution took place during the five years' suspension of a writ, would not the present measure be an encroachment on the prerogative of the Crown?

THE LORD CHANCELLOR said, there could be no foundation for the doubt which had been expressed by the noble Earl, because the Resolution to which this clause referred would derive all its authority from an Act of Parliament which would receive the sanction of the Crown; and therefore the suspension would not take place by virtue of the Resolution, but by virtue of an Act of Parliament.

THE EARL OF DERBY said, that the answer of the noble and learned Lord was conclusive as far as it went; but practically the suspension would be by the Resolution and not by the Act of Parliament. As the Bill appeared to sanction an encroachment on the prerogative of the Crown, he should like to know whether the consent of the Crown had been obtained for its consideration.

Motion *agreed to*; House in Committee.

Clause 1 *agreed to*.

LORD LYVEDEN moved to insert the following Clause, to follow Clause 1:—

> "If any Person, either during any Election or within One Month previous to such Election, be employed as Agent, Attorney, Poll Clerk, Messenger, Doorkeeper, or in any other Capacity for the Purposes of such Election, in consideration of any Money, Retaining Fee, or other Payment made or promised or agreed to be made in respect of such Employment, such Person shall be incapable of Voting at such Election; and if he give any Vote at such Election, his Vote shall be void."

EARL RUSSELL repeated the opinion

he had before expressed, that the clause would be of no efficacy.

Lord WENSLEYDALE proposed to substitute for the clause a proposition whereby any one who had voted at an election should be *ipso facto* disqualified from recovering money for any services rendered by him at such election.

Lord EBURY said, that from having had the misfortune to be engaged in many contested elections and from having served on several Election Committees, he was in a position to state, that if a check was to be put on the practice of corruption, it was necessary to disqualify agents from voting. He would even say it was desirable to go further and prevent the candidate, by law, from paying any part of the voters' expenses.

On Question, Whether the said Clause shall be there inserted? their Lordships *divided* :—Contents 52, Not-Contents 66; Majority 14.

Resolved in the *Negative.*

CONTENTS.

Canterbury, Archbp.
Westbury, L. (*L. Chancellor.*)

Devonshire, D.
Newcastle, D.
Saint Albans, D.
Somerset, D.

Townshend, M.

Airlie, E.
Belmore, E.
Caithness, E.
Camperdown, E.
Clarendon, E.
Cowper, E.
Devon, E.
Ducie, E.
Durham, E.
Grey, E.
Macclesfield, E.
Saint Germans, E.
Strafford, E.
Verulam, E.
Yarborough, E.

Eversley, V.
Sydney, V.

Durham, Bp.
London, Bp.
Rochester, Bp.

St. Asaph, Bp.

Abercromby, L.
Belper, L.
Castlemaine, L.
Chaworth, L. (*E. Meath.*)
Cranworth, L.
Dacre, L.
Dartrey, L. (*L. Cremorne.*)
De Tabley, L.
Ebury, L. [*Teller.*]
Gardner, L.
Lismore, L. (*V. Lismore.*)
Lyttelton, L.
Lyveden, L. [*Teller.*]
Meldrum, L. (*M. Huntly.*)
Monson, L.
Mostyn, L.
Panmure, L. (*E. Dalhousie.*)
Rivers, L.
Somerhill, L. (*M. Clanricarde.*)
Suffield, L.
Truro, L.
Wenlock, L.
Wensleydale, L.
Wodehouse, L.

NOT-CONTENTS.

Richmond, D.
Rutland, D.

Bristol, M.
Normanby, M.

Amherst, E.
Bandon, E.
Bantry, E.
Beauchamp, E.
Cardigan, E.
Carnarvon, E.
Cathcart, E. [*Teller.*]
De Grey, E.
Derby, E.
Desart, E.
Granville, E.
Hardwicke, E.
Harewood, E.
Home, E.
Lanesborough, E.
Lonsdale, E.
Lucan, E.
Mayo, E.
Morton, E.
Romney, E.
Rosslyn, E.
Russell, E.
Shrewsbury, E.
Tankerville, E.

Doneraile, V.
Hardinge, V.
Hawarden, V.
Hutchinson, V. (*E. Donoughmore.*) [*Teller.*]

Oxford, Bp.

Aveland, L.
Berners, L.
Boyle, L. (*E. Cork and Orrery.*)
Chelmsford, L.
Churston, L.
Clarina, L.
Clifton, L. (*E. Darnley.*)
Clinton, L.
Colchester, L.
Colville of Culross, L.
Conyers, L.
De Ros, L.
Egerton, L.
Feversham, L.
Harris, L.
Kenyon, L.
Lovel and Holland, L. (*E. Egmont.*)
Northwick, L.
Ponsonby, L. (*E. Bessborough.*)
Portman, L.
Ravensworth, L.
Redesdale, L.
Saltersford, L. (*E. Courtown.*)
Saltoun, L.
Scarsdale, L.
Silchester, L. (*E. Longford.*)
Sondes, L.
Strathspey, L. (*E. Seafield.*)
Taunton, L.
Tenterden, L.
Tredegar, L.
Walsingham, L.
Wynford, L.

Clauses 2 to 9 *agreed to.*

Clause 10 (Suspension of Writs).

Earl RUSSELL moved to substitute, in line 14, the words "both Houses of Parliament," for "the House of Commons." The noble Earl (who was very imperfectly heard) was understood to combat the idea that the change involved anything unconstitutional. It might be said that it infringed the prerogative of the Crown; but the same argument applied to the Acts for disfranchising Sudbury and St. Alban's, because the Crown had a right to send writs to those boroughs. It was plain, however, that when the Royal Assent was given to those Acts, the Crown agreed to an alteration in its prerogative to that extent. It might be asked, "Why not proceed by Act of Parliament?" An Act of Parliament took more time, and the object in view might be defeated by delay. It might also be said, that if it was right to suspend a writ for five years, it was right to disfranchise the place altogether. In five years, however, a great change might be effected in the character of a borough; and besides, there were some towns—Hull for example—of great commercial importance, which it would not be right to deprive altogether of its representatives in the House of Commons.

Earl GREY opposed the clause, on the ground that to suspend a writ of election for a period of five years upon a mere Resolution, and not by Act of Parliament, would be a grave innovation, which would not be justified by any advantage that would be likely to arise from it. It would be quite as constitutional to provide that in future any measure brought before Parliament relating to certain subjects might be passed by a Resolution of the two Houses, instead of by Bill. Of course, if the Crown were to assent to such a measure, it could not complain of an infringement of its prerogative; but such a step would be an immense change in the Constitution. He should oppose the clause.

Earl GRANVILLE could not admit that the course proposed was unconstitutional, or that there was any difference in principle between proceeding by Resolution of both Houses, and the legislation in the case of the Jews, which had been assented to by their Lordships, which gave the other House of Parliament the power of dispensing, by its own Resolution in the case of the Jews, with the ordinary oaths taken by Members on taking their seats in that House.

Lord CRANWORTH said, that the chief objection of his noble Friend (Earl Grey), in which he shared, was that their Lordships were now asked to set a dangerous precedent for no possible object. Practically, there would be only one discussion, and yet it was one of those subjects that required the greatest deliberation. Party feeling was easily evoked in such cases, and there was therefore the greater danger in dispensing with the ordinary safeguards of due deliberation.

On Question *agreed to;* Amendment made.

On Question, that Clause 10, as amended, stand Part of the Bill? their Lordships *divided*:—Contents 26; Not-Contents 92: Majority 66.

Clause *struck out.*

CONTENTS.

Westbury, L. (*L. Chancellor.*)

Devonshire, D.
Newcastle, D.
Somerset, D.

Bristol, M.
Townshend, M.

Caithness, E.
De Grey, E.
Durham, E.
Granville, E.
Russell, E.
Saint Germans, E.
Strafford, E.

Sydney, V.

Belper, L.
Dacre, L.
Dartrey, L. (*L. Cremorne.*)
De Tabley, L.
Ducie, E. [*Teller.*]
Ebury, L.
Harris, L.
Meldrum, L. (*M. Huntly.*)
Mostyn, L.
Ponsonby, L. (*E. Bessborough.*) [*Teller.*]
Rivers, L.
Suffield, L.

NOT-CONTENTS.

Richmond, D.
Rutland, D.
Saint Albans, D.

Normanby, M.

Airlie, E.
Amherst, E.
Bandon, E.
Bantry, E.
Beauchamp, E.
Belmore, E.
Camperdown, E.
Cardigan, E.
Carnarvon, E.
Cathcart, E.
Clarendon, E.
Cowper, E.
Derby, E.
Desart, E.
Devon, E.
Ellenborough, E.
Fitzwilliam, E.
Grey, E. [*Teller.*]
Hardwicke, E.
Harewood, E.
Home, E.
Lanesborough, E.
Lonsdale, E.
Lucan, E.
Macclesfield, E.
Mayo, E.
Morton, E.
Mount Edgcumbe, E.
Romney, E.
Rosslyn, E.
Shrewsbury, E.
Tankerville, E.
Verulam, E.
Yarborough, E.

Doneraile, V.
Eversley, V.
Falmouth, V.
Hardinge, V.
Hawarden, V.
Hutchinson, V. (*E. Donoughmore.*)

Oxford, Bp.

Abercromby, L.
Aveland, L.
Berners, L.
Boyle, L. (*E. Cork and Orrery.*)
Calthorpe, L.
Castlemaine, L.
Chaworth, L. (*E. Meath.*)
Chelmsford, L.
Churston, L.
Clarina, L.
Clinton, L.
Colchester, L.
Colville of Culross, L.
Conyers, L.
Cranworth, L.
De Ros, L.
Egerton, L.
Feversham, L.
Kenyon, L.
Lismore, L. (*V. Lismore.*)
Lovel and Holland, L. (*E. Egmont.*)
Lyttelton, L.
Lyveden, L.
Monson, L.
Northwick, L.
Panmure, L. (*E. Dalhousie.*)
Portman, L.
Ravensworth, L.
Redesdale, L.
Saltersford, L. (*E. Courtown.*)
Saltoun, L.
Scarsdale, L.
Silchester, L. (*E. Longford.*)
Somerhill, L. (*M. Clanricarde.*)
Sondes, L.
Saint Leonards, L.
Stratheden, L.
Strathspey, L. (*E. Seafield.*)
Taunton, L.
Tenterden, L.
Tredegar, L.
Truro, L.
Walsingham, L.
Wenlock, L.
Wensleydale, L.
Wodehouse, L. [*Teller.*]
Wynford, L.

Clause 11 *struck out.*

Remaining Clauses *agreed to.*

Amendments made: The Report thereof to be received on Monday next; and Bill to be *printed* as amended. (No. 94.)

CHARGING OF ENTAILED ESTATES FOR RAILWAYS.—RESOLUTION.

LORD REDESDALE *moved* to resolve—

> That the Principle of charging Entailed Estates for Railways involves Questions of too much Nicety and Importance to be sanctioned by Parliament otherwise than by public Legislation.

The noble Lord said, that he thought that he need hardly adduce any other evidence in support of the Resolution he proposed than was contained in the Report of the Committee which had inquired into the matter; for anybody who read that Report could not doubt that the Committee were of opinion that the proper course to pursue was to proceed by public legislation. The Committee, however, had a Bill before them, and they resolved to allow the powers asked in that particular case. But if the House were to sanction the principle that private parties might proceed by particular legislation, not only would the prospect of a beneficial public measure be removed, but the result would be that there would be fifty Bills next year having in them clauses for this particular purpose, though perhaps embodied in different terms. If they refused to grant the power in any individual case, there was the strongest possible reason for believing that the Government would take up the matter. In reference to telegraphs, which was surrounded with much greater difficulties than the subject now under consideration, there was last year a strong opinion expressed that there should be public legislation upon it, and this year the Government had brought in a Bill upon the subject, and it had passed the House of Commons, and now lay upon their Lordships' table. The subject then under consideration was not nearly so difficult to deal with as that of telegraphs. Any person who would take up any of the Land Improvement Bills might more or less adapt its machinery to the present matter, and thus without any great difficulty frame a Bill upon it; and he had no doubt, that if his noble and learned Friend on the Woolsack would devote that attention to it which he had already bestowed on other branches of law reform, he would readily produce a satisfactory measure. The real difficulty in the way of charging estates for railways had not been at all met by the Report of the Committee, which was of the most general character. It recommended that the rent-charge should not extend over more than twenty-five years; that the charge should not arise until the railway was finished; and that a charge should be created only when the Inclosure Commissioners were of opinion that the land would be improved by the railway to the extent of the charge upon it. There was much more difficulty in the way of charging land for railways than in charging it for drainage and other purposes for which the power of making a charge now existed. All these works were in the hands of the improver, and as soon as the works were completed the benefit accrued. Railways, however, would be in other hands, and the benefit would be remote. It was said that it would be the duty of the Inclosure Commissioners to take security that the railway should be finished in time; but anybody who knew anything of the matter knew that it was utterly impossible that any such security could really be obtained. It was of common occurrence that railways were not finished within the time specified. Usually, five years were granted for completing the work, and they might take it that seven years was about the time taken. Now, suppose the Inclosure Commissioners allowed a charge of £5,000 upon an estate, and that that sum was all raised before the expiration of the five years, but that two years more were taken to complete that line—there would then be two years' additional interest, for which there would be no security unless there were an additional charge created. This was one of the matters of nicety and importance which were involved in this subject. The difficulty, however, might possibly be met by creating a new kind of share to meet these charges upon land, upon which shares nothing should be paid until the line was opened. Such matters as this, however, could only be treated by general legislation upon the subject. The noble Viscount who had given notice of an Amendment (Viscount Eversley) alluded to provisions being inserted in each Bill, such as should satisfy the Committee. Now, in relation to all opposed points a Select Committee was, upon the whole, a very fair and good tribunal; but there was nobody to call the attention of the Members to points, often of vital importance, which were not opposed. On the contrary, parties were interested in urging only a one-sided view upon them, and therefore they were very unfit to deal with questions of the nature which he referred to. There was one omission from the Report of the Committee which was, to his mind, fatal to it. The Committee very prudently had not ventured to say that these charges should be first charges upon property, and yet, without recognising them as such, the whole scheme would prove valueless and inoperative. Neither had the noble Lord, in his Amendment, ventured to propose such a recommendation. He put it to their Lordships whether it was not unwise to come to a Resolution authorizing private legislation, and he pointed out that no attempt would be made seriously to press upon the House a principle of such importance as was embodied in the Amendment of which the noble Viscount (Viscount Eversley) had given notice. If their Lordships adopted the Amendment, it would prevent that public legislation which otherwise must be proposed.

Moved to resolve,

That the Principle of charging Entailed Estates for Railways involves Questions of too much Nicety and Importance to be sanctioned by Parliament otherwise than by public Legislation.

LORD ST. LEONARDS expressed his entire concurrence in the principle laid down by the noble Chairman of Committees. The noble Viscount, to whose opinion on such a question as this great respect was due, was compelled in his Amendment to introduce the rules which he thought ought to be observed. But what could be more inconvenient than thus, without full and mature consideration, to lay down a plan the adoption of which would tie up the hands of the House when they came to the consideration of a public measure?

VISCOUNT EVERSLEY said, that the Amendment of which he had given notice embodied the substance of the Report of the Committee which sat upon this subject. This Report was in their Lordships' hands, and it would be unnecessary for him to do more than briefly to point out to their Lordships what had already been done by Parliament in analogous cases. There were already in existence companies which were authorized by Acts of Parliament to advance money by way of loan to landholders who wished to improve their estates; and under the provisions of these Acts tenants for life of settled estates were allowed to charge their estates for certain improvements—namely, drainage, the erection of farm buildings, the making of roads, and outfall drainage—it being provided for the protection of remaindermen that no work should be executed unless it had, after survey, been approved by the Inclosure Commissioners, and that no charge should be made until it had been proved to the satisfaction of those Commissioners that the work had been properly done. In the Acts, authorizing these charges, there were many provisions which needed amendment, and he should be glad to see passed a public Act which should render private Acts unnecessary, and be the foundation of future legislation on this subject. This course was recommended by a Committee of that House which sat in 1855, and by another Committee, of which he had the honor of being Chairman, in 1859; but not the slightest attention had been paid to their recommendations, and the country was as far as ever from seeing a public measure. If the noble Chairman of Committees would undertake to bring in such a Bill upon this subject, he should be happy to withdraw his Amendment. His only object was to obtain legislation. Something ought to be done. There were parts of England where railway accommodation was very much needed, and where the directors of great companies would be glad to assist in the formation of them if they could get the support of the landowners, but the landowners were only tenants for life, and could not give that support. A landowner could charge his estate for drainage and a variety of other improvements, but he could not charge it for the greatest of all improvements, a railway passing through or near his property. There was little hope of public legislation on this subject; and if there was to be no private legislation, the landowner, who was a tenant for life, would remain powerless to effect improvements of this description. He thought it would be unjust to deprive the country of the advantage of railways, which could only be made by landowners having power to contribute to their formation. As to the merits or demerits of the Northumberland Central Railway, which was now before Parliament, he had nothing to say, but it certainly had been useful in supplying their Lordships with a great deal of valuable information. The solicitor of the promoters had communicated with a great number of landowners and farmers, who had given evidence founded on their practical experience as to the improvements which must be caused in the value of farms by the making of railways; and other evidence had also been adduced before the Committee proving that there would be no difficulty in estimating the probable increase of value which would result from the construction of any particular line. Under these circumstances, he *moved* as an Amendment to the Motion of the noble Baron—

To leave out from ("That") to the End of the Motion, for the Purpose of inserting:

"While this House is of opinion that the Question of empowering Landowners to charge Settled Estates for the Purpose of taking Shares in Railways contiguous to those Estates ought to be dealt with as soon as possible by a Public Act (which should also comprehend Provisions for charging Estates for Drainage, Building, and other Improvements), it is not prepared to withdraw from the Consideration of Committees on Railway Bills Clauses which may confer such Powers:

"Provided, That such Securities and Conditions be obtained as shall be satisfactory to the Committee, and that the Charge so imposed shall be in the Form of a Rentcharge for a Term not exceeding Twenty-five years:

"Provided also, That no such Charge shall be imposed unless it has been proved to the Satisfaction of the Inclosure Commissioners that the proposed Railway will confer a permanent Benefit to a greater annual Amount than the said Rentcharge on the Lands through or near to which it is intended to pass, nor until the said Railway has been completed and opened for Traffic under the Authority of the Board of Trade."

THE EARL OF ROMNEY was strongly of opinion that this matter ought to be dealt with solely by public legislation, and therefore he should support the Motion of the noble Chairman of Committees.

LORD RAVENSWORTH thought that the necessary securities to owners of landed estates could not be satisfactorily ascertained by a Committee, and that they could only be given by a public legislation. Under those circumstances, it was impossible that he could assent to the Amendment proposed by the noble Viscount. The very first proviso required that "such securities and conditions should be obtained as would be satisfactory to the Committee;" but there was the greatest doubt and difficulty in forming an accurate estimate of the cost of a railway on the one hand, and in calculating the amount of advantage to be derived from it on the other. Owners of property in the north had advanced money for making turnpike roads upon the security of the tolls; but railways had now absorbed nearly all the traffic, and the tolls scarcely reached to a fourth of their former amount. He did not venture to say that railways would be superseded by some other mode of conveyance, but still that was not more improbable than the use of railways at the time those roads were constructed. He was not disposed to think that the prospective advantages to be derived by estates from the construction of railways through them were always so great as some imagined. With regard to this particular railway, which ran for three miles through his estate, he was so benighted as not to give it his support. It was a bad line, and did not give the district the accommodation which it required. The noble Earl might say that they had better take what they could get, as there might not be any prospect of their having a better line; but he did not share in his apprehensions, as another railway, offering far more accommodation, had been surveyed, which he firmly believed would at no distant time be carried out. He therefore thought it would be better to postpone the making of a railroad, even for two or three years, rather than sanction the construction of one which would not be so beneficial to the public as it ought to be. He trusted that some Member of the Government would hold out the assurance that they would themselves take this important matter into consideration, and bring in a public Act to set these questions at rest. Railway legislation was now beset with much difficulty and complication; so much so, indeed, that some change was urgently demanded. That was especially necessary in regard to the mechanism by which Railway Bills were brought before Parliament. If something were not done to place that subject on a better footing, perhaps he should feel it his duty to call their Lordships' attention to it himself.

LORD PORTMAN thought the House ought to stand by the Resolution moved by their Chairman of Committees, instead of accepting the Amendment of the noble Viscount. If they acceded to the Amendment, they would have no security whatever that the Committee, either of that or the other House, would agree to adopt the restriction which the noble Viscount suggested, unless it were made a Standing Order—a course which was open to objection. He could not assent to the Amendment, because he believed it would not be safe for the remainderman, who might be greatly injured by the tenants for life if they chose to impose heavy rent-charges on the estates. It provided no notice to the heir, to the mortgagee, or to the widow. No steps were taken for the security of any of these parties, because the charge was not made a prior charge; and it was difficult to see how the money was to be got. He thought that great injury had already been done to the remainderman under the building and drainage clauses of private Acts, and it was high time that Parliament should step in and put a stop to this species of legislation. If this subject was to be dealt with at all, he thought it should be treated in a public Bill introduced by the Government or the Chairman of Committees.

EARL GRANVILLE said, that the questions to be considered were two—first, whether to give these powers at all; and secondly, if so, whether they should be given by a public or private Act. Now, having read the evidence taken before the Committee, he had no hesitation in declaring that it was as strong as it possibly could be in favour of the great advantage to landed estates of railways coming near them—they benefited the land and greatly increased its value, both by giving facilities for bringing manure, and by giving access to the best markets. It likewise showed conclusively, that in many instances where railways might be of immense advantage to the estates through which they passed, they were not likely to give that high rate of interest which would tempt independent capitalists to invest their money in them. Such being the case, he was of opinion that it would be exceedingly injudicious to refuse, as regarded railways, powers which had already been given with respect to building, drainage, and other improvements not likely to be so permanently advantageous to a landed estate as a good line of railroad. At the present moment, indeed, an estate might be charged for a railway confined within its limits; and it was rather anomalous and illogical, to say the least, that the owner could not subscribe towards a line which passed beyond his property. In such a matter it would be well, no doubt, to lay down general principles in a public measure, but heretofore we had followed the opposite method of proceeding. Until 1845 there was no general Act on the subject of railways; and when a general Act was framed it simply, embodied provisions which had been introduced into a long succession of private Acts. Still, he undertook to say, that the Board of Trade would consider the whole question, and he had no doubt they would succeed in preparing a satisfactory general measure. Meanwhile, however, there was no reason why the passing of private Acts should be suspended, especially since it was beyond his power to predict that any Bill brought forward by the Government would certainly be carried; and considering that it would be well not to do anything hastily, he would suggest that both the Motion and the Amendment should be withdrawn.

LORD REDESDALE said, he could not consent to withdraw his Resolution. He objected to private legislation, and contended that there ought to be public legislation on a subject of such great importance. If the Government gave directions to the Board of Trade to prepare a Bill founded on the provisions of the Lands Improvement Act, they would have little difficulty in producing one, as they had ample machinery for the preparation of Bills. He must press his Resolution, and he believed that if their Lordships carried it, they would have public legislation on the subject; but if they failed to do so, they would not have such legislation.

EARL GREY said, it was very desirable to have a public Act, but it was rather hard in the mean time to postpone all proceedings in the matter.

On Question, Whether the Words proposed to be left out shall stand Part of the Motion? *Resolved* in the *Affirmative*: Then the original Motion was *agreed to*.

House adjourned at a quarter before Eight o'clock, till To-morrow, half past Ten o'clock

HOUSE OF COMMONS,

Thursday, May 7, 1863.

MINUTES.]—PUBLIC BILLS—*First Reading*—Offences (South Africa) (*Lords*) [Bill 113]; New Zealand Boundaries (*Lords*) [Bill 112].

Second Reading—Inland Revenue [Bill 97].

Select Committee — on Thames Embankment (South Side) Bill, *nominated* (*List of Members*).

Committee—Prison Ministers [Bill 24]—R. P.; Naval Medical Supplemental Fund Society Winding-up Act (1861) Amendment [Bill 93]; Courts of the Church of Scotland (*Lords*) [Bill 92].

Report—Naval Medical Supplemental Fund Society Winding-up Act (1861) Amendment; Courts of the Church of Scotland (*Lords*).

Considered as amended—Stock Certificates to Bearer [Bill 100]—(*Debate res.*) [Bill 114].

Third Reading—Savings Banks Monies [Mr. Chancellor of the Exchequer] [Bill 79], and *passed*; Jurors' Remuneration [Bill 101], and *passed*.

THE CHALMERS TARGET.

QUESTION.

MR. MAGUIRE said, he wished to ask the Secretary to the Admiralty, Whether it is true that experiments were made at Shoeburyness on the 27th day of April last upon a Target called "Chalmers Target;" and, if so, whether the principle upon which that Target was constructed was not based upon the plans and drawings supplied by Mr. John Clare, junior, to the Admiralty (by their Order, dated the 22nd day of June 1855), on the 25th day of June 1855; and, if not, in what particulars that Target differs from such plans and drawings?

LORD CLARENCE PAGET said, in reply, that it was true that experiments were made at Shoeburyness on the 27th April, with a target called the "Chalmers Target." Whether that invention of Mr. Chalmers was an infringement of the patents of Mr. John Clare, junior, was a matter as to which the Admiralty had no information, and they did not think it advisable to give any opinion.

CONVOCATIONS IN IRELAND.

QUESTION.

MR. HENRY SEYMOUR said, he would beg to ask the Secretary of State for the Home Department, Whether it is the intention of Her Majesty's Government to recommend to Her Majesty to summon the Convocations of Armagh and Dublin in the same manner as the Convocations of Canterbury and York are summoned?

SIR GEORGE GREY, in reply, said, two memorials had been addressed to Her Majesty by Irish Prelates—one in 1861, praying for a synod of the United Church of England and Ireland; and another in 1862, praying Her Majesty to authorize the meeting of Convocation. No application had been made for a separate Convocation of Armagh and Dublin, and Her Majesty had not been advised to authorize any such proceeding.

SURVEY OF THE ENVIRONS OF LONDON.—QUESTION.

MR. WARNER said, he wished to ask the Under Secretary of State for War, When the Military Survey of the Environs of London, stated in the Ordnance Survey Report to be in progress of publication at the end of last year, is likely to be issued?

THE MARQUESS OF HARTINGTON replied, that if the hon. Member would refer to the Catalogue of Maps published by the Topographical Department, he would find that some of the Maps of the survey to which his question related were already published. The remainder, as stated in the Report, were in course of publication, and probably the whole of them would be finished by the end of the year.

THE EXHIBITION BUILDING OF 1862.

QUESTION.

LORD ROBERT CECIL said, he rose to ask Mr. Chancellor of the Exchequer, Whether the report is true that the Government have offered or intend to become purchasers of the building in which the Exhibition of 1862 was contained; and, if so, what sum they propose to pay for it, and at what period of the Session they intend to bring forward the Estimate? He would only ask the first part of the question, because, unless the answer should be in the affirmative, it would not be worth while to ask the latter part.

THE CHANCELLOR OF THE EXCHEQUER said, in reply, that he had been questioned upon the subject a few weeks since, when he gave the best answer he was then able to give. He was not now able to make any further statement upon the subject, but he could assure the noble Lord, that if the Government should offer or intend to become purchasers of the Exhibition building, they would give the earliest information in their power to the House; and in case they should intend any step requiring a Vote of money, they would take care to lay an estimate before the House at an early period, and bring the matter under discussion in the manner which might be thought most convenient.

VACCINATION (IRELAND) BILL.

QUESTION.

MR. LONGFIELD said, he wished to ask the Chief Secretary for Ireland, If he will suspend his proceedings with respect to the Bill for Vaccination in Ireland until the Government shall have determined upon the course they will pursue with regard to the Vaccination Acts in England.

SIR ROBERT PEEL said, the Bill which he had introduced for compulsory vaccination merely related to Ireland. He did not think, therefore, that it was necessary to wait until it was seen what steps would be taken in reference to the matter in England.

BRITISH KAFFRARIA.—QUESTION.

MR. ARTHUR MILLS said, he wished to ask the Under Secretary of State for the Colonies, Whether any Memorials or Petitions have been recently addressed to Her Majesty's Government by the inhabitants of British Kaffraria respecting the proposed annexation of that Province to the Colony of the Cape of Good Hope; and, if so, whether there will be any objection to lay such Documents upon the table of the House?

MR. CHICHESTER FORTESCUE said, in reply, that certain petitions had been received praying that British Kaffraria might not be annexed to the Colony of the Cape of Good Hope, but it was considered that it was but a small community and not old enough to judge for itself in this matter. The Governor of the Cape of Good Hope was taking measures for annexing that community to the Colony. Under present circumstances it was not advisable to produce the correspondence.

THE NAVAL RESERVE AND THE BLUE ENSIGN.—QUESTION.

MR. CAVE said, he wished to ask the Secretary to the Admiralty, When the decision of the Lords of the Admiralty will be made known respecting the use of the Blue Ensign in merchant ships partly officered and manned by the Naval Reserve, according to the terms of their Lordships' letter of the 5th February 1863?

LORD CLARENCE PAGET said, that when many shipowners of London asked whether, under certain conditions as to their ships being partly manned by officers and seamen of the Royal Naval Reserve, their ships would be permitted to carry the Blue Ensign of Her Majesty's fleet, the Admiralty replied that it would allow them to carry the flag with a certain device in it, so as to denote the flag of a Naval Reserve ship. The shipowners of London objected to the device, and, in fact, declined to carry such a flag, as they wished for one without any special device. Since then he understood that many shipowners had expressed a desire to be permitted to carry the blue flag under the conditions prescribed by the Admiralty, with the device suggested.

In reply to a similar Question, of which notice had been given by the hon. Member for Sunderland (Mr. Lindsay), he had to state that communications were going on between the Admiralty and the Board of Trade as to the issue of precise regulations for the use of the Blue Ensign by ships partly manned and officered by the Naval Reserve.

VACANT GROUND AT CARLTON TERRACE.—QUESTION.

SIR JOHN SHELLEY said, he rose to ask the Secretary to the Treasury, Whether a Report was made to the Commissioners of Woods and Forests by a Sworn Surveyor of the value of the site of the Stables lately pulled down at the east end of Carlton Terrace; whether any public intimation was given that that site was in the market, in order to ascertain what value the public would be disposed to give for such a valuable piece of ground; and whether he has any objection to produce a copy of any such Report, together with the Lease of the site as granted to the present lessees, Sir Morton Peto and Messrs. Trollope?

MR. PEEL, in reply, said, a valuation verified by a declaration in the usual way, was made of the property referred to—about three-quarters of an acre of land—and was valued to let upon building leases at about £1,400 a year. A number of applications were made for the ground, and, after several of the applicants had refused the terms offered by the Government, the property was let at a rent which was declared to be its full value. If that full value had not been obtained, steps would have been taken to offer the ground for public tender. There would be no objection to produce the valuation of the surveyor and the declaration. As to the leases of the site, the houses must be completed upon it before the lessees would be entitled to receive leases.

Afterwards—

SIR MORTON PETO said, that as his name had been mentioned in a Question put on the subject during the earlier part of the evening, he wished to say, that so far from having derived any advantage from the lease which he had obtained from the Government of this particular site, he had gone to the officer of the department to say that he did not require it, and that the disappointed parties were welcome to it at the price which he had paid for it.

SIR JOHN SHELLEY said, his hon. Friend had misunderstood the object with which he put the Question. In these days, when they were looking everywhere for an eligible site for public offices, he thought that such a site as Carlton House Rise ought not to be disposed of by private contract, or for any less price than the utmost which the public would give for that purpose. He was glad to hear that his hon. Friend, who was a good judge of the value, had given a full price for it; but he believed it would have fetched a larger price had it been generally known to be in the market. He hoped that by putting the Question he should not be understood as implying that his hon. Friend was in any way to blame.

CUSTOMS AND INLAND REVENUE BILL.

QUESTION.

MR. LYGON said, he would beg to ask Mr. Chancellor of the Exchequer, Whether he intends to persevere in the Motion of which he has given notice, to move, in the event of this Bill passing the Committee that night, the remaining stages?

THE CHANCELLOR OF THE EXCHEQUER said, his intention was to give the noble Lord the Member for Stamford (Lord Robert Cecil) an opportunity, on the Motion for the Third Reading, of raising a discussion upon the notice he had announced. Owing, however, to some defect in intimating that intention, the Order was set down for going into Committee. Under these circumstances it would not be regular to proceed with the subsequent stages, and he should not propose to go further than the Committee that night.

BRAZIL—CONDUCT OF MR. CHRISTIE.

QUESTION.

MR. MONCKTON MILNES: I wish to put a question to the noble Lord at the head of the Government respecting the conduct of Mr. Christie, Her Majesty's minister at Brazil, and the circumstances to which my question refers affect the personal credit and honour of a public functionary. I must ask the House to allow me to briefly state the facts of the case. It seems that a gentleman, holding the office of Minister of the United States at the Court of Brazil, had addressed to Earl Russell a letter impugning the honour and credit of Mr. Christie. Any correspondence of that kind, of course, would be only of a private character, and therefore would not be deserving of the notice of the House. But in the report of what took place upon a former occasion in this House I find that the words of the despatch have been quoted in the House, to the effect that Mr. Christie had shown, under all the circumstances, "a reckless disregard of truth which is not characteristic of a gentleman, and certainly not commendable in the representative of the English nation." After that passage had been quoted, it was said by the hon. Member for Lincoln (Mr. Bramley-Moore) that some colour had been given to that assertion by Mr. Christie's conduct. I have therefore taken upon myself, as the language was most painful to Mr. Christie and his friends, to put this notice on the paper. It is, I know, the universal habit of Gentlemen in this House, when they know they have given pain unnecessarily to any person alluded to in debate, at once to come forward to set themselves right. I had hoped the hon. Member for Lincoln would have done that. He has not done it, and therefore I have no resource but to ask the Government, in the person of the First Lord of the Treasury, Whether there is anything that he is aware of in Mr. Christie's conduct to give any colour whatever to the assertion quoted; whether Mr. Christie's conduct in the matter of the *Prince of Wales* and her Majesty's ship *Forte* has received the full and entire approbation of Her Majesty's Government; and whether the letter of General Webb has received any countenance, or has been taken into consideration by Earl Russell?

VISCOUNT PALMERSTON: As to Mr. Christie, he sat for some time as a Member of this House, and there are many hon. Members who will recollect the ability with which he performed his duties here. I can only say that Mr. Christie is a gentleman and a man of honour; and, as to his veracity, no man can question that veracity with any semblance whatever of truth. With regard to General Webb, I know nothing of him, and therefore I shall say nothing. But as to his letter, this I will say—that it was no doubt treated by my noble Friend at the head of the Foreign Office with the entire disregard which it justly merited; and if any such letter had been written by a British diplomatist, I am quite sure that my noble Friend would, without hesitation, have instantly dismissed that person as having proved himself totally unfit and unsuited to hold any commission under Her Majesty. With respect to Mr. Christie's conduct in the matter to which my hon. Friend alludes—that is to say, in the negotiations and in the demands made upon the Government of Brazil—I have the satisfaction of stating that that conduct has been fully and entirely approved by Her Majesty's Government. Mr. Christie acted with great judgment, and with all the forbearance which is compatible with a proper and faithful performance of the orders which he had received, and therefore there was no ground whatever for imputing to him anything to which any foreign Government could take the slightest objection. But it is a well-known practice in countries which are in that peculiar state of progress in which Brazil happens at the present moment to find itself, that when their injustice or misconduct obliges a foreign Government to use compulsion in order to obtain the redress which has been denied to friendly representation, they endeavour to take their revenge by pouring forth every sort of calumny upon the agent who has been the instrument of the Government using those means. I can assure the House, however, that such proceedings never will, in any degree, damage a British representative in the opinion of Her Majesty's Government.

MR. BRAMLEY-MOORE: After the statement of the noble Lord, and after being alluded to in so personal a manner by the hon. Gentleman opposite (Mr. M. Milnes), I may be permitted to make some observations. I certainly feel some surprise at the statement of the noble Lord that Mr. Christie has conducted matters in Rio Janeiro with so much moderation. Why, Sir, people there are perfectly capable of judging. ["Order!"] I beg, Sir, to put myself in order, to move the adjournment of the House. It is perfectly notorious in Rio Janeiro, where there is a community capable of judging much better of the action of the Government than we who are at a distance, that Mr. Christie's conduct in Rio Janeiro and in respect to the Brazilian Government was anything but moderate or conciliatory. If any hon. Member has carefully read the volume of despatches relating to the question, he will have seen that there is a tone of arrogance and insolence to the Government of Brazil altogether unprecedented on the part of a Minister of England towards a foreign Government. Why, it is notorious that Mr. Christie's irritability of temper has caused him to quarrel with every diplomatic body in Rio Janeiro. He quarrelled with the Austrian, the Russian, and the Prussian ministers, and even with the Pope's Nuncio. [*Laughter.*] I mention the Pope's Nuncio particularly, because he is well known to be so mild and gentle that it would be supposed it was impossible to quarrel with him. But he is included in the batch. Now, allusion has been made to an extract that I read to this House from a letter written by General Webb to Earl Russell. I thought I was justified in reading that extract, because General Webb holds the same position in Rio Janeiro that is held by Mr. Christie, and therefore was his equal in all respects. He also had a quarrel with Mr. Christie, and he took the means of making this known in a despatch to Earl Russell. That despatch had become public property. It has been lithographed and extensively circulated, first privately, and then in New York through the medium of the press. It was also published in England, and therefore I could not see that I was not justified in reading to the House an extract from the despatch of General Webb. I also quoted from Mr. Christie's own despatches to show that he never would admit anything that was stated by the Brazilian authorities. It was no matter what was said or done, he would receive nothing, heed nothing, but relied entirely upon his own statements, many of which I am led to believe were erroneous; and, as I stated on a former occasion, his conduct was such as to give some colour to the charges made against him by General Webb. Now, Sir, in support of this, I beg to call the attention of the House to a despatch of Mr. Christie's dated Rio Janeiro, 15th of February 1863. In this despatch there are distinct statements made to Earl Russell conveying to his mind that he (Mr. Christie) had the support of the merchants as a body in Rio Janeiro. This despatch was accompanied by a document signed by a number of the merchants, which also conveyed to the mind of Earl Russell that the wealth, the intelligence, and the respectability of the body of merchants in Rio were embodied in that address to Mr. Christie, and so much importance was attached to this address of the merchants as showing that Mr. Christie's conduct had met with general approbation, that when it reached England, the Foreign Office, in all possible haste, published it in the *Gazette* along with Earl Russell's own despatch. The statements in the despatch of Mr. Christie, I venture to state, and I do so of my own knowledge, were most inaccurate and erroneous, and were calculated to convey a totally wrong impression to Earl Russell and the public mind, and unfortunately it did convey a wrong impression. Many parties out of doors spoke to me in reference to it, and said, "There is Mr. Christie altogether exonerated from blame as well as the Government in the transactions with Brazil." Permit me to state, that in the address which Mr. Christie received, and in his despatch to Earl Russell, it is stated that the number of houses in Rio Janeiro are forty, and that the eighteen whose signatures were attached represented the wealth and intelligence of the place, and that this address, therefore, would be a most satisfactory document for Earl Russell to receive. Why, Sir, this statement conveyed to the noble Lord's mind and the minds of the British public that Mr. Christie had received the approbation and sanction of the British merchants of Rio Janeiro. I deny this altogether. So far from this being the case, forty of the old houses of Rio Janeiro, combining the respectability, the wealth, and the intelligence of the place, refused to sign it at all; and consequently to say that the eighteen signatures to the address represent the British community there, and to convey to Earl Russell's mind that Mr. Christie had the approbation of the British community in Rio is altogether erroneous. Mr. Christie may have said this in ignorance and good faith, but from his position he ought to have been better informed. In another part of that despatch Mr. Christie said there were a few dissentients, and they would take every means in their power to lead parties in England to believe that he had not the community with him. In this despatch he makes use of these words:—"Unanimity can never be expected. Almost all respectable Englishmen here, I believe, understand the question and their duty." I entirely concur in this remark. The Englishmen in Rio are a highly intelligent class, and they not only understand and have a thorough knowledge of the questions at issue, but, as Mr. Christie says, they know their duty. They did know their duty when forty of the most respectable houses in that city refused to sign the address to him, and altogether withheld their sanction from his conduct. Looking at the inaccurate impression conveyed by Mr. Christie on this subject, I say it is not a far-fetched conclusion to suppose that it gives colour to the statement that he has committed himself to other inaccuracies. I do not charge Mr. Christie with having made wilful misrepresentations, but he has made misrepresentations; and if he has made them in good faith, then I say that in his position he ought to have been much better informed. There can be no doubt whatever that a great deal of personality occurred between Mr. Christie and the authorities in Rio Janeiro; and, I believe, from all the accounts I have received, that he has made this, to a certain extent, a personal question; and from his making it a personal matter have resulted most serious consequences, not only to the British trade with Brazil, but to the whole community. The conduct of Mr. Christie has given great power to the Republican party there, which may even endanger the existence of the monarchy, the only monarchy existing in that part of the world; and I say, that instead of sending out Ministers of such a temperament as Mr. Christie, we ought to foster and encourage a Government like the Brazilian Government, which has shown such perfect good faith in all its engagements. I do not at all know on what grounds the noble Lord can say that the conduct of Mr. Christie merits the most perfect and unqualified approbation of the Government. Mr. Christie sent one of his *attachés* home in disgrace, but he was sent back, though on his arrival there Mr. Christie refused to see him—an event calculated to have a bad effect on British interests. We know also that he left Rio without taking leave of the Emperor. I think I have given sufficient reasons to justify me in saying that Mr. Christie has made a great number of exaggerated statements and even mis-statements. If he has done this in good faith and ignorance, I believe that he ought to have known better; but British interests have suffered severely at his hands, and it will be a very long time before the same amicable relations can be restored between the two countries. It is the opinion of the large majority of the British community at Rio that this state of things is owing to Mr. Christie's want of tact and management, and the unfortunate irritability of his temper. It was a case in which special tact was necessary in conducting negotiations with Brazil, because this charge about the murder of the seamen has never been substantiated—there never has been a tittle of evidence to prove it, and the grounds on which Mr. Christie made the charge rested on the statement of a gentleman whom he himself states to have been labouring under mental delusion. I do therefore say, that what has arisen out of this we may attribute entirely to Mr. Christie's mismanagement, and therefore I do not see that I have any apology or explanation whatever to make for having read an extract from General Webb. General Webb was Mr. Christie's equal in position. He wrote a despatch to Earl Russell that was made public through the press in both countries, and became, therefore, public property; and I maintain that I was justified in making a quotation from it in this House. The hon. Member concluded by moving the adjournment of the House.

Motion made, and Question proposed, "That this House do now adjourn."

VISCOUNT PALMERSTON: Sir, I do not wish to delay the House by prolonging this discussion, but I must object to the grounds on which the hon. Member who has just sat down is desirous of placing the judgment to be formed on Mr. Christie's conduct. The hon. Member asserts what I have no doubt he believes to be quite true with respect to all the merchants in Rio—namely, that they have expressed their disapprobation of Mr. Christie's conduct. [Mr. BRAMLEY-MOORE: I said a large majority of them.] Well, a majority, large or small, but I contend that is nothing to the purpose. It is not for a body of merchants in a foreign country to judge of the expediency of orders transmitted from Her Majesty's Government at home to be executed by an agent abroad. It is for the Government to judge of a matter of that kind, and not for those on the spot engaged in commerce. But my information differs entirely from that of the hon. Gentleman. He says the majority of the most respectable merchants disapprove, I will not say Mr. Christie's proceedings, because they were the proceedings of Her Majesty's Government, Mr. Christie having done what he was ordered, and having no other alternative than to perform that duty. I am informed, not by Mr. Christie himself, but by other persons on whose judgment and truthfulness I have the greatest dependence, that a large majority of the British merchants at Rio entirely approve the proceedings of Her Majesty's Government; but whereas it happens that the custom of trade in Brazil is such that those persons who trade there have always large sums due to them by the Brazilian merchants, it is possible, that entirely distrusting the Brazilian Government, some of those British merchants may have thought that those disputes might place their debts in danger; and that while on the one hand they were glad the British Government had adopted measures such as would secure them against future dangers, on the other they may have thought it convenient to find fault with the British Government on account of measures which, in truth, they were very glad to see adopted. That I believe to be the real state of the case; but, undoubtedly, a great majority of those merchants openly expressed their approval of what Mr. Christie had orders to do. The hon. Gentleman has stated what I was sorry to hear repeated—that the charge with reference to the murder of the crew of the *Prince of Wales* was founded on the evidence of a gentleman whose mind was not in such a state as to justify Mr. Christie in acting on his statement. Now, Sir, that is a very unjust, a very ungenerous, and a very unfounded observation. I believe Mr. Vereker was for a short time suffering under an illness to which anybody—even the hon. Member for Lincoln—may be liable, but which in no way altered his permanent state of health or rendered his testimony less deserving of credit. Though we have no positive evidence on the subject, we have reason to believe that the crews landed on the beach, and, though carrying arms for the protection of themselves and their property, were overpowered by the people of the district, who, with lassos, dragged them from their shelter, and then murdered them in a barbarous and inhuman manner. The Government have no evidence to enable them to assert that as a positive fact, but I believe it is exactly what happened.

MR. E. P. BOUVERIE: Sir, the hon. Member for Lincoln has stated that he felt himself entitled to quote in this House a certain statement, made by a person called General Webb, because it had been circulated elsewhere. Now, that statement was a calumny—a calumny on the character of an honourable and an absent man. Therefore, I hold the hon. Gentleman had no right to make that quotation and give it the circulation which every statement made in this House acquires, being himself privileged as a Member of Parliament from being called to account for having endorsed such an assertion. I think nothing can be more natural than that a gentleman like Mr. Christie, known to many of us as having been a Member of this House, and also known as a gentleman of high character and honour, should feel much offended at finding that such a statement as this of General Webb—to which I believe no man in his senses attaches any weight—should be endorsed by an hon. Member in this House, and circulated, as all statements made in this House are, through the press all over the country. I must express my disappointment that the hon. Member for Lincoln has not thought fit to make reparation to Mr. Christie's wounded feelings by expressing his regret for having circulated such a statement; but I do think that Mr. Christie ought to be perfectly satisfied with what has been stated by my noble Friend at the head of the Government. I think the statement of the noble Lord will more than weigh against General Webb's calumnies, and the circulation given to them by the hon. Member for Lincoln.

Mr. NEWDEGATE: Sir, I have had the honour of many years' acquaintance with Mr. Christie, and I can bear my testimony to what has been stated by the right hon. Gentleman who has just addressed the House. I endeavoured by every means in my power to induce the hon. Member for Lincoln to retract the statement he had made. I spoke to hon. Members who had heard the statement, because, had I been present, I should have felt bound to appeal to you, Sir, in consequence of the use of language not customary in this House. I regret that statement the more because it referred to a private transaction of which the hon. Member for Lincoln knew nothing; and so far from that statement being supported by the Ministers of the other Powers at Brazil, the Russian Minister and the Prussian Minister had reported that they did not remember the slightest ground for it. I cannot but regret that there should have appeared in the newspapers so gross an imputation on an honourable man as has been repeated in this House. I regret it the more because these statements are retailed in foreign countries, where there is no means of reply. I think it the more ungenerous on the part of the hon. Member for Lincoln not to retract such an assertion, when it had nothing to do with the policy of Her Majesty's Government in Brazil.

Lord ROBERT CECIL: Sir, I have heard with some regret the attempt which has been made to limit the freedom with which Members of this House have been accustomed to discuss the conduct of public functionaries throughout the world. It could be to serve no purposes of private malice that the hon. Member for Lincoln read the statement referred to. The point is simply this:—The Government are charged with having employed in the delicate relations which existed between this country and Brazil an agent who was manifestly unfit for his post, and I apprehend that is a charge which it is competent for any hon. Member of this House to make. You may make what charge you please against the other Ministers at Rio, you may apply to them all the depreciatory remarks which the noble Lord applied to the American Minister; but the fact is that Mr. Christie had managed to quarrel with them all. It is not for the honour of this House, nor does it show a due regard for the privileges of this House, to attempt to limit the freedom with which every Member of this House ought to be able to discuss the conduct of those to whom the Government intrust the representation of this country in foreign parts.

Mr. C. W. HOWARD: Sir, I have no wish to go into another Brazilian debate, but I simply rise to defend a gentleman whom I have had the pleasure of knowing for a great many years, and whose conduct is not liable to the charge which has been brought against it. I was in the House at the time of the Brazilian debate, and, as far as my memory goes, the words actually used by the hon. Member for Lincoln were, "I would not say that Mr. Christie has wilfully exaggerated or misrepresented what had occurred, but his behaviour certainly gave some colour to General Webb's charges against him." That was the hon. Gentleman's language, and the passage in General Webb's letter, which obtained circulation in the newspapers was this:—"All the circumstances go to prove a reckless disregard of truth on the part of Mr. Christie, which is not characteristic of a gentleman, and certainly not commendable in a representative of the British nation." As a friend of Mr. Christie, I wish to give a most emphatic denial to that character of him which is given by General Webb, and I am very sorry that the hon. Member for Lincoln, so far from having taken the opportunity offered him of a disavowal, has adopted words which he did not himself actually use at the time. If he had used those words, there were friends of Mr. Christie in the House who would have been glad at once to give their impression of his character. After what the noble Lord has said, it is unnecessary to say anything more in Mr. Christie's defence. It must be obvious that the representative of the English Government may often have occasion to thwart the views of the merchants. Mr. Christie may have done that, but his conduct, I believe, has not only been able, but it has been such as to deserve the high approbation which the noble Lord has passed on it.

MR. COBDEN: Sir, it is not my intention to enter into the personal question which has been raised, still less to make any observations reflecting on the character of an hon. Gentleman once a Member of this House, and with whom I have the pleasure of a personal acquaintance. I wish simply to make one remark on what has fallen from the noble Lord at the head of the Government. When this Brazilian question was discussed before, I spoke in the debate, and I mentioned that I had heard on good authority that the merchants in Brazil were opposed to the proceedings of Her Majesty's Government. Since then a document has been published purporting to be signed by a number of British merchants, now admitted to be a minority, and an attempt has been made to show that this document was an approval of the conduct of Her Majesty's Government. I read that paper over with the most minute attention, and I am sorry I have not got it with me, but I had not the least idea that this discussion would have arisen. In it those merchants carefully abstain—they state that they abstain from offering any opinion upon the origin of the dispute between Her Majesty's Government and the Brazilian empire, and they go on to say, that as they are anxious that the national feeling in Brazil should not be needlessly offended, they are gratified that Mr. Christie so far departed from the instructions which he had received from his Government as to make a proposal more conciliatory to the Brazilian Government than the terms which he had been instructed to offer, and by this means avoided what would otherwise have been a great affront to the national sentiment, and secured a mode of settlement. How this can be construed into an endorsement and approval of the conduct of the Government I cannot see. It certainly offers a tribute of approbation to Mr. Christie, but it is at the expense of the Foreign Office; for it compliments him on having departed from the instructions which he had received. I have the meaning of the document so clearly in my mind that I cannot be mistaken, and I very much regret that I did not bring it down with me. It is totally impossible to build on it anything like a justification for the course the Government pursued in what I must call this most unhappy affair.

SIR FRANCIS GOLDSMID said, that as a Friend of Mr. Christie, he felt desirous of adding his testimony in defence of his character from the unjust imputation thrown on it, and which could only have originated in some strange mistake.

MR. LAYARD: Sir, when this question was before the House on a former occasion, Mr. Christie felt somewhat hurt that I took no notice of the words which fell from the hon. Member opposite. The fact is, as those who were in the House at the time are aware, the hon. Member for Lincoln spoke so low that it was with great difficulty he was heard in any part of the House. I did catch the name of General Webb, and presumed that he was alluding to the letter. But that was a document of so improper a description that I did not think it worthy of the character of Mr. Christie or of this House to refer to it. I only wish further to add that the statement made by the noble Lord opposite, that Mr. Christie has quarrelled with every foreign Minister at Rio, is totally unfounded. [Lord ROBERT CECIL: With most of them.] At the time of his last visit here Mr. Christie had had a difference with two of the Ministers, but it was arranged; and at the time of his return there he was on the best terms with all his colleagues, who have borne their testimony to his high character and to the manner in which he conducted himself in a most trying crisis.

MR. DISRAELI: Sir, I wish to point out to the House the great inconvenience to public business which arises from irregular and personal discussions of this character. If we are to have Motions of adjournment on every occasion like the present, I do not see how the public business of the country is to be carried forward. At the same time, I perfectly feel that my hon. Friend the Member for Lincoln must be exonerated in the present instance, from the nature of the subject. I imagine that the great inconvenience we have experienced on the present occasion arises from the hon. Member for Pontefract having put into the shape of an ordinary question a matter of importance from its personal character, and which ought to have been brought forward in a much more formal manner. The question, too, is one of which some notice ought to have been given. We have got now into another Brazilian debate; nor, unless the sense of the House is very strongly expressed as to these desultory discussions, do I see how this present question is to end. The speech which the noble Lord has made is really rife with elements for future discussion, future vindication, and future explanation. In the course of his observations the noble Lord attacked, first, the Brazilian Government, then the Brazilian nation and their state of civilization; then he attacked the American Minister at Rio; and finally, he attacked the British merchants in Brazil. I have no doubt all these various interests have friends and acquaintances in the House of Commons who will take the very first day in their power—perhaps when we are going into an important debate—to insist on vindicating their character, and calling for some explanation from the noble Lord. I have no doubt that even General Webb has some friends here who may take up his cause, and then we shall have the noble Lord indulging again in these instructive and inspiriting attacks on foreign countries and foreign Ministers, which, though they may be very amusing, certainly do not tend to a conciliatory course of diplomacy. Though no positive rule can be laid down, I trust there will be an expression of feeling on both sides of the House, that when a question of this nature has to be brought forward, it shall be done in a formal and regular manner, and not in the shape of a question and a declaration arranged beforehand to be made by the Minister, which must lead to great discussion and frequent appeals for explanation.

Question put, and *negatived.*

PRISON MINISTERS BILL—[Bill 24.]

COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Sir George Grey.*)

Mr. R. LONG, who was imperfectly heard, was understood to say that he rose, pursuant to notice, to move that "the House will, upon this day six months, resolve itself into the said Committee." It was hardly necessary for him to assure the House that he felt the greatest reluctance in addressing them on that occasion—a reluctance proceeding from an apprehension of his motives being misunderstood or misconstrued. He hoped that in any observations he should find it necessary to make he should avoid everything that could in the slightest degree give offence or occasion pain to the members of the Roman Catholic persuasion, or of any other religious denomination, either inside or outside of that House. He was only induced to take the course he proposed to take from a sense of duty which impelled him to resist to the utmost of his power the further progress of the measure. He contended that the Bill openly attacked those principles which had ever been jealously and strongly held, not only by the great majority of that House, but by the great mass of the population of this kingdom. In proof of that fact, he need only point to the 500 Petitions, which without any organized attempt to obtain an expression of public opinion, were presented to the House in the course of the last week, and which had been signed by upwards of 50,000 persons. Amongst those Petitions was one from the Corporation of the City of London, another from the City of Edinburgh, and another from the Wesleyan body, signed on their behalf by the president. Now, he thought that it was impossible to deny the importance of the Petitions emanating from such respectable corporations and religious bodies. He wished, in the next place, to refer to the arguments by which the measure was supported. He would first ask what really was the grievance which the measure was intended to correct. The grievance as regarded Roman Catholic prisoners, as he understood it, was thus illustrated by the right hon. Gentleman the Secretary for the Home Department. What, said he, would be thought by the members of the Church of England, if they happened to be living in a Catholic country and that some of their unfortunate brethren had been put into gaol, if the Government of that country refused to appoint a Protestant chaplain to visit their prisoners? But he (Mr. Long) denied that the Roman Catholic prisoners suffered such a grievance. It was true that the State did not appoint a Catholic chaplain and pay for such a functionary to visit Roman Catholic prisoners in gaol, but that was a necessary consequence of the constitution under which they lived. He did not wish to touch the question whether the doctrines of the Church of England were right or wrong, but so long as they bound themselves to the principles of a State Church, and recognised that Church as the great exponent and teacher of morality, he did not see how any remedy could be applied to the supposed grievance complained of. If they followed out the principle of the Bill, it seemed to him that the remedy proposed for the relief of Roman Catholic prisoners was equally applicable to all cases where prisoners other than those of the Church of England were concerned. The members of every religious sect had an equal right to a chaplain of their own particular persuasion appointed and paid by the State. According to the language of the measure such a principle would be correct and logical, but to what extent would such a principle lead them? It was certainly compatible with the principle observed in France, where the Government paid and endowed the ministers of all religious persuasions. But that principle he hardly thought would be acceptable to the Government or people of this country. Let them see how such a principle would work. In Wales there were large bodies of Dissenters. The greatest portion of the population belonged to other religious denominations than that of the Church of England. Was, then, the Government prepared to appoint and pay, in addition to the ministers of the Established Church, the chaplains belonging to the various religious sects to be found amongst the population of Wales? Were they prepared, for example, to pay the ministers of the Socinian and the Mormon sects, and those that preached every other doctrine however absurd, if they found any members of those bodies in any of the prisons? Why, such a principle was utterly abhorrent to that of the constitution under which they lived.

But there was another alleged grievance. It was alleged that it was the duty of the chaplains of the Established Church to select and distribute amongst the prisoners of the gaols such books only as they thought fit. He ventured to deny that assertion. That was not the law. The power of distributing books amongst the prisoners did not lie with the Protestant chaplains, but with the visiting justices. And he would prove that statement by reading a brief extract from a letter of the Rev. G. Maclear, chaplain of the county prison in Bedford, addressed to the editor of *The Record* on the 28th of April. The rev. gentleman wrote thus—

> "In the late debate on the Romish Chaplains in Prisons Bill Sir George Grey seems to have fallen into a very great mistake. He is reported to have said, 'To him [the chaplain] is committed the responsibility, or right, or duty, whatever it may be called, of prescribing the lessons which are to be taught, and the books which are to be read, by the prisoners for their moral and religious instruction. Roman Catholic prisoners equally with Protestants, subject only to one modification, are committed to the care of the Protestant chaplain.' This is altogether a mistake; the law on the subject is as follows:—'He [the chaplain] shall superintend the distribution of books to be read by the prisoners belonging to the Established Church, and inspect all books proposed for the use of prisoners of the Established Church, and reject such as he may deem improper.' Surely these rules and regulations must have escaped the recollection of Sir George Grey when he made the statement above alluded to."

He (Mr. Long) could not allow that the Roman Catholic prisoners suffered any grievance so long as the law permitted them to see any of their chaplains when they expressed a desire to see them. Where, then, was the grievance? If it were a grievance that those Roman Catholics who had committed mal-practices, and were suffering the penalty of their crimes in prison, were to be left without the visits of a chaplain forced upon them and paid by the state, surely those of the same persuasion who had committed no such wrongs to society, but who were struggling hard for a bare subsistence outside the prison walls, had a much greater grievance to complain of. If the Legislature adopted the principle involved in the Bill, he did not know where they could stop. He would mention a single fact, to show the position taken up by Roman Catholic chaplains in Ireland, and he wished to ask the right hon. Baronet the Home Secretary whether it was not true. In Ireland, Roman Catholic chaplains to the gaols and workhouses were appointed and paid by the State. In 1860, the Rev. Mr. Fox, a Roman Catholic priest, appointed to the South Dublin Workhouse, was dismissed by the Poor Law Commissioners for what they considered very strong reasons. Archbishop Cullen, however, refused to transfer his spiritual authority to another, thus declining to defer to the opinion of the Commissioners; and the upshot of the whole proceeding was, that Mr. Fox had been re-appointed. If that were so, he should like to know how it was possible for the Government to contend that they possessed the necessary control over those whom they appointed as chaplains in Roman Catholic prisons. The Roman Catholic Archbishop, no doubt, in the course he had taken, was only acting up to the principle of his Church—never to recognise any right in the constituted authorities to interfere with the appointment of its ministers. And that was one great reason why those with whom he (Mr.

Long) acted felt strongly upon the proposed measure.

Again, had the Government well considered the effect of the Bill upon the ratepayers? It was impossible for them to concede the point of giving the Roman Catholic prisoners paid chaplains, without going much further. They must give them separate rooms for the performance of their religious rites, and all the paraphernalia necessary for the celebration of mass, and the other ceremonies of their Church. They must also give them schools. Well, he asked whether the Government were prepared to throw all that additional expense upon the ratepayers? It was impossible, he might add, not to perceive, that in assenting to the Bill, the House would be dealing a heavy blow at the Church of these realms, in which the vast majority of the English people recognised the organ of order, morality, and reformation, and which Parliament would, as it were, be declaring to have failed in its mission if it were to agree to the proposed change. What were the facts upon which they founded this measure? Was there any case shown in which the chaplains of the Church of England had abused their position by attempting to proselytize members of the Roman Catholic Church? He denied that there was the slightest evidence of any such conduct on the part of a minister of the Church. But were there not, he would ask, a number of well-ascertained cases in which the influence of the Church of England had hitherto been used —not to proselytize within the prison walls, but to appeal to those principles which were found in all hearts, in order that the unhappy prisoner might go forth from confinement so instructed as to be prepared to occupy an improved position in society? Considering the mass of ignorant Irish people who come over to this country utterly uninstructed by the clergy of their own Church, he could never believe that by forcing upon them the visits of their own priests, when suffering the penalties of their crimes, they would change their character.

He would next meet the argument advanced from another corner of the House in favour of the Bill; and, in doing so, he was desirous of speaking with all deference of the opinions of that eminent man to whom he was alluding. They were told by the authority of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) that the privileges of the Church of England were based upon popular rights, and that those popular rights were the sources of her strength. The right hon. Gentleman, however, failed to inform the House how or in what shape those privileges or popular rights were assailed by refusing to allow the State to appoint a paid Romish priest to enter the prisons for the instruction and enlightenment of the Romish Catholic inmates who asked not for their ministration. The right hon. Gentleman, however, seemed by his language to make this charge against the Church of England. He (Mr. Long) heard the words of the right hon. Gentleman with great astonishment. It was a grave charge to make against the Church, and he expected that the right hon. Gentleman would have stated some facts in support of it. But there was no evidence whatever adduced by the right hon. Gentleman to sustain his allegation. He (Mr. Long) was not aware that the Church of England had ever claimed or exercised the right to deprive prisoners of the Roman Catholic persuasion of the consolations or instructions of their priests. A prisoner, whatever religious denomination he belonged to, had the fullest and fairest rights to obtain the spiritual consolations of his minister, should he so desire it. But when the right hon. Gentleman spoke of popular rights, which, he very truly said, were embodied in the Church of England, and were the sources of her strength, he (Mr. Long) would ask him, did he forget the character of some of those popular rights? The right hon. Gentleman doubtless considered that one of the most important of them was the right to meet in public vestry, and to propose measures for the management of matters connected with the Church? Popular rights! No, Sir, the Church could take her stand on a wider foundation, or she would not have been able to stand so well—could not have withstood the assaults of that creed from which she separated herself three centuries ago, nor the arguments of that new system of popular German theology—had she not a better basis to stand upon. The great principle of the Church of England was that every man had the inalienable right of opening the Bible. That was the principle upon which the Church of England took her stand. That was the principle of which they would deprive her, if they said that the Roman Catholic priest should alone have access to the Roman Catholic prisoner. It was that which they all believed to be the foundation of morality and true reformation of character. He would not trespass any longer upon the attention of the House. He hoped that they would pardon him for the warmth with which he addressed them. Before sitting down, however, he would appeal to those hon. Members opposite who professed nonconformist principles, and ask them how they could vote in favour of the Bill consistently with their notions of voluntaryism? He therefore counted on their support to his Motion, to defer the Committee on the Bill for six months. He would also entreat hon. Members on his own side of the House to consider whether a grievance of such a pressing and urgent character existed, that they were bound to support the Bill. If it were left to the Government and to the Roman Catholic Members, it would meet with such a fate as would prevent any more of these painful debates, which otherwise would recur annually. If the Bill passed, they would have similar demands made on behalf of workhouses. He therefore entreated his hon. Friends to hesitate before they re-affirmed, by going into Committee, the decision at which the House had some evenings before arrived.

SIR LAWRENCE PALK said, he rose to second the Amendment. He must decline to treat the question as a religious matter, because it was a sound principle that every prisoner should have the best ecclesiastical advice and assistance it was possible to confer upon him. He was, however, totally opposed to the view of the measure taken by his right hon. Friend the Member for Buckinghamshire (Mr. Disraeli), because he could not see in it that great principle and progress of civil and religious freedom which his right hon. Friend had described as its characteristic. To him (Sir Lawrence Palk) the Bill seemed to be, on the face of it, a miserable compromise between contending opinions. It was called a "Prison Ministers Bill;" but did any hon. Member ever hear of a Roman Catholic priest calling himself a "minister." There was no Roman Catholic priest who would not consider himself affronted if styled a "minister." Again, if the Bill involved a great principle, why was it made permissive? And he would further ask, if it involved a principle, why was it to be confided to a body of men who were not elected by the people, and did not represent their opinions; who, in many instances, did not know them, and who were appointed chiefly on account of their consideration in towns, or because they owned large properties or estates? If the measure involved a great principle, the House of Commons ought to affirm the principle, and by it they ought to stand or fall, and let the country decide whether they were right or wrong. But the Bill was a miserable compromise, because it placed in the hands of the county magistrates in quarter sessions a power which hon. Members were afraid to use, and threw on the justices the odium of taxing the people for an object for which the House dare not tax them. Every hon. Member, whatever his religious opinions, deprecated constant and acrimonious disputes between Churchmen and Dissenters, and Protestants and Roman Catholics; and if in that House they were so disagreeable and distasteful as to deter hon. Gentlemen from entering on them, why were they to inflict these nuisances on the county magistracy? They might say it was a matter of trifling importance, but let them remember how much depended on the good feeling and friendliness which prevailed among them. There was no earthly reason, that he could discover, for importing so fruitful a source of ill-feeling and debate into the courts of quarter sessions. Had any court in the whole country asked for the power which the Bill proposed to give them? Again, did they suppose that the court of quarter sessions was the best court for determining a question of the kind? Year after year they were placing in the hands of county magistrates a power they never had in olden times, that of taxing the people without the people being represented, and that taxation had assumed such a magnitude that it was already attracting the attention of the country at large. In the county of Devon the county rates formerly amounted to about £15,320 a year. Seven years ago a lunatic asylum, the provision of which was compulsory, added £3,380. The total assessment, including the police rate, now amounted to £28,641; and of that £4,986 was on account of the lunatic asylum. In addition, they were going to give the magistrates the power of appointing chaplains totally irrespective of the wishes of the ratepayers, who were to be taxed for the support of those "ministers," who ought to be termed priests. The principle of the Bill, if admitted, must be extended a great deal further than prison chaplains; they would have to appoint chaplains to schools, reformatories, and workhouses. Roman Catholic priests were generally highly educated and honourable men, and no difference could be made between their salaries and those of clergymen; and it therefore became a matter of importance how much it would be necessary to raise to pay the additional incomes. He regretted exceedingly that the matter had been submitted in the form of a compromise, because he should have liked to have seen a fair argument as to the means by which the endowment was to be provided. The plea was made that it was merely a permissive Bill, and that there were only a few counties in which it would be put into operation. In fact, they were legislating for about twelve prisons, in which there were an average of 145 Roman Catholic prisoners; but if the principle of appointing a Roman Catholic chaplain held good in regard to 145, could they refuse to apply it to a prison having only four or five Roman Catholic prisoners who might require the services of the priest still more than any of the 145?

The fifth clause of the Bill could hardly have been duly considered. It was to the effect that no prisoner should be compelled to attend any religious service held or performed by any chaplain, minister, or religious instructor, of a religious persuasion to which the prisoner did not belong. If there were a certain number of Roman Catholic prisoners, a priest was to be appointed; if there were not the number, no priest was to be appointed, and the rogues would have nothing to do but to say that they did not belong to the Church of England, and then they would be excused from attending chapel at all. They all knew that one of the greatest elements in the reformation of prisoners was the influence that was brought to bear upon them during their attendance upon Divine service, and yet this very means of influencing them for good would be placed in jeopardy. Inconsistent as the Bill was, the conduct of the right hon. Gentleman (the Home Secretary) was still more so; for at the very time he was pressing the Bill upon the House in the name of the Government, he had suspended a chaplain at Dartmoor prison, and declined to give the grounds on which he acted. He should be sorry to oppose the Bill on religious grounds, and he did not do so, because he did not think there was any religious principle in it; but he opposed it because it was a miserable compromise; because it would create ill-feeling, contentions, and disputes in courts of quarter sessions; and because it would increase the taxation of the country by those who were irresponsible. It was doubtful whether, in all matters of local taxation, appeals should not be made to the taxpayers themselves.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee,"

—instead thereof.

Mr. MORRITT said, that was the firs occasion on which he had had the honour to address the House, and therefore he begged the indulgence of hon. Members while he made a few remarks upon the Bill before them. No man was more attached to his own Church than himself. No one was a more thorough-going Protestant than himself; but it was because he saw no new principle in the Bill, nor anything whatever of which a Protestant need be afraid, that he gave it his support. He had listened attentively to the arguments on both sides, and with some of them he had been astonished. Certainly, some of the arguments which had been used in opposition appeared to him to bear rather in its favour. An hon. Member had said that there were a good many "wicked Irish" now locked up in our gaols, and, not being good enough themselves to send for ministers, it was said to be wrong that priests should be sent to them. That appeared to him to be just the reason why priests should be provided for such persons; and as for its undermining the Church of England, he had no such puerile fear. Another argument used against the Bill was, that if Roman Catholic priests were paid, Mormonite priests would also have to be provided for the gaols; but he could not agree to that. The matter would be under the control of the magistrates, and therefore it would be very unlikely that any Mormonite priests would be appointed. It seemed to be forgotten that the Roman Catholic soldiers had the services of paid priests in their hospitals and prisons; and having been himself, in early life, a soldier, he had never heard of any difference between the Protestant and Roman Catholic priests in any regiment. On the contrary, they had always harmonized and been very good friends. He thought the Government were exercising a wise discretion in allowing the magistrates to appoint a paid Roman Catholic priest to attend regularly to instruct those "wicked Irish" in the prisons, and thus enable them to leave this country better men than they entered it. If every Roman Catholic prisoner was left to send for his own priest, and there were forty or fifty such prisoners in a gaol, there might be a whole flock of priests walking about the prison. They were told that in one case a priest was sent to a Roman Catholic prisoner, and that was when he was under sentence of death, and consequently on the verge of eternity. But how could any man tell how near he was to the verge of eternity? Any Roman Catholic prisoner who was not good enough to send for a priest, might have a fit and die in his cell without any of those religious ministrations which were requisite. He did not think the Church of England would be injured by this Bill, but rather thought that by liberality and kindly dealing towards others she would strengthen her position. There was but one real objection to the Bill, and that was, that the Bill ought to have provided that the salaries of the proposed Roman Catholic chaplains should be paid, not by the ratepayers, but by the State. He hoped the House would allow the Bill to go into Committee, in order that the Chancellor of the Exchequer might have an opportunity of informing them that instead of requiring the ratepayers to pay the salaries, he would appropriate part of his surplus to that purpose. There might also be some difficulty in dealing with such a question as this, namely, the desirableness of appointing a Roman Catholic chaplain to a gaol in which there were scarcely any Roman Catholic prisoners. His opinion was that the priests might be paid in proportion to the number of Roman Catholics. If there were only three or four, the magistrates could say to the local priest, "If you choose to attend these persons, you may do so, and you shall be paid according to your work." However, that point, as well as some others, could be considered when the Bill passed, as he trusted it would, into Committee.

Mr. KENDALL said, it must be gratifying to a stanch Protestant like the hon. Gentleman to find that his remarks were received with such loud cheers from the Roman Catholic Members. For his own part, he held the Bill to be the mistake of the Session—a great mistake on the part of Her Majesty's Ministers, and a greater one on the part of those who, without considering its consequences, supported it merely because it was a Ministerial Bill. But the greatest mistake was on the part of those who, although leaders of the Conservative party, the supposed champions of the Church of England, were giving their countenance and support to a Bill in every way hostile to the Protestant religion, and that, too, at a time when the most perfect Roman Catholic organization existed in that House to support that thoroughly Roman Catholic measure. The feeling outside was very strong against the Bill; but the astonishment that it should receive support from the Opposition bench was stronger; nay, more, those without, in their excitement, perhaps their ignorance, did not hesitate to say that there was a bid from both sides for Roman Catholic help in the coming hour of need. Far be it from him to say such was the case; but he would say that it was so like it that those who were without the House might be forgiven for the suspicion, if not for the assertion. The Bill was a dangerous Bill. It was not a simple Bill of toleration or for the supply of spiritual wants. In that case he would be most liberal, however illiberal the Roman Catholic was to him; but the Bill was one of encouragement to the Roman Catholic religion, and one of oppression as regarded the Protestant religion. A case had come to his knowledge of a gaol where there were sixteen Roman Catholic prisoners. Nine sent for the Roman Catholic priest. The other seven were asked by a visiting magistrate if they would have the priest or continue under the care of the Protestant chaplain. The answer of the seven was, with impatience, "No, no; we don't want the Roman Catholic priest. The Protestant chaplain is very kind to us, and we are content with his visits." It was open to these men to take their choice, and they chose the Protestant chaplain. Now, by the Bill there would be no free action. They would be compelled to see the Roman Catholic priest, and would be debarred from seeing the Protestant chaplain. There would consequently be encouragement, facility—nay, compulsion in favour of Roman Catholicism, but discouragement and direct hostility to the Protestant faith. So much for encouragement within prison walls. Now, for encouragement without. The stipend for work within the prison walls would be a nucleus for pay for work without. If the priest received help from the public funds, he would acquire a status which, if it had not been for the Bill, he never would have obtained. He had never given a factious vote in this House, but he would avail himself of any opportunity which presented itself for opposing the Bill, and he did not know anybody with whom he would not go into the lobby. He had never given a more hearty vote than that which he hoped to record against that most obnoxious Bill.

Mr. GRANT DUFF: Sir, as a majority of Scotch Members voted against this Bill upon the second reading, I wish to explain, in a very few words, why I have given, and shall give, my vote without the slightest hesitation in favour of it. I lay but little stress upon the fact, that it has been proved that there are the most abundant guarantees for things remaining after the Bill has passed in much the same position as they are at present. I vote for it not because it is, but although it is, only a scanty instalment of justice to the Roman Catholics, and to the other non-established sects of this country. The ground on which I shall place my vote is a higher, and, as I venture to think, a much more really Protestant one. I hold, Sir, that the State is a community existing for temporal objects, and that it has no right to show more favour, or to give more facilities to one body of religionists than it does to another. Either establish all, or establish none; either pay all or pay none; that is the true principle. Of course, I do not advocate the logical carrying out of this principle in all our arrangements, because in this world one must be guided, to a great extent, by what is possible and expedient. One must submit to the influences of time and place. I hate that theory which, as has been said of theory in France, is born all-armed, and which does not care how much confusion it produces, if only it makes one step towards its own realization in practice. In all minor questions, however, where you can try to carry out a true principle, without doing more harm than good, I think you should try to carry it out, and this seems to me just one of those minor questions. What seems to me the true doctrine upon this subject was never better put than it was in a less tolerant day than ours by a great King, who said, "In my dominions there is no one heterodox who obeys the laws." The name of that great King ought to have some influence with Protestants, seeing that when Protestantism wanted help he gave it help. The hon. Member for North Warwickshire, himself the hero of a hundred Protestant fights, will hardly claim to be a better Protestant than Gustavus Adolphus. Sir, the Protestant Churches have no chance against Rome, unless they once and for all break with Roman principles. If they inscribe "absolute toleration" and "unlimited freedom" upon their banners, they will succeed; if they do not, they will never get much beyond their present position. Torquemado, Sir, knew his business better than many Gentlemen in this House, who would be very much insulted if they were not called thorough-going Protestants, seem to know theirs. Let them show themselves as thoroughly friendly to freedom of thought as he showed himself hostile to it, and I do not think we shall hear much more about the machinations of Rome. Sir, there is one contingency from which I do see peril. If ever there comes a time when the rulers of the Church of England, forgetting that the corner-stone of Protestantism is the right of private judgment, shall attempt to put down opinion by authority; if ever, I say, they shall imagine that the descendants of those men who depised the thunders of the Vatican are to be dismayed by ignorant twaddle from Rochester, or forcible feebleness from Durham, then there will be great danger, not to the Protestantism of the country, for that, thank God, is impregnable, but, assuredly, to the Church of England as now by law established.

Sir JOHN PAKINGTON: Sir, I am unwilling a second time to give a silent vote on the principle of this Bill, but I think that principle lies in a small compass, and therefore much time need not be occupied in discussing it. I hold this Bill to be one upon which every man is bound to vote according to his sense of Christian duty, and I am quite willing to believe that it is only under a sense of Christian duty that this Amendment has been moved and seconded. I confess that it has been with some regret that I heard from the hon. Member for Cornwall (Mr. Kendall) the imputation that the Bill was supported in order to please and conciliate a certain class of hon. Members of this House. For myself, I entirely and distinctly repudiate that charge, but my sense of Christian duty forbids me to oppose this Bill. I am not aware that I have ever in this House given a vote in opposition to any measure which could tend to strengthen or to defend the Church of England, to which I belong. But I have the strongest conviction that by giving a vote against this Bill I should not be doing anything to the honour of the

Church of England. If there is one characteristic of our Church which more than another strengthens her hold upon the affections of the people, it is that toleration by which she is distinguished. I think this is just one of those cases in which we are called upon to act in a spirit of toleration, and it is upon this ground that I would extend to the class of persons who more than any other require spiritual instruction and assistance the benefit of such a Bill as this. I have heard no answer to the argument that it is especially the inmates of our prisons who most stand in need of spiritual assistance, and who are themselves the least likely to claim the benefit of that assistance. I think it was my right hon. Friend (Mr. Henley) who said in a former debate that his vote would be given upon the broad and simple principle of doing as he would be done by. Sir, I have heard no answer to that argument. Even my hon. Friend (Sir L. Palk), who has spoken so well in opposition to this Bill, must admit the force of this argument. For let us reverse the position of this country. Let us suppose that we were living in a Roman Catholic country, with a Roman Catholic established religion. Would my hon. Friend be content if, with a small minority of Protestant prisoners, the rule was that they should have no Protestant spiritual guidance or consolation unless they themselves individually demanded it? I believe that my hon. Friend would be the first to contend that they should have that assistance offered them. He says that this is a Bill of compromise. I do not so consider it. I see no compromise at all. It is a Bill of charitable concession. But then my hon. Friend objects to call this a permissive Bill. Now, I confess that I agree here in the general principle advocated by my hon. Friend. I am not fond of permissive legislation, and I think that this House, with a view to escape from difficulty, is rather too much inclined to adopt permissive legislation. But here is a case in which I think we are obliged to resort to permissive legislation, on account of the well-known fact that there are counties where the number of Catholics is so small that this provision need not be acted upon. There are others in which, to my mind, it is imperatively necessary, in common Christian charity, that it should be acted upon. I think therefore, under the circumstances, that there is no weight in the objection which at first I was disposed to entertain, hat this is a permissive Bill; I look on it as a charitable concession, and on this ground I shall give the Bill my support.

LORD HENRY LENNOX said, that having been challenged by the hon. Gentleman who moved the rejection of the Bill, and representing, as he did, a constituency in which the Church of England was especially favoured and almost predominant, he wished to state the reasons which had induced him to give the Bill his cordial and unhesitating support. He did not intend to follow hon. Gentlemen around him through the eloquent generalities in which they had indulged that day. Nevertheless, he was desirous of stating shortly the reasons which guided him in the vote he was about to give. He had examined the state of the existing law, and found that there was a practical grievance under which Roman Catholic prisoners in this country were suffering. It was, no doubt, perfectly true, as had been represented to the House, that Roman Catholic prisoners in the gaols were not forced to attend the Protestant worship; but, if they did not, what was the alternative? The Protestant worship in the gaols occupied ten or twelve hours a week, and these hours were admitted to be a great mitigation of solitary confinement. There were conscientious Roman Catholic prisoners, not yet so deeply steeped in sin as to have forgotten entirely the lessons of their early youth. If a prisoner of that class resolved to adhere to his early teaching, he was forced to inflict upon himself twelve hours of additional solitude in each week. An argument had been used against the Bill which, to his mind, was perfectly conclusive in its favour—namely, that of the hundreds of prisoners who on their entry into some of the prisons had avowed themselves Catholics very few objected to attend the Protestant worship. It was generally admitted that the days of marvellous conversions had passed away; and he did not think, therefore, that the fact to which he had just referred was to be accounted for by any sudden admiration on the part of those prisoners for the Protestant worship. He believed it would be more correct to account for it by concluding that they shrank from imposing on themselves twelve hours' solitary confinement. Hon. Gentlemen who opposed the Bill were constantly saying that Roman Catholic prisoners could have their priest if they called for him. He would appeal to his hon. Friends who represented rural districts, and ask them what would be the state of a parish in any of those districts—and it must be remembered that the population of a rural family was composed of comparatively innocent people—if the rector was never allowed to cross the threshold of any cottage except when the occupier had thought fit to send for him. He believed, that if such were the case, the ginshop would be better attended than the church. Again, it was said, that if the Bill passed, the thin end of the wedge would be introduced. Such an argument as that might have been applicable in 1829, when the Catholic Relief Bill was introduced; it might have been applicable at various stages in that path of toleration which this country had happily for so many years been pursuing; but when they had arrived, as they almost had, at the end of that course which had added such lustre to the history of England, he hoped the House of Commons would not pause, but would assist in wiping away this, one of the last stains of intolerance and bigotry.

Mr. WHALLEY, who spoke amidst much interruption, said, he should support the Amendment. The grievances which the Bill was proposed to redress were purely imaginary. At all events, beyond the speeches of the supporters of the measure, there was no evidence of any grievance, no reliable data in the shape of a report from any governor or chaplain of a gaol, or any other authentic document whatever. Nor had there been any answer given, or attempted, to the objection of the hon. Member for Devonshire, that in the measure the Government were introducing a new principle of taxation, by giving to the magistrates, who did not represent the taxpayers, the power of imposing a rate upon those taxpayers for the purposes of the Bill. There would be, in short, taxation without representation, a principle of legislation that ought not to be sanctioned. Then, again, the Returns on the table showed that scarcely 5 per cent of the Roman Catholic prisoners had desired to see a priest, whereas he would now be forced upon them, and they would be prevented from seeing a Protestant clergyman. Moreover, the managers of the Perth prison stated in effect, in their report to the Home Secretary, that the proposal he had made would not be favourable to prison discipline; and that, apart from the religious question, the prisoners derived a secular advantage from the visits of scripture readers, of which it was not desirable to deprive them.

Lord ADOLPHUS VANE TEMPEST said, he did not dispute the passing of the measure on religious and sectarian grounds. His feelings were in favour of complete toleration and Christian feeling towards all denominations; but he did not think the Bill would afford the redress which was assumed, or relieve the grievances alleged to exist. Petitions had been received against it from the justices of the following counties and places:—Suffolk, Norfolk, Hull, Swansea, Lancaster, Sussex, Surrey, Bury St. Edmunds, Devon, Southwell, Northumberland, Derby, Durham, Somerset, Nottingham, Dorset, Leicester, Warwick, Lancashire, Leeds, Lincoln, Stamford. Yet the magistrates were the parties at whose discretion it was to be carried out. The conclusion, therefore, to which he came was that the Bill would be a dead letter; so that, instead of being an act of Christian toleration, it was a mere farce and piece of clap-trap—an indication of the political storm which might shortly be expected in the political horizon. If it was desirable that these prisoners should have a minister of their own faith, let those ministers be appointed, and the money be voted by that House. That, he thought, was a fair principle, which he was not at all prepared to dispute. It was because he believed that the measure would be productive of strife that he felt bound to vote against the second reading; but in pursuing that course he was anxious to disconnect himself from any imputation of being actuated by sectarian feeling.

Major HAMILTON said, that as a Scotch Member, he wished to remind the House that at the county meetings recently held in Scotland the measure had met with unanimous disapproval. He had further to observe, that as he read the third clause of the Bill, a clergyman of any denomination might be called in at the express wish of the prisoners. If that were so, the members of any sect might have their peculiar services performed at the expense of the county. In Scotland there was a sect called the Jumpers, and under this clause respectable people going to church some Sunday morning might be treated to the spectacle of the national dance of Scotland performed before the gaol; or if it were in Wales, were Mormonism was said to be on the increase, they might be met by a file of Mormon ladies proceeding to worship in the gaol in their peculiar costume. In fact, under that clause, it was quite on the cards that a party of thieves and blackguards might go into gaol for the express purpose of securing a sum of money to one of their own "pals." Under these circumstances, he felt it his duty to vote against the Bill.

Sir GEORGE GREY said, that as he had on a former occasion fully stated the grounds on which he had been led to bring forward that measure, he felt that it would be unwarrantable on his part to trespass again at any length, in reference to that question, on the time of the House. There was one observation, however, made by the hon. Baronet the Member for Devonshire (Sir L. Palk) which he did not wish to let pass unnoticed. The hon. Baronet had objected to the Bill on the ground that it was one of a permissive character. Now, he (Sir G. Grey) still believed that it was desirable that such a permission should be embodied in the measure. But he wished to remind the hon. Baronet, that if he was anxious that the view which he took of the subject should be carried into effect, he had only to vote for going into Committee on the Bill, and afterwards to support in Committee the Amendment of which the hon. Member for Petersfield (Sir W. Jolliffe) had given notice, for making the action of the magistrates compulsory. He had not heard the greater part of the speech of the hon. Member for Chippenham (Mr. Long), but he thought the speech of the hon. Member for the North Riding was a sufficient answer to it. The principal objection to the Bill seemed to be the fear that it would give rise to dissensions among the magistracy, but he believed those fears would never be realized.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 172; Noes 141: Majority 31.

Main Question put, and *agreed to*.

AYES.

Acton, Sir J. D.
Adam, W. P.
Agar-Ellis, hn. L. G. F.
Andover, Viscount
Anson, hon. Major
Atherton, Sir W.
Ayrton, A. S.
Bailey, C.
Baines, E.
Baring, H. B.
Baring, rt. hn. Sir F. T.
Barnes, T.
Bazley, T.
Beamish, F. B.
Beaumont, S. A.
Beecroft, G. S.
Bellew, R. M.
Beresford, D. W. P.
Berkeley, hon. C. P. F.
Blake, J.
Blencowe, J. G.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Bowyer, Sir G.
Bramston, T. W.
Brown, J.
Browne, Lord J. T.
Bruce, H. A.
Buckley, General
Buller, J. W.
Butt, I.
Buxton, C.
Cardwell, rt. hon. E.
Castlerosse, Viscount
Cavendish, hon. W.
Cavendish, Lord G.
Clifford, C. C.
Cochrane, A. D. R. W. B.
Coke, hon. Colonel
Colebrooke, Sir T. E.
Corbally, M. E.
Cowper, rt. hon. W. F.
Cox, W.
Crawford, R. W.
Davey, R.
Denman, hon. G.
Dent, J. D.
Dering, Sir E. C.
Disraeli, rt. hon. B.
Douglas, Sir C.
Duff, M. E. G.
Duncombe, hon. W. E.
Dunne, Colonel
Elcho, Lord
Ellice, rt. hn. E. (Cov.)
Ennis, J.
Esmonde, J.
Evans, Sir De L.
Ewart, J. C.
Fergusson, Sir J.
Forster, C.
Foster, W. O.
Fortescue, hon. F. D.
Fortescue, C. S.
French, Colonel
Gavin, Major
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W.
Glyn, G. C.
Gower, hon. F. L.
Greene, J.
Greenwood, J.
Gregory, W. H.
Greville, Colonel F.
Grey, rt. hon. Sir G.
Hadfield, G.
Hamilton, Lord C.
Handley, J.
Hanmer, Sir J.
Hartington, Marq. of
Hartopp, E. B.
Hay, Sir J. C. D.
Headlam, rt. hon. T. E.
Henley, rt. hon. J. W.
Henley, Lord
Hennessy, J. P.
Herbert, rt. hon. H. A.
Hervey, Lord A.
Howard, hon. C. W. G.
Howard, Lord E.
Hutt, rt. hon. W.
Ingham, R.
Jervoise, Sir J. C.
Jolliffe, rt. hon. Sir W. G. H.
Kingscote, Colonel
Knight, F. W.
Layard, A. H.
Lawson, W.
Leader, N. P.
Leatham, E. A.
Legh, W. J.
Lennox, Lord G. G.
Lennox, Lord H. G.
Liddell, hon. H. G.
Locke, J.
Longfield, R.
Lowe, rt. hon. R.
Lygon, hon. F.
M'Cormick, W.
MacEvoy, E.
M'Mahon, P.
Maguire, J. F.
Manners, rt. hn. Lord J.
Martin, J.
Massey, W. N.
Miles, Sir W.
Moffatt, G.
Monsell, rt. hon. W.
Northcote, Sir S. H.
O'Conor Don, The
O'Donoghue, The
O'Ferrall, rt. hn. R. M.
O'Reilly, M. W.
Osborne, R. B.
Padmore, R.
Pakington, rt. hn. Sir J.
Palmer, Sir R.
Palmerston, Viscount
Peel, rt. hon. Sir R.
Peel, rt. hon. F.
Pilkington, J.
Pollard-Urquhart, W.
Portman, hon. W. H. B.
Potter, E.
Powell, J. J.
Price, R. G.
Proby, Lord
Puller, C. W. G.
Redmond, J. E.
Robartes, T. J. A.
Robertson, D.
Russell, A.
St. Aubyn, J.
Salomons, Mr. Ald.
Scholefield, W.
Scott, Lord H.
Seymour, A.
Sheridan, H. B.
Sidney, T.
Stacpoole, W.
Stanhope, Lord
Stanley, Lord
Stansfeld, J.
Stirling, W.
Stuart, Colonel
Sullivan, M.
Talbot, C. R. M.
Taylor, P. A.
Thompson, H. S.
Vandeleur, Colonel
Vane, Lord H.
Verney, Sir H.
Villiers, rt. hon. C. P.
Waldron, L.
Walter, J.
Watkins, Colonel L.
Western, S.
Westhead, J. P. B.
Williams, W.

Wood, rt. hon. Sir C.
Wood, W.
Wyvill, M.

TELLERS.
Mr. Brand
Colonel White

NOES.

Adderley, rt. hon. C. B.
Agnew, Sir A.
Arbuthnott, hon. Gen.
Archdall, Captain M.
Astell, J. H.
Aytoun, R. S.
Baillie, H. J.
Barttelot, Colonel
Baxter, W. E.
Beach, W. W. B.
Bentinck, G. W. P.
Beresford, rt. hon. W.
Bernard, hon. Colonel
Black, A.
Blackburn, P.
Botfield, B.
Bovill, W.
Bridges, Sir B. W.
Brooks, R.
Bruce, Major C.
Burrell, Sir P.
Butler, C. S.
Cairns, Sir H. M'C.
Cartwright, Colonel
Clifford, Colonel
Cobbett, J. M.
Cobbold, J. C.
Cole, hon. H.
Cole, hon. J. L.
Craufurd, E. H. J.
Curzon, Viscount
Davie, Sir H. R. F.
Du Cane, C.
Duke, Sir J.
Dundas, F.
East, Sir J. B.
Edwards, Colonel
Egerton, Sir P. G.
Egerton, E. C.
Ellice, E. (St. Ands.)
Ewart, W.
Ewing, H. E. Crum-
Farquhar, Sir M.
Filmer, Sir E.
Finlay, A. S.
Foljambe, F. J. S.
Gard, R. S.
Gordon, C. W.
Gore, J. R. O.
Gower, G. W. G. L.
Greenall, G.
Grey de Wilton, Visct.
Grogan, Sir E.
Haliburton, T. C.
Hamilton, Major
Hardy, G.
Hardy, J.
Heygate, Sir F. W.
Horsfall, T. B.
Humberston, P. S.
Ingestre, Viscount
Jermyn, Earl
Johnstone, J. J. H.
Jones, D.
Kendall, N.
Kerrison, Sir E. C.
King, J. K.
Kinnaird, hon. A. F.
Knatchbull, W. F.
Knightley, R.
Langton, W. G.
Langton, W. H. G.
Lefroy, A.
Leighton, Sir B.
Leslie, W.
Lovaine, Lord
Lysley, W. J.
Macaulay, K.
Mackie, J.
Malins, R.
Manners, Lord G. J.
Martin, P. W.
Matheson, A.
Matheson, Sir J.
Miller, W.
Mills, J. R.
Montgomery, Sir G.
Morgan, O.
Morris, D.
Mowbray, rt. hon. J. R.
Mundy, W.
Mure, D.
Newdegate, C. N.
North, Colonel
Onslow, G.
Packe, C. W.
Packe, Colonel
Papillon, P. O.
Parker, Major W.
Paull, H.
Pevensey, Viscount
Phillips, G. L.
Pigott, Serjeant
Powell, F. S.
Ridley, Sir M. W.
Scott, Sir W. W.
Scourfield, J. H.
Selwyn, C. J.
Seymer, H. K.
Seymour, W. D.
Shelley, Sir J. V.
Shirley, E. P.
Smith, Augustus
Smith, Abel
Somes, J.
Spooner, R.
Stanhope, J. B.
Stewart, Sir M. R. S.
Sturt, H. G.
Sturt, Lieut. Col. N.
Sykes, Colonel W. H.
Tempest, Lord A. V.
Tollemache, J.
Traill, G.
Trevor, Lord A. E. H.
Turner, J. A.
Vance, J.
Vansittart, W.
Verner, Sir W.
Walpole, rt. hon. S. H.
Warner, E.
Watlington, J. W. P.
Way, A. E.
Welby, W. E.
Wemyss, J. H. E.
Whalley, G. H.
White, J.
Woodd, B. T.
Wyld, J.
Wyndham, hon. P.
Yorke, hon. E. T.

TELLERS.
Mr. R. Long
Sir L. Palk

Bill *considered* in Committee.

(In the Committee.)

Clause 1 *agreed to.*

Clause 2 (Application of Act).

MR. MURE said, he rose to move an Amendment in the clause to the effect that the Bill should not extend to Scotland. He believed that in making that proposal he was not violating the great rule that we should do unto others as we would wish that we should be done unto. The decisive argument, on which it was proposed that the Bill should be introduced into England was, that under what was known as the "special request" clause prisoners frequently abstained from asking for the services of ministers of their own persuasion, and that Roman Catholic and other clergymen were thus excluded from prisons in many cases in which their attendance would be desirable and beneficial. But that argument would not apply to Scotland, because there was in that country no such rule as the special request clause. Rule 98, sanctioned by the Secretary of State in 1854, under the powers of an Act of Parliament, provided that a prisoner who was not a member of the Established Church might be visited by the minister of his own persuasion, under such restrictions as might be imposed by the County Board to guard against the introduction of improper persons and to prevent improper communications. He had ascertained what in practice was the operation of the rule. In Dundee full permission was given to any clergyman to visit prisoners belonging to his own denomination, whether requested to do so or not. In Glasgow any clergyman applying to see prisoners of his own denomination was permitted to visit them without being specially sent for; but if any prisoner professed a wish to be under the ministration of the gaol chaplain, he was allowed to exercise his own option in that respect. All that could be expected by persons differing in opinion from the Established Church was already given, and he had never heard of the slightest complaint. He believed that the rule was not acted upon very extensively, but that was not the fault of the rule, or of the ministers being ignorant of who were in prison, because a register was kept similar to the one proposed by this Bill. The working of the Bill in Scotland would, he thought, be found to be most prejudicial, inasmuch as it would introduce the religious element into the County Boards in Scotland, with whom it would lie to grant admission to the local prisons to clergymen of the Roman Catholic faith. Great heart-burnings and much agitation in the event of their refusing such admission would be the result, and he was therefore desirous to see Scotland excluded from the operation of the Bill.

Amendment proposed,

In page 1, line 14, to leave out the words "and in Scotland to all local Prisons, as defined by 'The Prisons (Scotland) Administration Act, 1860.'"

Sir GEORGE GREY said, he would admit that the hon. and learned Gentleman was correct that the rule which prevailed in Scotland was different from that in England; but if he would refer to the 23 & 24 *Vict.*, c. 103, sec. 15, he would find that it contained a provision to the effect that County Boards in Scotland should have the superintendence of the local prisons in their counties, and should have power to appoint the chaplains, provided always the chaplains so appointed should be ministers or licentiates of the Church of Scotland. That being so, it was clear that the omission of the word "Scotland" from the Bill would entirely defeat its object, and would preclude the local Boards from granting a remuneration to any other chaplains except those who were members of that Church. There were, he might add, according to a Return which had been presented to the House, 173 Roman Catholic prisoners in Glasgow gaol, and it appeared that only three out of the number had received the ministrations of a clergyman belonging to their own faith. It was clear, therefore, that legislation on the subject was required, while, he might observe, the legislation proposed would not be introducing the religious element into the local boards for the first time, inasmuch as the appointment of lay teachers who were not members of the Established Church of the country had formed the subject of discussion at those Boards, such teachers having been, in more than one instance, appointed.

Mr. NEWDEGATE said, it would be no doubt much against the feeling of the Scotch people if the Bill were forced upon them. But unless there was some union among Protestants, they would infallibly see the object of Cardinal Wiseman accomplished, that of having the Church of Rome established in this country; and he thought the hon. Member for the King's County (Mr. Hennessy) and the hon. Member for Dungarvan (Mr. Maguire) might congratulate themselves that from year to year the designs of Cardinal Wiseman were advancing nearer to accomplishment, designs which had been openly and honestly avowed by their chief promoter. The question of a repeal of the union with Ireland had been advocated, and he did not say that there were not reasons which might justify it, but he never heard any sane man propose a repeal of the union with Scotland, and he was not going by his vote to give countenance to any such idea. Why were they to establish a different principle for the two countries? He respected the feelings of Scotland, he honoured her Established Church, and was ready to defend her interests whenever they were attacked, because he rejoiced in knowing that there was no real difference between her doctrines and those of the Church of England. It was on that ground that he could not support the Amendment. Conceal it as they might, great progress had been made towards the establishment of the Church of Rome in this country. If she received the concession under consideration, they would soon be called upon to appoint Roman Catholic chaplains to the navy, and to workhouses; and the next demand would be for their establishment in each parish, and for payment out of the rates, where there was a certain number of Roman Catholics in the parish. The right hon. Member for Oxfordshire (Mr. Henley) supported the Bill on the principle of doing as he would be done by; but that principle might be carried to an absurdity, for by the same argument they might do away with the Protestant character of the Constitution. In deference to the wishes of a Roman Catholic minority, they might cancel the security, that the throne should be held only by a Protestant sovereign. Such an argument might be carried to the length of positive absurdity; and as he did not see where the principle was to stop, he should vote against a separation of the Protestantism of Scotland from the Protestantism of England in this matter of prison establishment.

Mr. KINNAIRD said, that the practice in Scotland, with regard to the matter under consideration, was much more liberal than that which prevailed in England, while the feeling of that country was extremely strong against the measure. The priests were not wanted in the prisons there, even at Glasgow. He hoped the hon. Member would take the sense of the House on the Amendment, for it would be most unjust to Scotland to force the present Bill upon that country.

Lord CLAUD HAMILTON said, he intended to vote against the Amendment, for so many persons from the north of Ireland went to Glasgow as to make it necessary that religious provision should be made for such of them as might be so unfortunate as to get into prison. He felt convinced that many of the fears expressed would not be realized if the Bill passed. As far as proselytizing was concerned, he believed that the mere fact of delegating to a reverend gentleman a particular charge induced him, from a sense of moral propriety, to confine himself strictly to the duties of that charge. Speaking from an experience of twenty-seven years, and having seen the good effects in the poorhouses and lunatic asylums of the north of Ireland of appointing three chaplains, the Churchman, Presbyterian, and Roman Catholic, he thought the same system would work well when applied to prisoners in gaols. Did hon. Members, he would ask, consider the supplying of spiritual neans a privilege or a penalty? The principle of legislation was that all should be treated equally in the eye of the law. He thought the principle of the Bill should be extended to all parts of Her Majesty's dominions.

Lord ELCHO said, he had voted in favour of the Bill, believing that it effected a simple act of justice, and he certainly would not have supported it if he had thought, with the hon. Mover of the Amendment, that it dealt a heavy blow at the Protestant Church of Scotland. He could only understand opposition to the Bill proceeding from those who, with the hon. Member for Peterborough (Mr. Whalley) represented the blind bigotry and intolerance of an extreme party, and who believed that the Roman Catholic priests taught and inculcated everything that was wicked. On what possible grounds could priests be excluded from those who held the same religious faith with themselves, when clergymen of other denominations were admitted? He held it to be an act of duty to enable priests to have access to the Roman Catholic prisoners wherever there was a sufficient number of the latter. In Scotland, especially on the west coast, there was an enormous number of Roman Catholics, and it was a delusion to suppose that their number would not be still more increased if the Bill to amend the law relating to the removal of destitute poor should pass, for that Bill provided that six months' residence in England or Scotland would give the Irish poor a settlement. There was no reason why Scotland should be exempted from the operation of the Bill; for though the prison regulations in Scotland and England with regard to the admission of Roman Catholic clergymen were somewhat different, the practical working of the law was the same in both countries, and the priests really did not get access. There was undoubtedly a strong feeling in Scotland on the subject; but though he had great respect for the religious opinions of his countrymen, he nevertheless objected to anything like dictation to their representatives. Now, the Scotch Reformation Society had published an analysis of the division which took place upon the second reading of the Bill, and they divided the Scotch Members of that House into three categories—first, a black list of those who voted for the Bill; secondly, those who stayed away, of whom it was said that their absence on such a vital question ought to be held by the electors as equivalent to voting in favour of the Bill, unless some satisfactory explanation was given; and thirdly, those excellent gentlemen who voted against the Bill. But another paper accompanied that analysis, and in it some very strong language was used, to the effect that if the Bill passed, the Roman Catholic prisoners would be left to be taught in a manner contrary to the Word of God. And on the other side of that paper were certain resolutions passed by the Scotch Reformation Society. The first expressed regret at the second reading of the Bill. The second expressed regret that the leading persons in the State should have supported so obnoxious a measure. And the third—which almost amounted to a breach of the privileges of that House—called attention to the fact that "no Gentleman from Scotland rose to give utterance to the strong indignation felt against this new system of Popish endowment," and expressed a hope that "this unsatisfactory state of matters will engage the serious attention of the constituencies of Scotland when a new Parliament is to be elected." If that was not dictation to the Scotch Members as to the course they should pursue, he did not know what was; for if any hon. Gentleman from Scotland should act as he thought it his duty to do by his country and all classes of his countrymen, he was to be held up and denounced to his constituents. He regretted that he could not support the Amendment of his hon. Friend, because it would not be just to have one state of the law for one part of the kingdom and another for another.

Mr. BENTINCK said, he wished to state, in a few words, his reasons for voting in favour of the Amendment. He agreed with his hon. Friend (Mr. Newdegate) in thinking that the Bill was part of a scheme which had been at work for centuries for the establishment of a system for promulgating the doctrines of the Roman Catholic religion. He also thought it was a Bill that was made use of for party purposes and party cabal, and that the result of these cabals would be anything but agreeable to those who had engaged in them. But agreeing, as he did, strongly with his hon. Friend as to the mischievous effects of the Bill, he was at a loss to understand the state of confusion at which he had arrived on the subject. Agreeing with him that the Bill was bad and mischievous, he could not understand how his hon. Friend could justify himself in refusing to relieve one portion of the United Kingdom, at all events, from the operation of the measure. They were always anxious to uphold the Protestant institutions in the country. He did not think that the promoters of that Bill were very anxious upon that point. Nevertheless, many of those who professed those principles with the greatest energy were found voting for the measure, which was wholly inconsistent with such professions. All he would say was, that he would cordially vote in favour of the Amendment.

Sir EDWARD COLEBROOKE said, he could not concur in the exceptional legislation which the Amendment would involve. He had voted for the second reading of the Bill in the firm belief that the House was called upon to make some change in that part of the law which applied to the admission of ministers of religion to members of their own flock. Being of that opinion, he thought the rule should apply as well to the northern part of the kingdom as to England. If proper facilities were offered, and certain days set apart, he was convinced that a desire to receive the ministrations of the Roman Catholic chaplains would be manifested by the prisoners of that persuasion. With regard to the payment of these chaplains, he should prefer, if they were paid at all —of the necessity of which he had some doubts—that they should be paid by the State, and not by local bodies.

Colonel SYKES said, that he had always understood that it was the practice of a Government and of a free Parliament to legislate as far as possible in conformity with the wishes of the majority of the people. But, as far as Scotland was concerned, Her Majesty's Government, by passing the Bill, was about to legislate against the wishes of the majority of the people of that country, as well as, he believed, against the wishes of the majority of the people of England. He denied that there was any wrong or grievance existing in relation to the subject, inasmuch as the fullest access was given to the ministers of all religions to visit the prisoners, if the latter desired their visits. It was only on the previous day that he had heard that it was the practice of the minister of the Roman Catholic Church who was in the constant habit of visiting the inmates of the prison of Edinburgh, to baptize children in spite of the objections of the authorities of the prison, if he found that one of the parents was a Roman Catholic. Now, that was a wrong done by the priest which should not be allowed. His principal objection to the measure was, that it imposed a new religious endowment upon the country. He should vote in favour of the Amendment.

Mr. BLACK said, that although no one had more warmly opposed, on former occasions, any attempt at intimidation on the part of the society to which the noble Lord (Lord Elcho) had referred, than himself, he should upon principle vote against extending the operation of the Bill to Scotland. He was in favour of carrying religious toleration to the fullest extent; but men were put into prison for punishment. It was impossible, in the nature of things, to carry out toleration and freedom in a prison. He doubted whether much good was done either by Roman Catholic or Protestant ministers in gaols. The prisoners, he feared, came out very much what they were when they went in. They received more good from the visits of benevolent persons who sat and read with them, and in whom they had confidence, than from the ministrations either of Roman Catholic or Protestant clergymen. He feared they were about to cut off a great deal of benevolent visitation by the Bill. In Scotland the Prison Boards were not restricted in respect to teachers; they could send in a Roman Catholic as well as a Protestant if he were a good teacher. He asserted confidently that no Roman Catholic would ever be elected as a chaplain to a gaol in Scotland. Some obstreperous individual might take the opportunity of making a "flare-up," and plaguing his neighbours by proposing the appointment of a Roman Catholic chaplain, but he would know all the time that he could not succeed. He opposed the Bill, because he believed it would sow dissension in every Prison Board in Scotland.

Mr. STIRLING said, it would be unfortunate if the Bill should sow dissensions in the Prison Boards of Scotland; but religious dissensions could not always be avoided, nor was it desirable that they should never occur. It was surely fit and proper that the inmates of prisons should be supplied with religious instruction by those belonging to the same form of worship. Whether religious teaching was to be considered, as it had been put by the noble Lord the Member for Tyrone, as a penalty or punishment, if one portion of the prisoners had a right to it, so had the others. It had been stated by the right hon. Gentleman (Sir George Grey), that out of 173 Roman Catholics in Glasgow gaol only three had been visited by a priest of their own persuasion within a period of three months. If that were so, it was a very unfortunate circumstance. His hon. Friend the Member for Perth suggested that that circumstance showed great lukewarmness on the part of the priesthood in Glasgow; but he thought he had at other times heard a very different argument from his hon. Friend—namely, that the very fact of a religious instructor not being asked for was a proof that his services were all the more required. He regretted very much having to differ on this or any other question from his hon. and learned Friend (Mr. Mure); but he could not support his Amendment. He was quite aware that many in Scotland were opposed to the provisions of the Bill; but they had to consider in that House not only the wishes of the majority, but the claims of justice. He therefore thought that Roman Catholic prisoners had a right to be placed on an equal footing with others, and he should support the clause in its present shape.

Mr BAXTER said, he should vote for the Amendment, because in Scotland clergymen of all denominations had already freer access to the members of their own communion who were inmates of gaols than the Bill would give them. Not only clergymen, but all Christian readers and instructors, had at present perfect liberty to attend upon prisoners in Scotland, and he perfectly agreed with the hon. Member for Edinburgh that in many instances the labours of these lowly readers and instructors were much more acceptable than the labours of ordained clergymen. The Roman Catholic priest most zealously visited the Roman Catholic prisoners in the gaol of Dundee. He therefore objected to the alteration of the law in regard to Scotland, as it would prevent the visits of missionaries whose assiduities had often been found most useful. He was glad the noble Lord (Lord Elcho) had drawn attention to the extremely improper circular from the Scottish Reformation Society. In his humble opinion, that society was doing a great deal of harm to the cause of Protestantism, not only in Scotland, but in this country. That society seemed to be kept up for the special benefit of one particular clergyman, who, instead of attending to his own duties, went about lecturing on his favourite topic throughout the country. He should support the Amendment of the hon. and learned Member for Bute, but without being influenced in the slightest degree by any fear for the Protestant institutions of the country.

Mr. MAGUIRE said, he was rather surprised at the conclusion of the speech which he had just heard from the hon. Gentleman. He thought it calculated to play into the hands of those clerical agitators whose influence the hon. Member for Montrose had deprecated. He could not believe, that if this measure were applied to Scotland, no Catholic clergyman would be appointed in the large towns. The best results had arisen from the constant communication and influence of Roman Catholic clergymen upon prisoners, and he believed that public opinion would be too strong for bigotry. He could not agree with the hon. Member for Edinburgh that no good could result from religious teaching in prison. The influence of religion was powerful even on the most depraved. When good results had followed from the ministrations of Roman Catholic clergymen among Roman Catholic prisoners belonging to the army, he did not see why persons should object to similar clerical attendance upon the unfortunate inmates of gaols. There were 100,000 Roman Catholics in Glasgow alone. These were amongst the poorest of the population, and consequently most exposed to temptation, and a number of them would sometimes be found in the prisons. The question was whether these prisoners were to be improved or not? He was as anxious as any one could be for the advancement of the Church to which he belonged, but he denied all knowledge of a "gigantic conspiracy" to press the Roman Catholic system upon the people of England. Was this a free country or was it not? Had the Roman Catholics been emancipated or had they not? If they had been so emancipated, why should the State deny to the prisoners belonging to that denomination the same means of improvement and the same agencies for reformation which were accorded to professing members of all other religious bodies? Fears were entertained of proselytism by the Roman Catholic priests. He had no hesitation in saying, that if a Roman Catholic clergyman attempted to interfere with the religious belief of Protestants or Presbyterians in the institution of which he was a paid officer, he would vote for his expulsion from office. He thought those gentlemen, who for the most trifling causes were always declaiming about danger to Protestant institutions, showed very little confidence in the stability of their own religion, and did much towards shaking its foundations.

Mr. BUCHANAN said, his reason for supporting the present Bill was, that he regarded it as a complement to past legislation. The House had, on many occasions, affirmed the principle of supporting the College of Maynooth. They had also voted large sums for education, parts of which were notoriously applied in support of Roman Catholic schools. It would be an extraordinary thing if, while they were educating Roman Catholic youth and the Roman Catholic priesthood, they were now to grudge a pittance for the spiritual instruction of criminals undergoing sentence in gaols. He could not consent to the proposal that England should, in regard to this measure, be separated from Scotland. The western coast of Scotland swarmed with Irish Roman Catholics, who in some districts constituted one-fourth of the population. He protested against the view that this measure would introduce agitation into Scotland, or that it was not likely the prison boards would sanction the appointment of Catholic chaplains. The electors of the prison boards were for the most part men of property connected with the counties, and not at all likely to be influenced by public clamour.

Mr. CRUM-EWING said, he should support the Motion of the hon. Member for Buteshire, because he was opposed to all legislative endowments. He thought there must be some mistake in the statement that in Glasgow only three prisoners had been visited by Catholic priests, because he was well acquainted with the Bishop of Glasgow, and knew him to be most zealous in the discharge of the functions of his office.

Mr. MACKIE said, he should also vote for the Amendment. At the same time, he must deprecate the dictatorial tone towards Scotch Members which had been assumed by the Scottish Reformation Society.

Mr. NEWDEGATE said, he should, as he had already stated, vote against the Amendment, actuated by no unfriendly feeling towards Scotch Protestants, but simply because their only chance of retaining their present freedom was by making common cause with the Protestants of England against the principle of the Bill. The Scottish Reformation Society, which had been disparaged and calumniated that night, had only exercised an undoubted privilege in commenting on the conduct of Scotch Members. Was the House to proceed as though its acts did not concern the public? The noble Lord the Member for Haddingtonshire (Lord Elcho) seemed so sore about the comments that had been made upon his conduct and that of other Scotch Members, that he almost thought it necessary to claim the protection of the House, but really asked them to silence that society. Had there not been the Synod of Thurles, and was there not throughout Ireland interference with elections on the part of the Roman hierarchy and priesthood? Was the House about to declare that those who entertained opposite opinions should be silenced, or would they deal with equal justice to the adherents to two classes of religionists holding different opinions? They might say that that was a question of mere religious opinion; but the House was asked to vote money; and were those who objected to the endowment to be silenced, in the House and in the country, by those who were pursuing a course which was known to be adverse to the feelings of a great part of the population? The noble Lord had condemned an hon. Member who had spoken truly of certain distinctive features of the religion he objected to endow, but did the noble Lord understand what he was speaking about? Had he ever read the standard works of the Church of Rome? [Lord ELCHO: No.] The noble Lord rejoiced in his ignorance, and, happy in his ignorance, he was willing to vote money for the propagation of a religion of which he knew as little as he did of Bhuddism. The hon. Member did not believe that the doctrines he was about to enforce on prisoners were true. The Committee was asked not only to vote money for the teaching of these doctrines, but to compel the teaching of these doctrines, by excluding certain prisoners from all other teaching. If once a prisoner declared himself a Roman Catholic, he was to be placed at the mercy of some priest, whatever his remonstrances or objections. By the existing law a Roman Catholic could be attended by a priest if he liked, but there was no compulsion; and he knew that there were many who prayed that they might be spared the visits of the priest and the teaching of the doctrine which the Protestant Members of the House did not believe. But the House voted that they should not be spared these visits, and it voted more; it voted that the chaplain of the Established Church should not have access to these prisoners if once entered as Roman Catholics. They voted more than that. Believing as they did, that the Bible contained saving truth, they voted that these prisoners should not be allowed to see it. Did they call that civil and religious liberty? He knew that hon. Members did not like the purport of the Bill, and yet they voted for it. He respected the conscientious scruples of the people of Scotland, and he believed that their feeling against the measure was so strong, that if it were extended to Scotland, it would remain inoperative; but he refused to separate the legislation for England and Scotland upon this subject, and for that reason only should vote against the Amendment. He would not play into the hands of those who would enforce the teaching they did not believe by dividing the elements of resistance, and thus encouraging miscalled toleration, which was not toleration at all, but disguised tyranny. It was mealy-mouthed declamation to talk of liberty, when hon. Members were promoting intolerance by this departure from the principle of true liberty, which could only be maintained by continuing to support, and by giving free scope to the religion which the State had established, and which was founded upon the great principle of toleration.

MR. MURE said, that his position was that the existing law of Scotland so far differed from that of England as to render unnecessary the application of the provisions of this Bill to that country. So far was he from having acted under the dictation of the Scottish Reformation Society, as the noble Lord seemed to suppose—[Lord ELCHO: I never said so.]—that the only communication which he had received from that society was a civil letter, stating that his Amendment was an injudicious one, and asking him to withdraw it.

SIR GEORGE GREY said, that according to his view, the existing law of Scotland precluded the appointment of any Roman Catholic priest as chaplain to a gaol. A Return showed that at one time there were in Edinburgh gaol sixty-one members of the Established Church of Scotland, thirty members of the Free Church of Scotland, and fifty-seven Roman Catholics; there was an Established Church chaplain, who had a salary of £160 annually, and a Free Church missionary teacher, who had £65; but there was no provision for the Roman Catholics. In the Glasgow gaol, out of 173 prisoners, there were only three who made the "special request" for the attendance of a priest.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 96; Noes 55: Majority 41.

Clause *agreed to.*

Clause 3 (Additional Ministers in Prisons, and Regulation as to Admission of Minister).

MR. HUNT said, he had voted against the second reading of the Bill with considerable hesitation, and did so only because of the provision for payment of the ministers to be appointed under it. If that provision were struck out, he would gladly give his support to the Bill. He proposed, as an Amendment, to strike out the whole of the clause to the third paragraph, and to alter it so as to make it read to the effect that the justices, county board, or other persons having the appointment of chaplains in any prison might, if they thought fit, without special request of any prisoner, allow the minister of any church or persuasion to which any prisoners might belong to visit them at proper times. The clause thus amended would enable the magistrates to allow ministers to visit prisoners of their church without any special request from them. If he, a Protestant, were in a Roman Catholic prison, in a Roman Catholic country, he could not expect the people of that country to furnish him with, and pay for a minister of his own religion. There was no instance of any provision made in this country for the payment by law of ministers of another persuasion than the Established Church, except in the case of Roman Catholic chaplains for the army, who stood in a peculiar position, because Roman Catholic soldiers were often sent abroad, where ministers of their own persuasion could not possibly have any access to them.

Amendment proposed, in page 2, line 1, to leave out, at the beginning of the Clause, the words "Where the"

Sir GEORGE GREY said, the object of the Bill was to enable local authorities to make specific provision for the spiritual wants of Roman Catholic prisoners and those of other denominations; but the effect of the Amendment, if adopted, would be to assimilate the law of England with that of Scotland, and the House had just decided that the law of Scotland should be altered; it would also, in effect, prevent the magistrates from engaging the services of a Roman Catholic minister, however numerous might be the prisoners of that persuasion, and it would, indeed, be tantamount to a rejection of the Bill. The hon. Gentleman was not accurate in stating that there was no other provision, by law, for the payment of Roman Catholic priests except that made for the benefit of Roman Catholic soldiers serving abroad. The fact was, that provision was made for the payment of eighteen commissioned Roman Catholic chaplains, exclusive altogether of the provision for troops serving abroad; and besides this, the religious instruction of Roman Catholic military prisoners was duly cared for.

Mr. WHALLEY said, that no instance had been given of any injustice which, for want of the proposed power of payment, had been done under the law as it stood. He had no wish to deprive Roman Catholic prisoners of any religious consolation which they might desire; but while the Roman Catholic religion, of itself, was entitled to the same respect which he desired for his own, he could not forget that associated with it was a policy which in every age and in every country had been found inconsistent with social order and happiness, and with political independence. If the right hon. Gentleman (Sir Robert Peel) and the Government would grant him a Committee, he would undertake to show that the Riband societies of Ireland could only be explained by the fact that they were organized by the priesthood of Ireland; and the difference between the condition of the north and that of the south of Ireland could only be explained by the incessant activity in the south of the Irish priests. He was accused of being a blind bigot; and if it were bigotry to have a strong and unswerving attachment to the Constitution and the laws of this country, with which were bound up the welfare and the prosperity of the country, he willingly accepted the compliment. No results had followed the attempt of the Government to conciliate the Roman Catholic priests. There was no evidence of increased loyalty on their part. On the contrary, there was evidence that these priests, and the system which they represented, were an organized political conspiracy in this country—that they were associated, here and elsewhere, with political designs which were inconsistent with loyalty and with self-government. They had it on the authority of Sir George Grey, Governor of New Zealand, that wherever he went in that colony he found the Roman Catholic priests working in opposition to him; and there could be no doubt that in Canada also evidence would be found to show that England's difficulties were the priests' opportunities. He found that at a Roman Catholic festival at Brentford, Lord Petre in the chair, and Cardinal Wiseman on his right hand, the health of the Pope was the first toast, and that of the Cardinal the second. The health of the Queen was omitted, as was also the case at gatherings of Roman Catholic young men's societies in Liverpool and other places. At other Roman Catholic festivals "The Queen" was given, but only after the health of the Pope. At Kilrugh, Cork, and other places in Ireland, there were disloyal disturbances and outrages on the occasion of the marriage of the Prince of Wales. If it was the part of a bigot to denounce a political system that led to such practices, he was a bigot.

Sir ROBERT PEEL said, he must protest against the hon. Gentleman referring so often to him. He must also express his opinion that the hon. Gentleman ought not to make such a charge against the Roman Catholic priests in Ireland as that they were connected with the Riband societies, when every one who had taken the trouble to make the least inquiry on the subject must know that, so far from those associations being encouraged by them, there was no organization so strongly condemned by the Roman Catholic bishops and priests as that of Ribandism. So far from Riband societies being prevalent in the south, he regretted to say that on the very last occasion that one had been discovered, it was in the county of Donegal. He begged the hon. Gentleman, therefore, to be more accurate in his facts.

Mr. WHALLEY said, he congratulated himself on having succeeded in getting the right hon Baronet to speak on that subject. He had not been able to do so before. He distinctly charged the right hon. Baronet with knowing, or with failing in his duty if he did not know, that within the House of Commons were records sufficient to afford reasonable ground of belief that the Riband societies were not merely organized, superintended, presided over, and directed by the priests, but that those societies were a settled and deliberate court, established by the priests for the purpose of giving effect to the canon law of Rome in Ireland. Since the date of the Papal aggression the Riband societies had been more efficiently organized for the purpose which he had described. Evidence to that effect had been accumulated at an institution not many hundred yards from that House. ["Name."] The name of the institution was the National Club. If the Secretary for Ireland granted him a Committee, he would bring forward evidence to establish his charges.

Sir MINTO FARQUHAR said, he regretted the digression by which the Committee had been led away from the subject immediately before it, and almost drawn into a Maynooth debate. He had voted on two occasions against the Bill, not from any intolerance towards Roman Catholics, but because he thought the measure utterly unnecessary. A slight amendment in the wording of what was called "the special request clause" in an existing Act of Parliament was all that was really required to enable the Roman Catholic or Dissenting ministers to visit prisoners of their respective persuasions. The Government had not acted as they ought to have done on the question. It was essentially an Executive measure, and the Government should have undertaken the whole responsibility of appointing these ministers. In almost every instance in which the matter had been mooted before a bench of justices, the majority had determined to petition against the Bill. The measure as it stood would create dissensions at the meetings of magistrates, and therefore he would support the proposal of the hon. Member for Northampton.

Mr. PULLER said, he thought the third section of the third clause of the Bill objectionable, because it made that which ought to be the privilege of the prisoner the privilege of the minister to whose persuasion he belonged. The prisoner, if he desired to see a priest or minister of his own faith, ought to have the power of doing so; but it was quite a different thing to say that a priest or minister who was not a regularly appointed officer should have the right of forcing himself upon a prisoner. In those exceptional cases where there were a great number of Roman Catholic prisoners, and a minister of their persuasion devoted his time to their benefit, it was only reasonable that the authorities in whose hands the whole of these matters were placed by the Constitution should be empowered to pay him. It would be wholly inconsistent with the object of the Bill to leave out the first two sections of the third clause; but the measure would be materially improved by the omission of the third section of that clause.

Sir LAWRENCE PALK said, he objected to the measure because it was permissive and not compulsory. The power it gave ought to be vested in the Secretary of State, who would be amenable to public opinion for the manner in which he exercised it. A Minister of the Crown ought not to throw upon the Court of Quarter Sessions a duty and a responsibility which should properly devolve upon himself.

Mr. WALPOLE said, he had not, up to that time, made any observations on the measure under consideration. The subject involved the greatest difficulties, but after the best consideration that he could give to it he had come to the conclusion that the Bill would introduce greater evils than any it was intended to redress. While there was on the one hand great force in the argument that where Roman Catholic prisoners were very numerous in our gaols a Roman Catholic minister could not reasonably be expected to give up his time to their service without some remuneration, on the other hand there were a great many cases in which they might have, and would have, a proper attendance given to prisoners of that persuasion where they were much less numerous, just in the same way as they now had in regard to other Nonconformists. The right hon. Gentleman (Sir George Grey) had compared this case and the case of chaplains in the army. He thought, however, that there was no fair comparison between them. The ground for the payment of Roman Catholic chaplains in the army was this—that they had Roman Catholic soldiers, as well as Protestant soldiers, employed by the State, and they taxed the people of this country out of the public revenues for the purpose of giving those soldiers spiritual assistance, whatever their opinions might be. The same thing was done with regard to the chaplains of prisons in charge of the Government. But when they came to deal with county and borough gaols, instead of acting upon that principle, they introduced by the Bill an entirely new principle, and one most difficult to work. They were, in fact, transferring to every county in the kingdom that agitation which existed in that House. The working of the Bill no man could accurately foresee at that moment. What was to be the measure of relief given? What was to be the number of prisoners which required a Roman Catholic minister who shall be paid? What were the principles upon which the magistrates were to act? Were they to carry their private opinions and feelings into the question, they would have an agitation going on in every court of quarter session, and they would see one set of magistrates determining one thing, and another set of magistrates determining another. And were they to allow, or rather compel and require, the magistrates to tax the people of the county, whom they did not represent, for any such purpose; and did they think they would be able do that without exciting a great agitation in the counties? The only conclusion he had been able to come to was, that if the thing was to be done, it ought to be done on the responsibility of the Executive, who would lay down the rule under which the system should be applied; it should be done by taxation upon the people generally, assented to on the part of that House. No doubt it would be difficult to frame a measure for that purpose, but looking at the objections urged against the Bill, and at the arguments in its favour, he had arrived at the conclusion, which he believed was a sound one, that as then drawn it would occasion much greater inconvenience than it was designed to remedy. If they were to have legislation on the subject, the rules ought to be clearly laid down when the minister was to be employed, and how and when he was to be paid. Let the executive Government undertake that responsibility which ought to rest with them, and not with county magistrates, and then he believed they might frame a measure which would be acceptable.

SIR GEORGE GREY said, that if the county magistrates were not competent to decide when it was expedient to make special provision for the spiritual instruction of the prisoners, neither were they fit to discharge their other duties of local administration; and if they were disqualified from voting £40, £50, or £100 a year for the salary of a chaplain, neither were they fit to be intrusted with the levying and expenditure of the tens of thousands of pounds which they were required by law to levy and administer for other purposes.

SIR BALDWIN LEIGHTON said, that discussions were often more violent in that House than they were at quarter sessions, and yet it would be absurd to say that therefore the House was incompetent to tax the people and vote public money away. The truth was, that the clause would throw an apple of discord among the magistrates. He wished to defend the county magistrates from the imputations cast upon them, and also to remind the Committee that the real question raised by the Amendment was, whether ministers other than those of the Church of England should be paid for their attendance at prison?

MR. WYKEHAM MARTIN said, he considered, that if Roman Catholics were to be admitted within prisons, it would be mean on the part of the Legislature not to pay them for the duties which they performed.

MR. HUNT said, he proposed two things: first, that there be no regular appointment of a particular minister; and, secondly, that there should be no payment. The effect of his Amendment, however, would be, that the justices would have power to allow the minister of any persuasion to visit a prisoner without the special request of that prisoner.

Question put, "That the words 'Where the' stand part of the Clause."

The Committee *divided:*—Ayes 96; Noes 80: Majority 16.

SIR WILLIAM JOLLIFFE moved to omit certain words, and to add the following to the clause:—

"Whenever the number of such prisoners shall exceed twenty, the justices or other persons having the appointment of chaplain in the said prison shall appoint," &c.

He thought it would be an improvement to make the Bill apply absolutely upon some fixed principle, and thus avoid the constant heartburnings which would be excited by a discussion of the question at every sessions. They were told the Bill would be inoperative in Scotland, and he believed it would scarcely, if ever, come into operation in England. They might well suppose, from the character of the discussion that night, that the Bill would introduce elements of strife in the discharge of business, which was now conducted satisfactorily in every part of the kingdom. He could not see that there could be any objection to the adoption of the Amendment, fixing upon an average number of prisoners upon which the Bill should be applied.

SIR GEORGE GREY said, he would admit that it would be a great advantage to have an absolute rule laid down, if possible, in order that angry discussion might be avoided. Unless, however, the law as it prevailed in Ireland were adopted—namely, that Roman Catholic as well as Protestant chaplains should be appointed to each prison in the country, he did not see how the difficulty could be got over; and that, of course, could not be thought of. The adoption of the Amendment would lead to great inconvenience in this way—that there might be twenty Roman Catholic or dissenting prisoners in a prison during one month, and but ten during the next, so that chaplains would be constantly appointed and as constantly dismissed.

SIR WILLIAM JOLLIFFE said, he would not press the Amendment.

Amendment, by leave, *withdrawn.*

Mr. Hunt

MR. BENTINCK said, he wished to move the omission of the words, "or other persons," in that part of the clause which referred to the parties having the appointment of the chaplains. He feared that the retention of the words in question might be construed into an acknowledgment by the Legislature of the right of the Roman Catholic bishops to interfere in making the appointments, as they had done in Ireland. In one case, an Irish grand jury appointed a Roman Catholic chaplain to a prison, and the titular bishop of the diocese appointed another; the court confirmed the appointment made by the grand jury, and then the bishop threatened the priest with excommunication if he acted as chaplain to the prison. The grand jury of Waterford appointed a Roman Catholic chaplain, whereupon the titular archbishop wrote to them a letter, in which he charged them with having usurped his office, stated that he had appointed a Rev. Mr. Prendergast, and that no other priest should dare to officiate. If such a right were claimed by the Roman Catholic bishops in this country, what would become of the Bill? He did not wish to afford any sanction to the assumption of such a power, and he had therefore moved the omission of the words.

SIR GEORGE GREY said, that the hon. Gentleman had put a wrong construction on the words objected to. The hon. Gentleman thought that the words "or other persons having the appointment of the chaplains to prisons," would recognise the authority of a Roman Catholic bishop to appoint a chaplain; but such a construction of the words was impossible. The way in which the words happened to be inserted was this:—The county justices in England, and the county board in Scotland had the appointment of a chaplain to a county prison, and to avoid a long enumeration of the persons who appointed chaplains in borough prisons, the words "other persons having the appointment of chaplains" were inserted in the clause —the "other persons" being the magistrates in certain boroughs, with the addition of the sheriff, and in his absence the sheriff substitute, who was an *ex-officio* member. It was not thought worth while to insert the names of all these officials. He could understand the Roman Catholic Members of that House objecting to the appointment of the priest as chaplain being vested in Protestant magistrates, but he could not understand the hon. Member's object in making the objection for them. He saw no danger of the kind referred to by the hon. Member.

Mr. BENTINCK said, that the right hon. Gentleman had misunderstood his objection. Was the right hon. Gentleman prepared to take any steps by which the present inconsistency of the law might be removed?

Sir GEORGE GREY said, it was impossible to meet the case. It must be left to the good sense of the Roman Catholic dignitaries not to offer an unreasonable objection to any particular appointment, as they might in that manner defeat the object of the Bill.

Lord STANLEY said, he wished to point out, that as the Bill was simply permissive, it would be in the power of the justices to stop the supplies, and thus annul the appointment of a chaplain whenever they had reason to be dissatisfied with the conduct of a Roman Catholic bishop in the matter.

Mr. HENLEY thought the clause was framed in the way which would best meet the difficulties of the question. If the magistrates had the misfortune to be brought in contact with a wrong-headed bishop—and bishops were sometimes wrong-headed as well as other people—they might very well say they would let the responsibility of depriving Roman Catholic prisoners of the advantage of the ministrations of a clergyman of their own faith rest upon his shoulders. If, he might add, that mutual forbearance were exercised on both sides which ought to prevail, there need be no difficulty in arranging the matter.

Mr. NEWDEGATE said, that cases like those to which his hon. Friend the Member for Norfolk had alluded were not old. On the contrary, the Roman Catholic priests and bishops, in synod in 1859, had assumed a temporal authority to which they were by no means entitled, and had made unjustifiable remarks upon the conduct of the magistrates in the performance of their duty. If the Bill passed, the authority of the magistrates would be nominally increased, and the aggression of Roman Catholic priests would lead to many painful discussions at quarter sessions. It was perfectly clear that the right hon. Gentleman was throwing upon the quarter sessions a responsibility the weight of which was felt in Ireland, and was beginning to be felt here; and the appointment of those Roman Catholic chaplains would create such ill-feeling, that if they were to be appointed at all, the right hon. Gentleman ought to take the responsibility of appointing them upon himself.

Mr. VANCE said, he could not doubt that the Roman Catholic bishops would demand the same privileges as they had hitherto possessed, and it would not be practicable to resist their influence at such places as Liverpool.

Amendment put, and *negatived.*

Mr. BENTINCK said, he objected to the ratepayers being taxed for such an object as that proposed by the Bill, by those who were not their representatives. He held that the Roman Catholic clergy ought to give their services to the prisoners gratuitously, and would not do them the injustice to suppose that they would refuse unless they were paid. He therefore moved the omission of the words—

> "And they may, if they think fit, award to him [that is, the Roman Catholic chaplain] a reasonable sum as a recompense for his services, such sum to be deemed a part of the expenses of the prison to which he is appointed, and to be paid out of the funds legally applicable to the payment of such expenses.

Amendment proposed, in line 11, to leave out the words "and they may, if they think fit."

Question proposed, "That the words proposed to be left out stand part of the Clause."

Sir GEORGE GREY said, he supposed the hon. Member meant that the magistrates ought not to tax the ratepayers, as they were not elected by them. Even, however, if his Amendment were carried, the magistrates would still have authority to impose rates for the general expenses of the prison, although not for that small item. He did not think that was a fair way of raising so important a question, which was, in fact, whether there should not be county boards for the purpose of managing the county rates.

Sir GEORGE BOWYER said, he would recommend the hon. Member for Norfolk to begin by applying the principle to his own clergy. When Protestant ministers served without payment, those of his Church would follow the example.

Mr. BENTINCK said, he was glad the hon. Baronet had let the cat out of the bag. After his admission that what the Roman Catholic clergy were seeking was to be placed on a footing in all respects with ministers of the Established Church, he hoped the House and the country would understand the true significance of the present measure.

SIR MORTON PETO said, that as a Dissenter he held that no clergyman ought to be paid by the State for the performance of his duties, and on that ground he must support the Amendment. He warned the Committee, that if they adopted the clause, they would be opening a dangerously wide door. If they acknowledged that prisoners were entitled to be attended by ministers of their own sect, they could not exclude Secularists, who might then demand that an infidel should be paid for visiting them. Again, if they opened the prisons to paid priests, how could they refuse to open the workhouses also? The fact was, that the Government on one side and the Opposition on the other were bidding for the votes of an important section by sacrificing what they had hitherto regarded as a sacred principle. He was astonished to find the right hon. Gentleman the Member for Buckinghamshire, who had proclaimed the Church as the leading feature of his policy, and the rallying cry of his party, now throwing overboard his principles for the sake of political support.

MR. WHALLEY said, he wished to remind the Committee that the magistrates who were to impose the tax were not the representatives of the people, but the nominees of the Crown. As for those who supported the measure, while professing to be friends of the Church, he could liken them only to those treacherous soldiers in India, who, while wearing British uniform, turned their arms against England.

MR. KNIGHTLEY said, his hon. Friend the Member for Norfolk had been misunderstood. He did not mean to say that county magistrates ought not to impose taxes for purposes such as roads, asylums, &c., in which the whole community benefited, but only that a rate ought not to be levied for an object such as that proposed by the Bill, to which a large portion of the ratepayers objected.

LORD ADOLPHUS VANE TEMPEST said, he would move that the Chairman report Progress. The Bill had been considerably hurried; and if its principle were correct, it ought not to be introduced as a permissive Bill, but the question should be decided, in the first instance, on the responsibility of the executive Government.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."

Mr. Bentinck

MR. DISRAELI said, that the hon. Member for Finsbury (Sir Morton Peto) had, in a very un-parliamentary manner, imputed motives to him for his public conduct, which no one had a right to impute to another Member without having some evidence for his statement, and some data to go on. He was not, however, inclined to treat with any seriousness the observations of the hon. Baronet, being perfectly willing to let his conduct in that House be judged by the general tenour of his behaviour; and if anybody supposed that he had in that House or anywhere else said that he meant to make the question of the Church of England the means of obtaining power or of advancing the prospects of the party with which he had the honour to act, such person would on reflection find it difficult to find anything which he had said or done to authorize that notion. He had on many occasions taken the opportunity of supporting the status of the Church of England as it at present existed in this country; and if he thought that in the Bill brought in by the Government, but which had in fact been planned in the previous year by his right hon. Friend the Member for Oxfordshire (Mr. Henley), there was anything hostile and injurious, or likely to be hostile and injurious to the Church, he should give it an uncompromising opposition. He thought that the opinion of the hon. Gentleman the Member for Finsbury originated from an entire fallacy in respect to what the hon. Member called endowment. Now, he did not understand or admit, that because Parliament might remunerate a servant employed for a public purpose by some public payment that involved the question of endowment. On the contrary, it was not only not an endowment, but it was a payment founded on a principle opposed to that of endowment. The Church of England was not paid by the State; it was not a stipendiary of the State; and it did not require Ministers to come forward annually, or Parliament, by acts of legislation, to supply remuneration to those who administered its services and offices. It was the pride and glory of the Church of England that it was an independent corporation, and that was a great security not only for the spiritual welfare but for the political liberty of the people. If the State called on any individual to perform a public service, it was just that the State should fairly remunerate that individual, and the same rule applied to a person of an ecclesiastical character. It might as well be said when a chaplain of the Church of England was supplied to the army that that was an endowment to the Church, as that the appointment of a Roman Catholic under the Bill was endowment to the Roman Catholics. The very fact that the remuneration to be received by the Roman Catholic priests would be paid by Parliament proved that it was not an endowment, and that there was no analogy between the endowment of the Church of England and this payment. He denied that a chaplain of the Church of England officiating in a prison was endowed; he simply received a payment for a public service on the same principle as the payment to be made according to the proposition in the present Bill. What the House had to consider was whether the service it called on these individuals to perform was a proper and necessary service. During the whole of that lengthened debate no one had pretended that the Roman Catholic prisoners were not entitled to the exercise of their religion and to the spiritual administrations of their clergy. Some hon. Members opposed the mode of remunerating those clergymen, on the ground of its constituting an endowment, and being therefore hostile to the State Church by placing the Roman Catholic chaplains on an equality with the chaplains of the Church of England. He had, however, shown that that was a fallacy, and he asked whether the service contemplated by the Bill was one which ought to be performed or not. Had any one risen to say that it ought not to be performed? They all knew that no position was now more fully and absolutely accepted by every hon. Member in that House, than that the principle of religious liberty should be completely developed. That was not a principle that could be then repudiated by the House of Commons after the legislation of the preceding thirty years. If, then, that principle was to be completely accepted, they were bound on that account to provide with regard to all those who were in prison by the operation of the laws that they should not be debarred from the full enjoyment of their religious rights; and, at the same time, they were bound to take care that the officers they called on to perform those spiritual duties should be remunerated. The hon. Member for Finsbury assumed that the chaplains of the Church of England in gaols were endowed. They were not—and that was the hon. Member's first fallacy. The hon. Member then said, that if the Roman Catholic priests were admitted to the gaols and paid, they would be endowed like the Church of England chaplains. That was the hon. Member's second fallacy. But the greatest fallacy of all was for the hon. Member to suppose that the Church of England was a stipendiary of the State. The Church of England, in these matters, was totally independent of the State, and there existed no analogy whatever in the circumstances which led the hon. Member to so false a conclusion. There was no question of endowment in the Bill brought forward by the Government, which was only the complete development of that principle of religious liberty which was universally accepted by the House; and if Roman Catholic prisoners were entitled to the free exercise of their religion, that House was bound to secure to them the free enjoyment of it. That could not be done without providing that they should be attended by their priests, and the payment of those who were accepted as public servants for a public service was not endowment but remuneration; and the whole of the objections to the present Bill were founded on the fallacy of confounding those two things together. The strength of the Church of England was this:—That not being a stipendiary of the State, it was not afraid of being just, and, while professing to be entirely in theory, and actually being very greatly in practice, the Church of the nation, it could still favour the complete development of the principle of religious liberty.

Mr. WHITE said, he could not but protest against the Church principles of the right hon. Gentleman who had just sat down. The fact was, the only title which the Church of England had to her possessions was a Parliamentary title. The wealth and estates which the Church of England was in possession of, and the right which she had to tithes, were all given by Act of Parliament at the time of the Reformation. The question of payment to Roman Catholic priests involved in the Bill was a most important one; as he could not see, if they were to pay Roman Catholic priests for ministering to the necessities of Roman Catholic prisoners, how they could refuse to endow the Roman Catholic priesthood in Ireland.

Sir MORTON PETO said, he accepted the statement of the right hon. Gentleman as an admission of everything which he had alleged. The right hon. Gentleman said that the ministers of the Church of England were not endowed. Well, then, accepting that statement, he (Sir Morton Peto) affirmed that they were about to place the ministers of other denominations in precisely the same position as those of the Church of England. The right hon. Gentleman, therefore, had given up the principle of an Established Church as regarded the prisons of the country. How, then, could he refuse to follow up the precedent by throwing open the workhouses of the country to the Roman Catholic priests? By the last clause of the Bill every prisoner was made the judge whether he would have religious instruction or not.

Mr. NEWDEGATE said, the right hon. Gentleman the Member for Buckinghamshire had assumed the same position that he did on the second reading. He said the Church of England did not hold her endowments from the State. The truth was that the Church of England held her endowments by a title sanctioned by the State. The right hon. Gentleman said the Church of England was a corporation standing beside the State; and if he followed that argument to its conclusion, he must hold that the Church of England was nothing to the State. If the Church of England was only an endowed Church, and the State did not accept her ministrations, the Church of England was not the Established Church of this country. The payments which it was sought by the Bill to establish, would become analogous to the endowment of Maynooth, and therefore he held that the hon. Member for Finsbury was right. He lamented that the right hon. Gentleman the Member for Buckinghamshire should separate the action of the State from the action of the Church; if he did not directly invalidate the right of the Church to her endowments, he directly invaded the position of the Church as the Established Church of the realm.

Sir GEORGE GREY said, he hoped the Committee would not agree to report progress. The statement of the noble Lord that the Bill had been hurried through was without foundation. It was brought in on the 17th of February and it was then the 7th of May.

Lord ADOLPHUS VANE TEMPEST said, he would not press his Amendment. However, he found himself in this unpleasant position, that while opposed to the Bill, he could not refuse to vote a just remuneration for services that might be required. He thought the Government ought to withdraw the Bill, with a view to its re-consideration.

Motion, by leave, *withdrawn.*

Mr. BOVILL said, the clause under consideration involved a very important question to the ratepayers of the country, and one which would be sure to give rise to heartburnings at every quarter sessions. What would be the feelings of the ratepayer when asked to contribute to the support of Roman Catholic chaplains, when he had no voice in the imposition of the rate, or the appointment of the chaplains? The Bill would give rise to the greatest anomalies. There would be differences of opinion in different places as to whether chaplains should be appointed, as to the number of prisoners for which a chaplain ought to be required, and as to the question of payment. At every quarter session, four times a year, the question would probably be again and again mooted, and the whole country would be put into a state of ferment. He should support the Amendment, if only to prevent these heartburnings. But there was a more serious question involved. The hon. Baronet (Sir Morton Peto) had justly reminded the Committee, that if they passed that measure for gaols, they could not refuse a similar measure for union workhouses. If the claims both of gaols and workhouses were admitted, how could they refuse the religious provision to the destitute portions of the population who required the consolations of religion? Where was Parliament to stop? If the Committee were prepared to follow the principle to its natural termination, let them say so; but he, for one, would give the proposal a decided opposition.

Sir JOHN SHELLEY said, there was so curious a mixture of parties at the last division, that he wished to state his reasons for opposing the Bill. He objected to force upon the ratepayers a payment over which they had no control. He gave no vote against the Roman Catholics, for the measure applied equally to the payment of Dissenting ministers.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:*—Ayes 101; Noes 71: Majority 30.

Mr. W. E. DUNCOMBE said, that he thought a line ought to be drawn as to the number of Roman Catholic prisoners for whom a chaplain should be provided. He proposed after the word "persuasion" to insert "provided the number of such prisoners amount to thirty."

MR. DOULTON said, he should move that the Chairman do report progress.

SIR GEORGE GREY said, he hoped they would be allowed to dispose of that clause. The number of prisoners was constantly varying in every prison. There might be thirty to-day and thirty-five tomorrow. It would therefore be impossible to insert the words.

House *resumed.*

Committee report Progress; to sit again *To-morrow.*

INLAND REVENUE BILL—[BILL 97.]

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Chancellor of the Exchequer.*)

SIR HENRY WILLOUGHBY said, he rose to express a hope that the question of the taxing of the clubs would be considered, as the subject was exciting much dissatisfaction, and it would be difficult to define what a club was.

THE CHANCELLOR OF THE EXCHEQUER said, he understood that the question was to be raised at a future stage. He regretted to find that an objection was felt to the substance of the enactment, but he did not think there would be any difficulty in defining clubs.

MR. AYRTON said, he wished to know on what principle the Chancellor of the Exchequer confined the taxation of clubs to those above the rental of £100 a year, and whether he contemplated any taxation of those under that rental? He was not aware that £100 a year was a criterion for any purpose whatever. He should be glad to have some indication of the course the right hon. Gentleman intended to pursue. There was another point. One of the Resolutions had reference to occasional licences; he doubted whether the clause in the Bill did not go beyond the Resolution on which it was founded. He intended to bring under the consideration of the Committee the whole question of the licences of carriages; and he wanted now to be informed what course the Chancellor of the Exchequer proposed to take. Again, with reference to the duty on railway passengers, he wished to know whether the right hon. Gentleman had given that up altogether? He should move that the Bill be read a second time that day six months, to enable the Chancellor of the Exchequer to give the information he wanted.

LORD ROBERT CECIL said, he would second the Amendment. A horrible doubt had crossed his mind, whether public dinners would not be clubs for the purpose at which the right hon. Gentleman aimed. The stewards of a dinner were an assemblage of gentlemen who bought wine of the dealer, and then retailed it again to the guests at one guinea a head. He was afraid the stewards of every public dinner under the Bill would have to pay £17 10*s.* Perhaps the right hon. Gentleman's intention was that that should be another form of taxing charities—only in that case the impost would fall upon voluntary contributions.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. HODGKINSON said, he thought the Chancellor of the Exchequer could hardly have considered the effect of imposing this tax on clubs. By the 14 & 15 *Vict.*, c. 36, houses licensed to sell beer, wine, &c., were charged at the reduced rate of 6*d.* in the pound to the house duty, whereas clubs now paid the full duty of 9*d.* in the pound. The proposition of the right hon. Gentleman was couched in nearly the same terms as those contained in the Act to which he referred. He did not know what might be the effect as regarded other clubs; but having the curiosity to make inquiry at the Reform Club, to which he belonged, he found that it was assessed to the inhabited house duty in the sum of £2,900. At the rate of 9*d.* in the pound it was paying £108 15*s.* annually; but if, in consequence of the Chancellor of the Exchequer's proposal, the rate was reduced to 6*d.* in the pound, there would be a saving to the extent of £36 a year, and it would only have to pay £17 1*s.* licence duty.

MR. HUNT said, he thought it a great pity the hon. Member had given the Chancellor of the Exchequer that piece of information till after the Bill passed.

MR. CONINGHAM said, there was a club at Brighton which could hardly maintain itself, on which the tax would bear in a peculiarly onerous manner. He hoped the right hon. Gentleman would abandon what he regarded as a rash step; but as regarded carriages, he regretted that the Chancellor of the Exchequer had not succeeded in his proposal.

THE CHANCELLOR OF THE EXCHEQUER said, the clause relating to occasional licences and the Resolution which he had submitted were intended to be an equivalent one for the other. Being unaware of any difference between them, he was not able to satisfy the doubt felt by the hon. Member for the Tower Hamlets. He had not proceeded with the Resolution affecting railways, because he was waiting for some statistical information which the public accounts did not supply, and which the railway companies had promised to afford. With regard to clubs, he had stated that any case involving practical difficulties would receive due consideration, on a representation of the facts being made. Notwithstanding this invitation, no statements of the kind had been furnished hitherto; but if the hon. Member for Brighton and the hon. Member for Newark would supply him with the particulars, he should be able to deal with the points which they had raised. He did not contemplate any legislation with respect to clubs which occupied houses of a rental under £100 a year.

MR. LYGON said, he had asked the Chancellor of the Exchequer on a former occasion what amount of income he expected to derive from the tax upon clubs. The right hon. Gentleman was then unable to return an answer; but he hoped his researches in the mean time enabled him to do so. To enable him to furnish the desired information to the House he begged to move the adjournment of the debate.

Motion made, and Question, "That the Debate be now adjourned,"—put, and *negatived.*

Question again proposed, "That the word 'now' stand part of the Question."

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Monday* next.

STOCK CERTIFICATES TO BEARER BILL—[BILL 100.]

CONSIDERATION. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [4th May], "That the Bill be now taken into Consideration."

Mr. Coningham

Question again proposed.

Debate *resumed.*

Bill *considered.*

Amendments made.

Clause 4 (Restriction as to Trustees taking Certificates of Title).

MR. HUNT said, he felt considerable anxiety to prohibit trustees of stock from having stock certificates to bearer made out in their favour. A trustee selling out stock knew that he was committing a fraudulent act; but a trustee might cheat his conscience into the belief that in making a deposit of the stock certificate under pressure of circumstances he was not intentionally cheating his *cestui que* trust. Men committing a fraud generally believed in the first instance that they would be able to retrieve themselves; the power contained in the Act, therefore, would hold out a great temptation to irregular practices. He would therefore move the omission of the words "unless authorized to do so by the terms of his trust."

Amendment proposed, in page 2, line 8, to leave out the words "unless he is authorized so to do by the terms of his trust."

THE CHANCELLOR OF THE EXCHEQUER said, he was willing to concur in any fair and reasonable proposition for restraining trustees from exercising a discretion as to the taking of these certificates; but the Amendment of the hon. Member went to the restriction of the power of disposition of the person who constituted the trust.

MR. ALDERMAN SALOMONS said, he should oppose the Amendment. It would materially interfere with the working of the bank with which he was connected.

THE ATTORNEY GENERAL said, that the omission of these words would in some cases make the exact performance of a trust a breach of it, and render the trustee liable to punishment.

Question, "That the words proposed to be left out stand part of the Bill,"—put, and *agreed to.*

Other Amendments made.

Bill to be read 3° on *Monday* next, and to be *printed.* [Bill 114.]

SHEEP AND CATTLE (SCOTLAND) BILL.

On Motion of Sir Michael Shaw Stewart, Bill to render Owners of Dogs in Scotland liable for injuries to Sheep and Cattle, *ordered* to be brought in by Sir Michael Shaw Stewart, Mr. Dunlop, and Mr. Henry Baillie.

THAMES EMBANKMENT (SOUTH SIDE) BILL.

Select Committee on the Thames Embankment (South Side) Bill *nominated* :—

Mr. Cowper, Lord John Manners, Mr. Doulton, Mr. Cox, Mr. William Cubitt, Viscount Holmesdale, and five Members to be nominated by the Committee of Selection :—Power to send for persons, papers, and records; Five to be the quorum.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at half after One o'clock.

HOUSE OF LORDS,

Friday, May 8, 1863.

MINUTES.]—Public Bills—*First Reading*—Savings Banks Monies* (No. 97); Jurors' Remuneration* (No. 98).
Committee—Augmentation of Benefices (No. 92); Cayman Islands* (No. 88).
Report—Cayman Islands* (No. 88).
Third Reading—Exchequer Bonds (£1,000,000)*; Consolidated Fund (£20,000,000)*, and *passed*.

POLAND.—PETITIONS.

The Marquess of NORMANBY *presented* a Petition from Macclesfield, for securing the Rights of the Poles. In many of the sentiments contained in the body of the Petition, expressing sympathy for Poland, he fully concurred; but there were certain measures recommended in the prayer which he could not advocate, because their adoption would inevitably lead to a general European war, and the direct violation of treaties.

The Earl of SHAFTESBURY then rose, according to notice, to present a Petition on behalf of the Poles, agreed to at a public meeting of merchants and others, held at the Guildhall, City of London. The noble Earl also *presented* a large number of Petitions from other places to the same effect. The noble Earl then proceeded as follows:—In moving that these Petitions do lie on the table, I shall venture to entreat the indulgence of your Lordships while I trespass for a short time on your attention, with the view of bringing under your consideration the existing state of things in the Kingdom of Poland. It is not to be wondered at that there should prevail among Englishmen so deep an interest in the affairs of Poland. It would, indeed, be surprising if it were otherwise—if a gallant nation like England, so proud of the liberty it enjoys, and so anxious to promote the freedom of all other countries—should be indifferent to the spectacle of Poland struggling for the liberty which is her hereditary right, but of which she has been so unjustly deprived. In spite of many acknowledged imperfections, it may still be said of Poland, that though for nearly a century she has been in bondage, she has never abandoned her rights, never recognised her servitude, never belied her honour, never ceased to proclaim her title to the freedom which has been so unwarrantably taken away by violent aggression. Nor can we wonder that there should be so much sympathy among the people of France for the Poles, associated as they were in deeds of arms for so many years, and so well acquainted as the French nation must be with the high qualities of the Polish people. There is no wonder, I say, that they should entertain for them the deepest sympathy—a sympathy which, perhaps, almost exceeds our own; but I do trust that sympathy is connected among the French people with some feeling of remorse when they think how often they have excited the Polish nation, and how often they have abandoned it. But, my Lords, let us consider, for a few minutes, the present position of the Polish people. The Poles are placed at this moment with a fierce and powerful enemy in their front, and behind them a kingdom professing neutrality, but I believe, in fact, a most active partisan, both in spirit and action, of their implacable foe. We have frequently endeavoured to obtain a sight of the famous Convention that is said to have been contracted between the Empire of Russia and the Kingdom of Prussia; but my noble Friend at the head of the Foreign Office has been unable to give us the text, because he has found it impossible to obtain it. Nothing could be more remarkable, indeed, in going through the papers on our table, than to observe the reluctance there is to exhibit the text of that Convention to any one. The parties will read it, they will talk about it, they will give explanations respecting it, but the text itself must not be submitted to any mortal eyes but those of the representatives of the two Powers. I confess I am under great apprehensions that this mysterious Convention, which so dreads the light, is of the same dark and ferocious character as its predecessors. As for the neutrality of Prussia, do we not constantly read in the newspapers of the numbers of Russian troops that have passed the Prussian frontier, or been driven across it by the insurgents? Lately we read of 500 Russian troops who were not only not disarmed, as according to international law they should have been, but who were *fêted* and treated, and then sent forward by railway with every comfort and convenience to a point from which they might easily reenter their own country. Not long ago I put a question to my noble Friend respecting the apprehension of two Polish students travelling from Paris through Prussia. The noble Earl replied, it was true they had been apprehended; but he said they had been claimed as Parisian residents by the Emperor of the French. We have never heard whether they have been surrendered to the Emperor of the French or not, or handed over to the Russian authorities; but we do know that four Poles were arrested at Thorn by the Prussian Government, and delivered by them into the hands of the Russians. The noble Earl, as I find from the papers, has written despatch upon despatch, and put question upon question, as to whether these refugees, having been so handed over to the Russian authorities, were put to death or not; but he can get no explicit answer, and, in truth, has met with nothing but the most monstrous evasion. I am inclined to think, that if they have not been put to death, they have, at any rate, been put to that which is worse than death. Judging from the character of former conventions, I should say there is a state of things existing between Russia and Prussia that is perfectly intolerable in the present age. I think we are bound to protest—I hope the Government of England will protest with the utmost force of language, and with a much-needed exposition of principles—that Prussia shall not be permitted, at this period of history, to establish on the Continent of Europe a fugitive slave law. I have referred to past conventions. Look at that which was concluded in 1834 between the Emperor of Russia and the King of Prussia. A more ferocious convention, or one more subversive of every human right, I never read. It is commented on with admirable force by Sir Andrew Buchanan in a despatch to the noble Earl. Sir Andrew says, that although it was not brought into operation, it has never been abrogated, and may some day or other be carried into effect. Take the later Convention of 1857, of which we have the text on our table. I ask your Lordships to read it, and say whether there could be anything more disgraceful to civilized Powers—whether it is not surprising that an independent State like Prussia should, for one moment, have descended to such servility to a neighbouring empire. It may be deemed a very happy thing that in this matter we can separate the people of Prussia from the Prussian Government. The people of Prussia have begun to protest against the conduct of their rulers, and to show something like the energy of free men; but at the same time I really must say, that if a people, having representative institutions, and such a Constitution as that which exists in Prussia, can submit to be told by a Minister of the Crown, that while their representatives are carrying on their debates, he shall read his letters in the vestibule, where he can hear quite as much as serves his purpose, and that, whether they will or not, he shall remain at peace or declare war just as he pleases, they do not deserve the name or privileges of a free people. We hear, my Lords, a great deal about the Treaties of 1815. Let those treaties be executed faithfully and truly for as much as they are worth; but although diplomacy does well to dwell upon the Treaties of 1815—although, perhaps, it may not be in the power of a minister of the Crown to go beyond the four quarters of those treaties—yet in our debates we are entitled to traverse other regions, and to look to the rights enjoyed by the Polish nation long anterior to the miserable portion of freedom allotted to them in 1815. Mark how even that wretched modicum of generosity and kindness has been wantonly torn from them. To say nothing of the period between 1815 and 1830, look at the period between 1830 and the present time. In 1832 the Constitution which Alexander I. bestowed upon Poland was formally abrogated by the Emperor Nicholas, who, instead of it, substituted what he called an Organic Statute, which was full certainly of large promises and boasts, but which was never brought into operation. In place, indeed, of the Organic Statute, the Poles were treated to a series of cruelties, outrages, insults, and proscriptions; their language was prohibited, their religion, as far as possible, was abolished, their schools were closed, and every effort was made to Russianize their entire population. It was the manifestation of this spirit by the Emperor and the successive governors of Poland that determined the action of the Polish people, that took from them all confidence in their rulers, and that determined them henceforward to rely on no one but themselves. Again, to show the spirit of the Emperor, I may refer to the remarkable occurrence of the 11th of October 1835; for it is the conduct of the Emperor and of his various governors in Poland which has taken from the Polish people all confidence in their rulers, and determined them, hopelessly it may be, henceforth to rely on themselves alone. On the 11th of October 1835 the Emperor Nicholas paid a visit to Warsaw. A deputation waited upon him with a conciliatory address. The Emperor, when the deputation entered the room, stopped them suddenly, telling them he did not want to hear their address, but wished to spare them a falsehood, because he knew they were going to say what they did not think. After that polite and touching reception, he spoke to them as follows:—

> "You have to choose, gentlemen, between two courses—either to persist in your illusion of an independent Poland, or to live tranquilly under my Government. If you persist in cherishing your dreams of distinct nationality, of Polish independence, and all such chimeras, you can only draw down great misfortunes upon yourselves. I have erected the citadel here, and I declare to you that at the slightest disturbance I will reduce the town to ashes; I will destroy Warsaw, and I am not likely to build it up again."

Mark the arrogance and impiety of the Autocrat who thus

> "Assumes the God, affects to nod,
> And seems to shake the spheres."

In the history of mankind, were such arguments as these ever used to conciliate a people? The Emperor threatens, that if there be the slightest disturbance, no matter from what cause, he will open the guns of the terrible fortress on Warsaw, with its 150,000 inhabitants, its helpless women and children, and reduce it to ruins. Is this the way in which a people is to be won? Is this the way in which hopes are to be excited? Is this the way in which confidence is to be raised in breasts long dead to any feeling but distrust? And yet, towards the close of that address, the Emperor, as if with a touch of cruel irony, said, "Trust me, gentlemen, it is really a happiness to belong to such a country as Russia and to enjoy its privileges." Then came the congress of 1856. My noble Friend opposite, when special ambassador to Paris, for the purpose of attending the Congress, sent home a number of important despatches, disclosing the intentions of the Emperor Alexander II. and Prince Gortschakoff towards this long-oppressed and down-trodden people. On the 15th of April 1856, my noble Friend Lord Clarendon, who went to Paris as special ambassador, wrote as follows:—

> "I have not failed to bear in mind the deep interest which Her Majesty's Government have always taken in the condition of Poland. On the 9th inst., at the request of Count Walewski, I held a conversation with Count Orloff on this subject. I said that, to the best of my belief, the Poles would be tolerably well satisfied if national institutions were restored to them, if their religion were respected, if they were allowed to use the Polish language, and if all their children were educated at Polish schools, instead of, as now, a limited number of them only at Russian schools. I suggested, at the same time, to his Excellency that he should volunteer some assurance to this effect, or should be prepared to declare it in answer to a question put to him by the Congress. Count Orloff replied that the Emperor had determined to restore to his Polish subjects everything I had suggested, but that the announcement could not be made to the Congress, as that would be misrepresented in Russia, and His Imperial Majesty would be thought to have yielded to foreign pressure, which would deprive him of the grace of the spontaneous acts he meant to perform. Count Orloff said to me in a friendly manner, 'Do not, in the interest of the Poles, bring the subject forward in the Congress, for I can tell you nothing there, nor admit your right to interrogate me. My answer, therefore, must be disheartening to the Poles.' . . . His Excellency yesterday, in answer to my inquiry respecting the answer he had received from St. Petersburg, informed me that he must decline to make any declaration respecting Poland. He said, that the Emperor had determined to do everything that had been suggested, and that the amnesty would be comprehensive, but that he wished to signalize his coronation by these and other acts of grace, and that their good effect would be destroyed if His Majesty's intentions were declared beforehand. His Excellency repeated, that if I persisted in bringing the matter before the Congress, he should be compelled to give an unfavourable answer, and to say that foreign intervention would probably lead to a postponement or a diminution of the favours which His Majesty meant to bestow on his Polish subjects."

Under these circumstances, my noble Friend determined not to press Count Orloff any further on the subject, and the Government at home approved his discretion in so doing. There can be no doubt that both the noble Earl and Her Majesty's Government were fully satisfied that the intentions announced by the Russian representative would be fulfilled. Russia certainly did concede several of the things which had been promised; they gave the restoration of the Polish language, they desisted from attacks upon the Polish religion, they introduced municipal institutions. But these things were accompanied by a series of outrages, by measures of intimidation, by ten thousand incarcerations, by Warsaw being declared in a state of siege. Year by year, almost day by day, there was some fresh violation of the Constitution under which the Poles were supposed to be living, until the whole thing was crowned—so little security did the Constitution give, it being a nominal thing and without a single guarantee—by that infamous conscription of which it is impossible to speak in terms sufficiently strong—to my mind the most refined piece of cruelty ever devised. It struck deep into the inmost recesses of the human heart, affecting especially the wives and mothers. Husbands and sons were seized by surprise, and in the dead of night dragged from their homes, cast naked into prison, taken from prison to remote regions of the Empire, and then carried to remote parts of the Empire, or even into the wilds of Siberia. Of all the outrages ever perpetrated by sinful man, there was not one more foul and horrible. But I do rejoice that, like other Satanic deeds, it was too strong, and brought about its own retribution. A devilish engine often recoils on the inventor, and so it happened here. This conscription drove the Poles into an insurrection such as they were never able to effect before, and obtained for them the full and unqualified sympathy of England, of France, of Europe—I may say, of the whole human race. And now, lastly, comes the despatch which has been laid on your Lordships' table—*verbosa et grandis epistola.* I never was more mystified in my life than when I read that document. It seems to me to be simply evasive, and to have no object whatever save to gain time. It commences by a sort of mystic discussion as to whether Russia shall or shall not assert rights of conquest over Poland, and next it goes into a number of petty contradictions of statements in the noble Earl's note. Then we have a studiously mysterious account of the Emperor's feelings, sympathies, desires, and intentions, and certain measures to be performed on certain conditions and on certain occasions are dimly shadowed forth. But the whole despatch is so dark and unintelligible, that although it might be quoted by Russia if she did anything for the amelioration of the Poles, it might equally be cited in support of her policy if she should refuse to make any concessions whatever. What hope does such a document as this inspire? And even if it were tenfold stronger in its assurances of good will, and in its promises of clemency, it would not have the slightest effect on the minds of the people of Poland when they recollect the language used by the Emperor and the present Minister of Foreign Affairs. Last October the Emperor Alexander II. sent for a gentleman of high station, in order to obtain some information from him in regard to Poland, and, having obtained what he wanted, despatched him into perpetual exile. To that gentleman the Emperor said, "I see that the only way of governing the Poles is by terror." The next day Prince Gortschakoff repeated the same words, adding, "If the Poles force us to it, we will make Poland a heap of ashes and corpses." Again, I ask, are such barbarous threats the way to gain the confidence of a people, to restore peace, or to tranquillize Europe? Can we look upon these men as fit to govern the destinies of so many millions of human beings? It is said that the present Emperor is a man of a kind disposition and good intentions. It may be so; but I can only say he has used language, according to the precept of a celebrated diplomatist, for the purpose of concealing his thoughts. There is a rule of Divine authority, that "by their fruits shall ye know men." If we look at the fruits of those men who conduct the Government of Russia—if we look at what they have done from 1856 down to the present time, at the long series of outrages deceits, and oppressions, at the distresses and disgraces for which they are responsible—can we say that these are the fruits of a tree the leaves of which shall be for the healing of the nations? Are they not rather the growth of the baneful upas-tree, which spreads desolation around it on every side, and is fatal to all who come within the circuit of its pestilential influence. One thing, I think, is clear as daylight, and it is that the issue of the present crisis must at last be the separation of Poland from Russia. It is perfectly impossible that these two countries can go on in harmony and union. A greater incompatibility between two nations never existed. There is no parallel to it even in the records of Sir Cresswell Cresswell's Court. The inevitable result is that Poland must be divorced from Russia on account of its intolerable cruelty. This, my Lords, is no common cause of complaint—no ordinary insurrection. This is not the momentary rising caused by any sudden, unexpected wrong, but a long-continued, persistent assertion by a nation of its rights, privileges, and liberties. Within a very few years of the present time a century will have elapsed since the first partition of Poland, and during the whole of that period the Poles have never recognised the new dominion imposed on them, or ceased to assert their continual claim to nationality and independence. It cannot be supposed that this state of things could long continue. See, at the close of a century, what a spectacle is presented. The Poles are exhibiting ten times more patriotism, and receiving a hundredfold more of the sympathies of Europe than they did nearly one hundred years ago, at the time of the first partition. When your Lordships witness the feeling manifested on the part of this country, as well as by all the nations of the world—when you perceive that not a single nation except Prussia is to be found to say a single word in defence of Russian violence, or that does not come forward to obtain some just and necessary concessions in favour of the Poles—how long do you suppose it possible that this can go on without endangering the peace of Europe, and presenting a scene which will not fail sooner or later to stir to their utmost depths the sympathies, the energies, and the sense of right and justice which exist among all the nations of the earth? My Lords, a separation would be for the good of all parties. It could not be otherwise than preferable to a state of things, in which wide-spread discontent is continually seething and boiling over, and keeping all Europe, as it were, in a perpetual simmer. It would also be to the interest of Austria to have an independent kingdom thrown between her and her gigantic rival, and I believe that the Emperor of Austria knows this well. I have the best authority for saying, that both in times past and present, the Emperor of Austria, notwithstanding the language in these papers, would be ready to surrender his portion of the spoil —the Kingdom of Galicia—if he could thereby constitute in a firm condition the Kingdom of Poland, and thus have a strong barrier against the aggressions of the Russian Empire. That the separation of Poland and Russia would be of advantage to the people of Poland no one would question; and that it would be equally advantageous to Russia, I believe, is equally undeniable. What could be more injurious to the Empire of Russia than to have all her resources, instead of being expended for the benefit and improvement of the people of that extensive country, exhausted on enormous armies? It is said, that in place of the 100,000 troops Russia keeps in Poland, an endeavour is to be made to maintain there 200,000—a large proportion of her movable army—for the purpose of keeping down the Poles. All this proves that Poland is no source of strength to Russia, but is a cause of weakness. Is it to the advantage of Russia to be perpetually brought before Europe as on her trial from day to day and year to year, and to be condemned by the united suffrages and voices of all people? Consider the character of this insurrection. Never was there a rising so determined or more universal. The Russian Government have endeavoured, in a variety of ways, to quell it. They tried brute force, and failed; they tried confiscation, but that was equally disregarded. They tried an amnesty; but the Poles were united in rejecting it—not placing any confidence in the promises of the Russian Government. As to that amnesty, I feel I need not dwell on it, for the comment made on it in these Parliamentary papers by my noble Friend the Foreign Secretary has disposed of the whole of that matter. It is an amnesty only in name, and there is nothing in it to give hope or assurance. It is merely a delusion and subterfuge, and has been heartily rejected by the Poles and by the common conscience of all Europe. I have said that never was an insurrection more universal; but though it is probable that this insurrection may be put down, yet the feeling never will be quelled. It will break out again at different times and in different places, and Prince Gortschakoff spoke the truth when he said that nothing would put an end to insurrection in Poland but total and absolute extermination. The universality of the insurrection is shown by a most remarkable event. In 1830 the Jewish people, who are in great numbers in the Empire of Russia, being more that 3,000,000, and in Poland being more than 2,000,000, were on the side of the Emperor. The consequence was that the Russian Government then got the best and speediest intelligence. At present, however, the Jewish nation to a man sympathize with the insurgents and are directly opposed to the Russian Government. Here is a very curious statement—

> "The Grand Duke Constantine sent for the Rabbi Meisel and asked him why the Jews sympathized with the insurgents? 'Do you not know,' said the Grand Duke, 'that the Emperor is your father?' 'The Emperor, no doubt, is our father,' said the Rabbi, 'but Poland is our mother; and when the husband beats the wife, the children always take part with the mother."

That was as sound and as true and faithful an answer as was ever given. Any one who knows the activity, the intelligence, and fervid energy of the Israelitish character all over the world, and especially in Poland, knows that they are earnest and determined either as friends or enemies. Why is it that they sympathize with the insurgents? Because a unity of persecution and suffering has caused a community of feeling among them. About three weeks ago, a Hebrew gentleman, a friend of mine, who had passed many years in Poland, was walking along the streets, and he saw two men looking like Polish Jews. He asked them what brought them here, and they replied that they had escaped from the Russian army and had made their way to England, where alone true liberty was to be found. They added that when only five years of age they were forcibly taken from their mothers and carried into the interior, baptized in the Greek Church, and forced afterwards to enter the ranks of the Russian army. Thousands and tens of thousands of Jews have been torn from the bosom of their families, and subjected to a religion which they consider false, and compelled to enter a profession which, of all others, they abominate. The Jewish people have now taken part with the Poles, and supply them in every way with information. I believe that history will demonstrate that no man ever put his hand on the Jewish nation to injure or benefit them without receiving a smart for the one or a reward for the other. What, I may be asked, is it desired that this country should do under existing circumstances? I have the authority of one of the chief Polish agents in this country to declare that from England at least the Poles do not expect the co-operation of arms and military force; but they do ask for the strongest expressions of sympathy in both Houses of Parliament, in public meetings, in the public press, and in every way in which the public sentiment can be made known. The Poles say they that look with apprehension on armed intervention, because they desire to be independent, and they have before them the example of Savoy, Rome, and Nice. Therefore, they say to me that what they desire is the expression and constant exhibition of sympathy, which has the greatest effect in encouraging their own people, and in discouraging those who are opposed to them. As far as I can judge of the people of England, I should say that they do require that the strongest language of rebuke and indignation should be used in dealing with the Russian Government. However proper it may be for Ministers to be diplomatic in their language, the people of this country claim for themselves the right of expressing themselves in the strongest terms to the fullest extent of their feelings. I am inclined to believe that the force of public opinion in these days is ten thousand times greater than in the past history of this country, and that public opinion, perseveringly and powerfully directed, would be more effective in obtaining a remedy that the sudden apparition of a fleet in the Baltic. Consider now, my Lords, that public opinion is a very different thing from what it was in former days. Whole nations now can speak, and by newspapers and electric telegraphs a common feeling can be shot through millions and millions of people. And here, my Lords, I must protest against that doctrine so often laid down, that you may not make use of the language of strong feeling and indignation unless you are prepared to employ force, and to follow up your remonstrances with a blow and a heavy hand. Such a doctrine, I feel, is contrary to the first principles of Christianity, and wholly inconsistent with the character of the age. I believe that public opinion is now the most powerful engine that can be brought into action; and, that coming from such nations as England and France, more especially if founded upon such principles, conducted in such a manner, and directed to such issues as it is in the case of Poland, would be more than fifty Emperors could stand, enthroned though they might be in the regions of the North. There never was a time more favourable for the expression of this opinion than the present. And here I would say a word with respect to a class of persons who are not favourable to the establishment of Polish independence, urging as an objection that the Poles are a priest-ridden, Jesuitical race, that they are devout and bigoted followers of the Roman Catholic religion, and that if ever they should be restored to power, they would establish a persecuting and superstitious kingdom. My Lords, I protest against this whole argument from first to last. In the first place, I maintain that the best way to get rid of bigotry and priestcraft is to give freedom to the people, and to enable them to escape from the peculiar inspirations of their priests. But is there anything reprehensible or unnatural in the fact that the people of Poland, in their present condition, in the difficulties in which they are and have been placed for so long a time, should bind themselves to their priesthood and to the professors of the Roman Catholic religion? Where have they received encouragement and advice except from their own priesthood? Have you not seen that the Archbishop of Warsaw, so long considered as friendly to the oppressor, has resigned his civil post, and has come forward as an advocate of the rights of the people? And what have the Poles gained from Protestant Powers? They have had but little from Protestant England, and what have they had from Protestant Prussia? And if you consider that, of all the potentates of Europe, one only was found who, in the strongest manner his position would permit, came forward to mark his sense of abhorrence of the treatment which the Poles had received—that when the Emperor Nicholas went to Rome in 1845, Pope Gregory XVI. refused to see him, because his hand was stained with the blood of his Roman Catholic priests and people—when you consider that the Polish people know that, and compare it with the treatment which they had received from Protestant Powers, you must not be surprised that they lean to those who alone have shown their readiness to support them in their hour of trial. I bring this subject forward because I wish to disconnect myself from those who take that illiberal view, a view not in harmony with English feeling, nor founded upon any of the doctrines or precepts of Christianity. But to return to what I have just observed—never was a time so favourable for the expression of public opinion as the present moment. Never were the arguments so strong or the sympathies so powerful in favour of Poland as now. I really think Her Majesty's Government might address the Russian Cabinet, and say that neither they nor the people of England wish to weaken the Russian Empire—they only wish to see it well governed and brought within due limits, happy within itself, advancing the welfare of its people, and not constantly brought forward as a scandal and a cause of dispute in Europe. At the same time, I think they might remind the Emperor of the condition to which his empire is brought; that, his father having exhausted nearly the whole of its resources by his military operations, the present Emperor is exhausting the remainder; that there are no railways nor means of intercommunication throughout those vast territories, and that therefore, if he is anxious to concentrate his troops, and to place them on a war footing, more than a year must elapse before they can be brought where he wishes to collect them—and all because the money which ought to be expended upon railways has been spent upon his intolerable armies and his monstrous crusades against the peace of Europe. I think he might be reminded that the Russian Empire is threatened on the side of Circassia, and that the empire must be in a very insecure state when, in order to excite military zeal in the people, it is necessary to promise them a holy war. They were promised a holy war in the Crimea, they are promised a holy war now in Poland; but a people is surely not to be relied on when it is necessary to fill them with bigotry when they enlist, and with brandy when they fight. It is, my Lords, an undeniable fact, that the Russian troops are brought up to the fight drenched with brandy. But there is a still surer sign of decay, which has lately been manifested. The Government of Russia, fearful of the progress of liberal opinions among the officers of the army, published an announcement to the men not to pay attention to those officers. And hence the disorder and want of discipline of the Russian army—hence so many of the officers are almost daily assassinated by the Russian soldiers. In fact, want of discipline has been quoted by the Russian Government in extenuation of their own atrocities. Well, then, my Lords, if we persevere in this course of remonstrance, in those declarations of public opinion, in those appeals to the Emperor and his Ministers, not in secret, but before the whole world, it will, I am sure, however reluctant they may be, have a deep and lasting effect, and that speedily. My Lords, whatever may happen to the Poles, our obligations to them will still exist. The Poles at an early period of their history may have been haughty and arrogant; they may have been disorderly and troublesome to themselves and to the whole of Europe; but we owe to that nation a debt of gratitude, first for the chivalrous service which they rendered when all Europe was quailing before the face of the Turk, and the Poles and the Poles alone were able to drive them from the walls of Vienna. We also owe them a debt for the cold if not contemptuous indifference with which we treated them when, with the exception of the institution of the slave trade, the greatest public crime ever perpetrated against mankind was committed in the partition of Poland. Happen what may, the Poles will ever have all our hearts and all our sympathies; and, my Lords, I do hope, and I am sure it is the hope of this country—nay more, it is the earnest prayer of every true man within these realms, that we may yet live to see the time when this down-trodden and long-oppressed people shall enter again upon their ancient rights, and after so much experience and bitter sorrow shall inaugurate a noble career of civil and religious liberty, of humanity, and of justice. The noble Earl concluded by presenting the Petition

The Earl of HARROWBY *presented* a Petition from inhabitants of Liverpool to the same effect, and said, that the realization of the hopes to which the noble Earl had given utterance would be the ultimate hopes of their Lordships also, could they see their way to that result; but he doubted whether at the present moment the views of their Lordships extended quite that length. They must have been convinced, by the experience of the last fifty years, that the attempts to reconcile the Polish nation to the condition in which it was placed by the Congress of Vienna were utterly hopeless, and that it would be impossible to restore that confidence to the Poles in those who ruled them, which was essential to good government and to contentment among themselves. The experiment made at the time to which he alluded was a bold one; but it was the only way in which Europe could then express its opinion upon the rights of Poland. Under the peculiar circumstances which then existed, it was evidently impossible to go back upon the transactions of forty or fifty years, and to do that which the public conscience and public voice of Europe required. The statesmen of that day did the best by way of approximation, and they took every precaution compatible with the circumstances of the time, that if Poland could not be re-established as an independent Power, it might still be kept together as a nation. Every precaution was taken to provide that a distinct line of demarcation—that which existed previously to 1772—should be still maintained, and that however politically distributed the people of Poland might be under different Sovereigns, their nationality should be preserved, and the rights and privileges of intercommunication of the Poles of Austria, Russia, and Prussia, among themselves, such as their fellow-subjects did not possess towards them or the subjects of other States, were secured to them. This fact entirely disposed of the plea that had lately been put forward, that Russia in the earlier partition of Poland had not been guilty of spoliation, and that in annexing her Polish provinces she was, in fact, only recovering territories which Poland had formerly wrested from her. But this pretext had been formally excluded by the provisions of the Congress of all the great European Powers, which distinctly recognized as Poland all that had borne that name before 1772. Those provisions, however, were very soon neglected—above all by Russia, which obtained the largest share of spoliation. The Emperor of Russia, indeed, conferred the promised constitution upon the Poles of the Duchy of Warsaw; but however liberal that constitution was in appearance, for all practical purposes it was never really in action. It was, indeed, often pretended in certain quarters that until the year 1831 Russia had performed all her duties and engagements to Poland, and that she was entitled, by the unprovoked insurrection of that year, to dispense with the observance of the Polish constitution. That argument was without the slightest foundation. The great feature of that constitution was the Diet, and the provision that the Diet should enjoy the control which it was necessary for a representative Assembly to have over the expenditure of the country, and that it should be called together every three years at least. The Diet, however, instead of meeting according to the provisions of the constitution, had been only summoned three times in fifteen years, and during that period no budget was once submitted to it. Let them remember further what it was to be under the Government of the Grand Duke Constantine—concerning which it was not necessary to say one word—and it would be seen that if the Poles rose in insurrection in 1831, it was not owing to demagogic excitement, but was the natural result of Russian rule. Their Lordships were not called upon to engage this country in a war in which the risks and mischief were certain, while the advantages were doubtful. But they were called upon, not so much to give their sympathy to Poland, as to give their opinion on a matter of public right. They were called upon to declare to the world that it was their Lordships' opinion that the conditions on which Russia held the whole of the Polish territory—provinces and kingdom together—having been broken, her title to any part of Poland was forfeited, and she would hereafter hold it by the sword alone. He believed that a general expression of this opinion would have great weight in Europe, and that it was of the utmost importance that all Europe should know that any sanction which England had given in the Congress of Vienna to the continuance of Russian rule in Poland was entirely withdrawn, and that hereafter we recognized in her no other title but the sword.

Earl RUSSELL: My Lords, I have listened with the greatest attention to the speeches of my two noble Friends who have just addressed your Lordships. It is under a sense of great responsibility that I rise to offer some observations to your Lordships. That sense of responsibility arises more particularly from two considerations. The first is, lest I should give too sanguine a colour to the representations which are being made by the Powers of Europe to Russia, and lest I should say too much as to my expectations of the success of those efforts, and so induce your Lordships to think that a happy consummation is speedily to be expected. The other consideration that affects me is, lest I should induce your Lordships to think—and still more lest I should induce the Polish nation to think—that Her Majesty's Government are prepared in any way to take part in this contest, or to do more than address to the Government of Russia those representations which, in our opinion, it belongs to a country like this to make, and more especially when the same sentiments are shared and expressed by the two powerful Governments of France and Austria—representations which we make with a due regard to our own interests, to the interests of justice, and to the interests of the character of the Emperor of Russia—and which, in our opinion, cannot safely be neglected. My Lords, before I speak of that which has lately happened, and more especially with reference to the representations that have been made, I would ask your Lordships' attention for a few moments to that which was done in 1831. In the year 1831 my noble Friend who is now at the head of the Government, and who then held the situation of Secretary of State for Foreign Affairs, addressed these words to Lord Heytesbury—

> "The Treaty of Vienna declared that the Kingdom of Poland should be attached to Russia by its constitution. A constitution the Emperor of Russia accordingly gave, and it surely is no forced construction of the meaning of that treaty to consider the constitution so given as existing thenceforth under the sanction of the treaty."

It it not required that I should detain your Lordships by any lengthened argument with respect to the Treaty of Vienna, and the constitution necessarily connected with that treaty. That argument appeared in the despatches of 1831, and appears in the despatches of the present time. But there is one consideration which arises from reading the papers of 1831 which I think ought to be present to the mind of Parliament, and to the mind of those of the public who sometimes ask, "What is the use of diplomatic representations?" I would call the attention of those who advance such opinions to a despatch of Lord Heytesbury written in 1832. He tells Lord Palmerston that it was true our representations had not been attended with the effect which we ourselves wished, but that it would be a great mistake to suppose they had been altogether useless. Our representations, he says, were entirely confined to the Kingdom of Poland, and they had no bearing on those provinces of Russia—those nine Russo-Polish Governments, I believe they are called—which do not form part of the Polish Kingdom. Mark the difference in reference to these different provinces. Lord Heytesbury writes—

> "It will be sufficient to cast our eyes towards the Russo-Polish provinces not included in the Kingdom of Poland, and consequently out of the reach of foreign intervention, to be convinced to the contrary. In the Kingdom of Poland, setting out of the question those accused of assassination and the officers of the three corps, Kaminski, Rybinski, and Ramorin, who form a class apart, and who are now gradually returning to their homes upon consenting to renew their oaths of allegiance, there are not above twenty individuals excluded from the amnesty or who will suffer for their political conduct. But in the Russo-Polish provinces incorporated with the empire confiscation of property, exile, or deportation to Siberia, are the general lot. Not an individual has been

suffered to escape who took any active part in the revolution. This different measure of punishment, though it speaks little in favour of the clemency of this Government, shows clearly the effect of foreign intervention. We may not have gained much, but we at least have the consolation of knowing that the course pursued would have been infinitely more severe had we not taken the line we did."

This shows, at least, that some advantages may be derived from the influence of a great Power, using language founded on truth, calling attention to infractions of the spirit of treaties, and making representations which a great Power like Russia would not like to disregard. Now, in speaking of what has lately happened in Russia, I would, in the first place, endeavour to do justice to the character of the Emperor. In that respect I differ, perhaps, from my noble Friend who has presented Petitions this evening. I have an entire belief in the benevolence and sincerity of that Sovereign. I do not refer to mere professions on his part of sentiments which all monarchs are apt to profess; but I do say that there is hardly any Act which ennobles the reign of a Sovereign more extensive or grand in its effects, or more benevolent in its conception than the emancipation of the serfs of Russia. Every one who has attended to the circumstances under which that step was taken knows that the persons of most influence at the Court, the great aristocracy of Russia, were deeply interested in the maintenance of serfdom. To some the measure of emancipation has been attended with the loss of half their annual income, others have suffered to a far greater extent, in the loss of five-sixths or even nine-tenths of their property. But the Emperor of Russia, seeing that the interests of humanity were involved in the question, and that millions, not only of the present race, but of those yet unborn, would derive benefit from the proclamation of freedom, has not hesitated—with due deliberation, but at the same time with the utmost boldness—to declare the freedom of the serfs throughout the wide extent of his dominions. I say, then, we have no right to assume that a Sovereign who performed such an act from his own convictions of right, and who was not forced to adopt that course by anything like insurrection, will be animated with regard to another part of his dominions by intentions which are other than favourable to their welfare. But, having said this much — having declared what is my opinion — I am next obliged to say that in nothing that he has done with regard to Poland, and in nothing that I have hitherto seen, do I perceive the foundations of that prosperity, of that enjoyment of just rights, which the Poles are entitled to expect. I find in the last despatch of Prince Gortschakoff the views which are held out with regard to Poland. Prince Gortschakoff says—

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"By the side of an act of clemency, to which it has been possible to give a large extension since the dispersion of the most important armed bands, the Emperor has maintained in force the institutions already granted; and has declared that he reserved to himself the power of giving to them the developments indicated by time and the requirements of the country. His Majesty can, then, refer to the past in the rectitude of his conscience; as to the future, it necessarily depends on the confidence with which these institutions will be met in the kingdom."

Now, really, the whole gist of the present question as regards Poland lies in those last words. If we could believe the Poles would accept with confidence institutions recently given, or about to be given to them; if we could believe that they had reason to entertain confidence that those institutions would afterwards be developed into a complete system of freedom and of justice; then, indeed, we might look forward with some satisfaction to the future of Poland. But what is the case? Where are the grounds for that confidence? Institutions have been given, but from time to time there have been the most arbitrary arrests; men have been taken from their beds and sent to prison without accusation; in the churches of Warsaw—in one, I believe, the cathedral church especially—arrests were ordered, and the pavement was stained with the blood of men who went to worship God according to their own rites. Acts such as these must destroy all confidence in rulers. Beyond that, they cannot help reflecting that in 1832 and the following years attempts were made to deprive the Poles of their language, and to convert them by force to a religion which was not their own. The policy of the Emperor Nicholas, if it had been successful, might, indeed, have changed the whole face of Poland; but, not being successful, it leaves a lasting sense of resentment, and an enduring belief that the Poles never can rely on the promises of the Russian Government. My noble Friend has referred to what he calls—I think rightly calls—the act of proscription, which was the immediate cause of the outbreak; and asks, when such an outrage has taken place, can men possess confidence in the institutions about to be given to them? It has been observed by those who are well acquainted with the Government of Poland — and I have consulted those who have watched its course year by year—that there is one great vice of the Russian Government;—whatever good may be done, or whatever liberal institutions are given, it exhibits no perseverance and no consistency in carrying them out. At one time it was declared that all trials for political offences should be public. That system was carried into effect for a few weeks, but, some inconvenience being found to arise, it was at once put an end to. These are the things which prevent any feeling of confidence from arising in the breasts of subjects of such a Government—they cannot possibly rely that the institutions to be given will be permanent. That very act of conscription was directly in the teeth of the law of 1859, enacted in the reign of the present Emperor, upon which, if the Poles could rely upon anything, they ought to have been able to rely as a permanent law of the Kingdom of Poland. We are forced, then, to come to the conclusion that it is difficult, above all things, to inspire in the Poles that feeling of confidence with which these institutions to be successful must be viewed. It may be said that it is hard upon an Emperor whose intentions are so praiseworthy that he should be met with distrust and that all his benefits should be spurned. But such is the natural, such is the legitimate consequence of despotism—that its caprices destroy all confidence, and its promises for the future are spurned because its promises for the past have been falsified. If that be the case, had we not reason when we recommended that the constitution which was given by the Emperor Alexander I. in 1815 should be restored and scrupulously adhered to? In saying this, I do not suppose that the Powers of Europe assembled at Vienna accurately prescribed that constitution, framed its articles, or affirmed its nicer provisions; but I say this—that I know not how the Russian Government or any people having a national resentment and aversion to the Poles, can govern happily and securely but by giving these two securities—first, that the men employed in the Government shall have the confidence of the nation; and secondly, that the nation to be governed shall be governed according to known laws and rules. These are the foundations and elements of good government in every case; and unless they are present, I do not see how good government can be secured to Poland. One way of securing that the persons who govern shall have the confidence of the Poles is, that there shall be a National Assembly elected by the Poles themselves. I do not mean to be pedantic about this matter, as Prince Gortschakoff reproaches us with being. I do not mean to say that the institutions which suit England are exactly those which would suit Poland, or any other country which could be named; but what I say is essential is this—that the persons who govern, whether they are named by the municipal councils or by the Emperor himself, or are chosen by the suffrages of the electors, should be persons who have the confidence of the nation—they should be persons in the performance of whose promises the nation confides. When you place at the head of the Government a man who promulgates a law that the persons who are required for the service of the army shall be taken by lot and according to certain known rules, and who suddenly and in one night violates all those rules and kidnaps 2,000 young men—in such a man the people can have no confidence; and while such a Government is continued, it is idle to expect that peace should be maintained in Poland. Likewise, with regard to the law, there must be fixed and certain rules. It was for this reason that Her Majesty's Government advised a return to the institutions of Alexander I. as likely to secure peace to Poland; but, whether those institutions or any others are adopted, I say now, as we said then, that in any future diplomatic representations, in any of those negotiations which Prince Gortschakoff declares that the Russian Government is willing to entertain, in any discussions into which we may enter, we must always maintain, that unless the civil, political, and municipal government of Poland is placed in the hands of the Poles themselves, there is no chance of tranquillity in that country. I speak of tranquillity in the sense in which the three Powers have spoken. The French Government have asked to have durable peace; the Austrian Government have asked to have durable peace; the British Government have asked for peace on lasting foundations. I say that it is such a peace as that to which we ought to look, and that if we merely said "Here are certain benevolent institutions which have been given to the Poles, and they ought to be satisfied with them," we should be deceiving ourselves, deceiving the Poles, and deceiving Europe to expect any such result. To take the next point raised by my noble Friend, I know not that we can go beyond that which we have a right to do—namely, we have a right to speak of the Kingdom of Poland as constituted by the Treaty of Vienna, and we have a right to speak of its constitution. The Treaty of Vienna said, "The Duchy of Warsaw," as it was called, "shall be connected irrevocably with the Empire of Russia by its constitution." These words, we maintain, must have meant something. If no advantage of constitution was meant to be secured, it would be quite sufficient to have said, "The Duchy of Warsaw is henceforth irrevocably united with Russia." What was the meaning of the words—vague I admit, indefinite I admit, but still of vast signification—"united to the Empire of Russia by its constitution"? We can therefore only advise such institutions as would give to the people of Poland the government of Poland within that Kingdom of Poland constituted by the Treaty of Vienna. But my noble Friends have gone further—a good deal further—than that line of duty which I have thus traced out for Her Majesty's Government. My noble Friend, who presented the Petition from the City (the Earl of Shaftesbury) said that in his opinion we ought to declare that the Kingdom of Poland should hereafter be entirely severed from the Empire of Russia, and should form a separate State. My noble Friend who spoke last (the Earl of Harrowby) considers that Russia has forfeited all title under the Treaty of Vienna, and that we, in the name of the British nation, in the name of this Government, ought to declare that title forfeit. My Lords, I cannot tell you that Her Majesty's Government will take either the one course or the other. With regard to demanding the separation of the Kingdom of Poland from the Empire of Russia, I think there are grave questions which any Government, which any statesman, must ask himself before that deliberation can be concluded in the affirmative. What is to form this Kingdom of Poland? Supposing the Emperor of Russia were to declare, that in his opinion it was desirable to separate the kingdom of Poland from his empire, would the Poles be generally satisfied with those limits which the Treaty of Vienna has laid down? What was the object for which Count Andrew Czartoryski went to St. Petersburg? He was summoned there in order to explain an address to the Emperor, which had been signed by many of the nobles and great proprietors of Poland. What was the purport of that address? Its purport was that all the provinces which formerly belonged to Poland ought to be re-united under one administration with the Kingdom of Poland. They professed, that if that request was complied with, they would display the utmost loyalty to the Emperor of Russia, that they would remain faithful to him and to his Crown; but that they did not profess that they would be satisfied with institutions given to the Kingdom of Poland alone. I am not now expressing an opinion whether or not they were justified in that address, or whether the happiness of the Polish subjects of the Emperor of Russia requires any such measure. I am merely pointing out that the question of the re-erection of a separate Kingdom of Poland is not at once resolved by merely saying that you will have a Kingdom of Poland, but that you would have other and serious questions immediately arising upon that declaration. But there are other questions still. What would be the condition of that kingdom? Is it to have Posen, the Prussian part of Poland? Is it to have Galicia, the Austrian part of Poland? If you insist upon those junctions, you may depend upon it that Austria and Prussia will be as much opposed to your request as Russia herself. If, on the contrary, they refused that request, or if you say that the new Kingdom of Poland shall consist only of the Polish provinces which are now under the sway of the Empire of Russia, only consider what attempts will be made at Warsaw, to re-unite Galicia, Posen, and Dantsic to the Polish Kingdom—how much Austria and Prussia will be interested in defeating these attempts, and what foreign influences may be used to support Poland on the one hand and to repress it on the other, and what a new element of disturbance, instead of peace and happiness, you may cause to be established in Europe. Well, these things are not to be disregarded. Looking at them carefully—looking at them with a desire for the welfare of the Poles indeed, but not indifferent to the future peace and future welfare of Europe—I for one cannot put these considerations out of sight. But, besides these ultimate consequences, my belief is—it may be a mistaken one, as I have said; the events of to-morrow may overturn the foresight of to-day—

but my belief is, that in the present temper of the Russian Government, and still more of the Russian people, there is no readiness to consent to that which would be considered the dismemberment of a great empire. There are glorious recollections—there are symbols of pride and power connected with Russia, which may be dissolved, which may be destroyed, but which would hardly be dissolved or destroyed without a long and sanguinary war. Into those hazards, into those dangers, I for one certainly should be very loath to enter; and I think that your Lordships and the other House of Parliament, representing the people of this country, would be unwilling to incur such hazards unless they were forced upon you by the most pressing necessity. Well, my Lords, while I speak of these things as reasons why we should proceed cautiously, why we should proceed slowly if necessary, and in conjunction with other Powers, in all that we attempt to do for Poland, I have as much confidence as my noble Friend who presented the City Petition in the ultimate power of the public opinion of Europe. Prince Gortschakoff has spoken of the elements of disturbance and the revolutionary cosmopolites of Europe, and has asked France and England and Austria to repress their activity. Well, my Lords, no doubt as carrion birds are drawn by instinct to the battle-field, so, wherever there is disturbance, the moral and political vultures of Europe will flock to take part in it. But it is not the mere disturbers and revolutionists of Europe who alone have espoused the cause of the Poles in this conflict—it is, I believe, supported by the real and conscientious opinion of Europe. That which has taken place in Poland has been carried by modes of conveyance unknown in former times to all parts of Europe, and the conscience of Europe has been roused by seeing the religion of a people trampled under foot—by seeing its nationality despised—by seeing arbitrary measures dispose of the lives and limbs of the brave youth of a brave and celebrated nation. Depend upon it, my Lords, that that public opinion will not be fruitless—depend upon it that that public opinion, expressed at the present time by three of the greatest and most powerful monarchies of Europe, will be backed and sustained by every minor State or nation, and wherever men can read, or think, or hear of the woes of Poland. That which took place in 1831 and 1832—the tyrannical attempts, which in those years passed almost unnoticed—could not now be repeated, even if the present Emperor of Russia were the man to repeat them. I ask your Lordships, therefore, to rely, first, upon the prudent course of the Government of this country, and that that which can be fairly and practicably done will be done by them. I ask you, in the next place, to rely upon that public opinion of Europe which you may depend the Emperor of Russia, autocrat as he may be, will not neglect. I ask you to rely also upon the general sense of justice which pervades the people of this and other countries. I ask you, above all, to rely upon that Heaven which will not allow oppression to pass unpunished, or permit such sufferings much longer to endure.

THE EARL OF **SHAFTESBURY** explained that he had said that the action of the Foreign Minister must be confined within the four corners of the Treaty of Vienna, but that the people of England might take much broader views.

AUGMENTATION OF BENEFICES BILL.

(NO. 92.) COMMITTEE.

THE **LORD CHANCELLOR**, in moving that the House go into Committee on this Bill, said he proposed certain alterations in its provisions, which, while they diminish its effect in one direction, would increase it in another. He was happy to be able to announce that the Crown assented to an important provision of the Bill, by which the Lord Chancellor was empowered to dispose of one hundred livings beyond those included in the schedule. That was a very large extension of the measure in a most useful and beneficent direction. If they had the good fortune to sell upon reasonable terms the livings proposed to be dealt with under the measure, he believed that they would ultimately receive a sum of about £700,000 to be applied for the augmentation of the poorer livings within the Church.

House in Committee; Amendments made: The Report thereof to be received on Monday next, and Bill to be *printed*, as amended. (No. 99.)

House adjourned at a quarter past
Seven o'clock, till Monday next,
a quarter before Four o'clock.

HOUSE OF COMMONS,

Friday, May 8, 1863.

MINUTES.]—New Writ Issued—For Tralee, *v.* Daniel O'Connell, Esquire, Manor of Northstead.

Supply—*considered in Committee*—r.p.

Public Bills—*First Reading.*—Sheep and Cattle (Scotland)* [Bill 115]; Court of Session (Scotland)* [Bill 116]; Salmon Fisheries (Scotland) Act Continuance* [Bill 117].

Second Reading—Offences (South Africa) (*Lords*)* [Bill 113]; New Zealand Boundaries (*Lords*)* [Bill 112]; Poor Removal (No. 1) [Sir Hervey Bruce], *negatived.*

Considered as amended—Security from Violence* [Bill 111].

Withdrawn—Municipal Elections (No. 2)* [Bill 83].

TURKEY—APPLICATION OF THE LOAN OF 1862.—QUESTION.

Mr. DARBY GRIFFITH said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether any Report has been made by Lord Hobart and Mr. Forster as to the application of the proceeds of the Loan of 1862 to the extinction of the Caimé or paper money in Turkey; and if so, whether there will be any objection to lay it upon the table of the House?

Mr. LAYARD, in reply, said, he begged to state that Mr. Forster was not at Constantinople at the time referred to; but he might state that Lord Hobart superintended the negotiations in reference to the Loan, and there would be no objection to place all the documents upon the table of the House. He would state further, and he did so upon the authority of Lord Hobart, that the assertions made in that House and elsewhere that a part of the Loan was applied to other purposes than to the withdrawal of the Caimé and the extinction of the floating debt were entirely unfounded.

CLUB LICENCES.—QUESTION.

Mr. LYGON said, he would beg to ask Mr. Chancellor of the Exchequer, What amount of Revenue he estimates will be produced by the Tax on Clubs?

The CHANCELLOR of the EXCHEQUER: Sir, I am not able to give any information upon the subject, beyond the negative information which I gave in reply to a similar Question from the hon. Gentleman upon a former evening. Perhaps the hon. Gentleman will be less anxious for the information when I tell him that I intend to accede to the requests that have been made to me from all quarters, and to withdraw that item.

IRISH CENSUS RETURNS.

QUESTION.

Captain STACPOOLE said, he rose to ask the Chief Secretary for Ireland, Whether the Census Returns of Ireland, when published by Parishes, will show the religion of the inhabitants, as is shown in the County Returns?

Sir ROBERT PEEL said, in reply, that when the Census Returns were published, they would show the religion of the inhabitants.

POLAND.—QUESTION.

Mr. HORSMAN said, as the noble Lord at the head of the Government was not present, he wished to ask the Under Secretary of State for Foreign Affairs a Question in reference to certain Enclosures in a Despatch. The Despatch itself had been produced, but not the Enclosures; and he wished to know whether there will be any objection to produce them. To make the Question intelligible, he would read that part of the Despatch which relates to the Enclosures, and which were written in reference to the state of affairs in Poland in the years 1831 and 1832. The noble Lord at the head of the Government, at that time Secretary for Foreign Affairs, wrote a Despatch to Lord Heytesbury on 22nd March 1831, giving him instructions as to his communications with the Cabinet of St. Petersburg, and in it was this paragraph—

> "In order to put your Lordship more completely in possession of the views of the British Government in 1814 and 1815 on the subject of the arrangements for Poland, of the part which was taken with regard to those arrangements by the British Plenipotentiary at the Congress of Vienna, and of the bearings of those arrangements upon the security of other states. I send your Lordship copies of various Despatches received at this office in the year 1814 and 1815. Your Lordship will see explained in these Papers the importance of the advanced military position which the kingdom of Poland presents to Russia interposed as it is between Austria and Prussia, and at no great distance from the capital of each."

He wished to ask the Under Secretary of State whether there will be any objection to produce those Enclosures, which are now half a century old, and therefore matters of history?

Mr. LAYARD: Sir, in answer to the Question put to me by the right hon. Gentleman, I beg to observe that a Notice has been put upon the Paper by the hon. Member for King's County (Mr. Hennessy) to call the attention of the House to the state of Italy this evening; and when the hon. Member shall bring on that Motion, the noble Lord at the head of the Government will be in his place, and will no doubt answer the Question.

Mr. HORSMAN gave notice that he would ask the Question again on Monday.

REGISTRATION OF ASSURANCES (IRELAND) BILL.—QUESTION.

Mr. BERNAL OSBORNE said, that he wished to ask the Secretary for Ireland whether he intends to proceed with the Registration of Assurances (Ireland) Bill on Monday?

Sir ROBERT PEEL, in reply, said, the Bill stood for Committee on Monday next, and it would be more convenient then to state the course the Government intended to pursue in reference to the measure.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

COMMERCE WITH NAPLES.

PAPERS MOVED FOR.

Mr. HENNESSY said, he rose to invite the attention of the House to a despatch from Mr. Consul Bonham that had been laid upon the table relating to their commerce with Naples. In that despatch he was more than once referred to, but he did not complain of the Government printing a despatch which contained at least a sharp criticism, if not an attack upon himself. But he did find fault with them for not producing other despatches from Naples, some of them written by the same gentleman who had written the despatch upon the table, which showed that he (Mr. Hennessy) was right and Mr. Consul Bonham was wrong in the statements each had respectively made. From time to time he had called the attention of the House to the decline of British trade with Naples, and especially to the decline in 1862, as compared with 1861. It was with that subject that the despatch of January 23, 1863, dealt, and Mr. Bonham stated that his (Mr. Hennessy's) statements were wholly incorrect and inexplicable. It also contained a statement that there had been an increase of trade. He appealed from Mr. Consul Bonham to the President of the Board of Trade. The Trade and Navigation Returns for the year 1862 furnished a detailed statement of the trade at Naples, and at page 9 he found that the import of the only article specified in the Returns—wine--had diminished from 332,210 gallons in 1861 to 211,494 gallons in 1862, showing a diminution of over 100,000 gallons. Then as to the exports to Naples, the first item was cotton manufactured piece goods of all kinds, plain, printed, and coloured. In 1861 the export of these goods to Naples and Sicily amounted to £744,505; in 1862 it had fallen to £436,457; showing a loss of 40 per cent, whereas the loss within the same period upon the exports of cotton manufactured goods to other countries was only 22 per cent. Then with regard to linen manufactures, while the trade with all other countries in the world had increased in 1862 to the extent of 40,000,000 yards, with Naples and Sicily it had fallen from 2,186,621 in 1861 to 1,512,172 yards in 1862. The next item was the trade in iron, bar, angle, bolt, and rod. Mr. Bonham said that there was great difficulty in obtaining correct returns from the Custom House at Naples, but every one who knew the port of Naples and witnessed the crowding and confusion on the quays must know that the trade was improved. But here, instead of that vague assertion, were the figures of the Board of Trade; and he found that in 1861 the total amount of their trade with Naples and Sicily in the articles he had just mentioned was £107,754, whereas in 1862 it was only £96,872, though with every other country their trade had increased. So with woollen and worsted manufactures, the amount of their trade with Naples and Sicily was in 1861, £216,845; in 1862, £164,760; though our trade had largely increased with all other countries. These were the only items specifically mentioned in the pages of the Board of Trade Return; but at the end was the sum total, being the amount of the declared value of British and Irish produce and manufactures exported from the United Kingdom to each foreign country, and from that it appeared that the value of all our exports to Naples and Sicily in 1861 was £2,071,521, while in 1862 it had fallen to £1,321,339, showing a total loss of three-quarters of a million. These *data* contradicted Mr. Bonham, and they were authentic. In conclusion, for the purpose of clearing up the matter, he begged leave to move for any despatches received by Her Majesty's Government relating to Southern Italy, in continuation of the papers which were last year presented to the House.

MR. CAVENDISH BENTINCK,* in seconding the Motion, inquired why the Government refused to produce the despatches referred to by his hon. Friend. The condition of Southern Italy was growing gradually worse, and it was due to the House and to the country that proper information on the subject should be laid before them. He assured the Government that his only wish was to arrive at the truth in this matter. It might be said, in opposition to a discussion of this kind, "What right have we to interfere with the internal affairs of a foreign kingdom? The question of Italy is settled; King Victor Emmanuel is in possession of his own; we have no more right to debate in this House the local administration, or the police system of his kingdom, than the Chamber of Deputies at Turin would have to entertain similar questions affecting England." That was the old worn-out argument. But his answer was that the *de facto* Government of Italy and Her Majesty's Government were precluded by their acts from stifling discussion upon any such pretexts. Popular sympathy in England had been excited in favour of the new Kingdom of Italy because it was believed that all the ills and wrongs of Italy had proceeded from bad government, which, under Piedmontese rule, would be forthwith redressed. Inspired by this feeling, the English people had unmoved seen many great changes. The disastrous war of 1859—the Treaties of Vienna torn to pieces—the dethronement of the Grand Dukes by intrigues—the sad surrender of Savoy and Nice to France—the seizure of the Pope's dominions, and the invasion of Naples, without a pretext for war, or even a declaration of war, thereby establishing a precedent under colour of which the Federal Americans might at any moment invade Canada. These gross infractions of the law of nations were excused because an impression prevailed that the policy of Count Cavour was a panacea for all political disorders, and that peace and contentment were the necessary consequences of its success. The Italian Government then was on its trial. Having attained their present position by violation of all international law, they could not plead international law in bar of any examination of their conduct—they were bound to prove they had acted up to their principles, or to forfeit that confidence which the people of England had perhaps with too great readiness reposed in them. What had been the course which Her Majesty's Government had pursued in regard to all questions affecting Italy? Everybody conversant with the conduct of the Members of the Government, both in and out of the House, must frankly admit, that while they studiously kept back important information which they possessed, the question of "Italian unity," "the French occupation of Rome," "the maintenance of the Pope's temporal power;" and kindred subjects had been continually in their mouths. They had not confined themselves to generalities—they had descended to particulars. They had attempted, moreover, to show the precise cause of evil, and a fixed idea seemed to pervade their minds that all the disorders which afflicted Italy were solely due to the French occupation of Rome and the protection of the King of Naples by the Pope. When this question was introduced to the House last year by the hon. and learned Member for Dundalk (Sir George Bowyer), the Under Secretary for Foreign Affairs, the Chancellor of the Exchequer, the noble Viscount at the head of the Government, followed each other in quick succession, and endeavoured to browbeat those who entertained an opposite view of the question. The hon. Gentleman (Mr. Layard) maintained the most extravagant propositions—that the brigands were entirely harboured at Rome; that brigandage was confined to the frontiers of Rome; that there was no brigandage in Calabria, in Otranto, or Bari; that the conscription was popular; that the National Guard was entirely on the side of the Government; that the brigands committed the greatest outrages, while the Piedmontese soldiers were merciful. The Chancellor of the Exchequer followed on the same side, and committed himself to the statement that "it was marvellous how little cruelty had been proved against the soldiers of Italy;" and finally, the noble Lord at the head of the Government concluded the debate by saying—

> "I do not want to dwell on the enormities committed by those who were sent from Rome under the sanction of the head of the Roman Catholic religion and of the unhappy and exiled sovereign who lives under the protection of the Pope. I will not go into these atrocities. I will simply say they were such as ought to deter any one from

advocating a cause stained by such cruelties. If the Southern part of Italy is disturbed it is not by internal insurrection—not by the people themselves, but totally and entirely by emissaries, the scum of the earth, sent there on purpose to murder, plunder, destroy by fire, and even to burn people alive." [3 *Hansard*, clxvi. 966.]

He (Mr. Cavendish Bentinck) would not comment on the taste of that statement respecting the head of the Roman Catholic religion; but if the observations of the noble Lord were in good taste, they were certainly unjust. He now asked what evidence there was for those statements. He knew that his hon. Friend the Under Secretary for Foreign Affairs, in a most eloquent speech, quoted several long and very tedious extracts from Consul General Bonham; but if hon. Members examined those extracts, they would find that they were chiefly made on hearsay, and in one instance Mr. Bonham actually declined to give the name of his informant, though that informant was an English gentleman. The conclusion that he (Mr. Cavendish Bentinck) arrived at from a perusal of the despatches hitherto produced, was that the statements of Sir James Hudson and Consul General Bonham were not to be entirely relied on. Twice in that House he had convicted Sir James Hudson of not having given to Her Majesty's Government information which he ought to have communicated to them; he (Mr. Cavendish Bentinck) therefore accepted Sir James Hudson's evidence with great caution, and was perfectly prepared to give his reasons for so doing. More than a year had now elapsed since the Italian debate, and yet the last despatch bearing on this subject from Consul General Bonham was only under date of April 2nd, 1862. The general reports of the condition of Southern Italy, and the letters of correspondents published in the French and English newspapers being contradictory of the reports laid upon the table of the House, Her Majesty's Government had re-opened the question the present year by producing certain despatches which were styled "Papers relating to Brigandage in Italy," and which covered only two sheets of paper. In these despatches the House would find that the "fixed idea" of the Government with reference to the occurrences in Naples took, if possible, a more exaggerated and feeble form. First, Mr. Odo Russell, writing to Earl Russell on the 24th of November, said—

"The Bourbon Committee have lately sent a further detachment of 260 men to join Tristani's band on the frontier. They were well armed, and wore blue overcoats and red trousers, so as to look like French soldiers at a distance, and thereby deceive the Italian outposts and patrols. The men enlisted are chiefly Bavarians, Belgians, and Spaniards. Tristani's head quarters are, according to circumstances, either at Santa Francesca or at Strangolagalli, and he draws his rations and supplies from Veroli. It is difficult to understand for what object the Bourbon Committee continue to keep up and organize these useless bands of foreigners, who, beyond annoying the inhabitants of the Neapolitan frontiers, have achieved no other result than to discredit the cause of King Francis II."

Upon the receipt of this despatch, Lord Russell, with characteristic impetuosity, but without consideration or reason, proceeded to attack the French Government in a despatch dated December 27, 1862, in which, after referring to the characteristic benevolence of the Pope, he said—

"If the French army at Rome protected a Power thus holy, religious, and charitable, the evils of the French occupation would be in some degree mitigated. But there is a long distance between the theory thus stated and the existing fact. The political banditti who invest the Southern provinces of Italy have their head quarters at Rome. They constantly issue from haunts rendered secure for them by the cover of the French flag, to destroy whole villages, and to murder the peaceful farmers of the South. A detachment of 260 men lately went from Rome well armed, and clothed in blue overcoats and red trousers in order that they might look like French soldiers, and thereby deceive the Italian outposts and patrols. If such detachments of robbers were to be sent from Switzerland into Lombardy, the Italian Government would at once protest, and the Swiss Republic would at once put an end to such an unfriendly proceeding. At Rome, however, things are done in a different way; and the high dignitaries about the Pope's person, as well as his illustrious guest the late King of Naples, are believed by the world in general to be the instigators of these incursions. It is obvious, that if the Roman Government were really independent, it would be at once called to account by the King of Italy for these aggressive and unjustifiable proceedings, and would not venture to disregard his just and well-founded remonstrances. The continuance of these barbarous outrages is therefore an evil entirely owing to the French occupation of Rome; and it would cease at once if proper orders were given by the French Minister of War to the General commanding the French troops in the Roman territory. The Minister of War has but to say peremptorily, 'Let brigandage cease,' and the Roman banditti would be extinguished in a fortnight."

Could any expressions be more insulting? The patience of the French officials was truly wonderful, especially as they knew, as Lord Russell ought to have known, that there was not the slightest foundation for the charge; but rashness, want of temper and judgment, met their just reward, for, in a despatch dated January 14, 1863, Mr. Odo Russell stated that he had been called to account by the French General, and was compelled to admit his grievous error. Mr. Odo Russell says—

> "Your Lordship has learnt that General Count de Montebello denies, in the most positive manner, the truth of the statement relative to the passage of brigands over the frontier, contained in my despatch of the 24th of November last. Reliable as my informants appeared to me to be, I must now suppose that they were in this case themselves deceived; and I regret to have unwittingly sent incorrect information to your Lordship. I also regret to say, that I found General de Montebello somewhat annoyed at the occurrence. He said, that by supposing that men could be armed and equipped in Rome, and sent to the frontier without his knowledge, I had blamed his military administration of Rome; but that criticism was a matter of indifference to him, so long as his own conscience and sense of duty were satisfied."

But this is not all; after eating the leek which he was obliged to swallow under such circumstances of humiliation, Mr. Odo Russell made a lame excuse—singularly illustrating the French proverb, that he who excuses himself accuses himself—

> "I told the General how much I regretted that any statements of mine should have been a cause of annoyance to him; that I had made them on what I considered good authority; and that similar statements formerly made by me had been entirely confirmed by his predecessor, General de Goyon. 'The means employed,' I said, 'by the Legitimist Committee to send men and arms to the frontier had formerly been as follows:—The men were sent singly on foot to certain convents on the frontier, while old French uniforms were bought from the Jews in the Ghetto, and, as well as arms and other equipments, carried bit by bit to isolated vignas in the Campagna, and at night packed in old herring casks, and gradually conveyed to the frontier, where they were distributed to the men already there assembled.'"

It was scarcely possible to credit that a professional diplomatist could be so deceived by such reliable informants? He appealed to the Under Secretary, whether any one acquainted with the habits of French soldiers seriously believed that even the old clothesmen of the Ghetto could get a bargain out of these discarded uniforms, or that these same uniforms, perfumed with the ancient and fish-like odour of the herring casks, could have any effect upon the soldiers of Italy, except, perhaps, to keep them at a distance. Yet such were the despatches of the British Minister upon a most important subject. What was the political result? The Foreign Secretary charged two Powers—namely, France and the Pope—with whom we were on friendly terms, with an offence against a third Power. If the charges were true, he did not say but that the Government might have made representations even stronger; but if the charges could not be sustained, the logical inference was, that this correspondence, to paraphrase a sentence of Mr. Russell, "had achieved no other result than to discredit the cause of Queen Victoria." He would now call the attention of the House to the real facts. In the first place, brigandage (so called) was a civil war, a spontaneous popular movement against foreign occupation, similar to that carried on in the kingdom of the Two Sicilies, from 1799 to 1812, when the great Nelson, Sir John Stuart, a noble relative of his own, and other English commanders were not ashamed to enter into relations with the brigands of that day, and their Chief, Cardinal Ruffo, for the purpose of expelling French invaders. Secondly, brigandage did not exist upon the frontiers of the Roman territory. The Under Secretary laughed; but he would prove his assertion, not from hearsay evidence, furnished by such witnesses as Sir James Hudson and Consul General Bonham, not from garbled extracts, but from an authority which the Under Secretary would not dispute—namely, the speeches in the Turin Chamber, an assembly so highly lauded by the Under Secretary last year, that he told the Speaker he might not disdain to preside over it; though he (Mr. Cavendish Bentinck) trusted that Providence in its mercy would avert such a fate from the Speaker. The subject of Neapolitan brigandage had been from time to time much discussed in the Turin Chambers, especially during the debate of November 1862, which led to the fall of Ratazzi, and during the past month. It was quite obvious that statements made in the Chamber with reference to the condition of the Southern Provinces, which the Ministry could neither contradict nor explain away, were the best evidence that could possibly be adduced. He held in his hand the speeches of distinguished Members of the Turin Chamber—Ferrari, Massari, Nicotera, Crispi, Cappone, Bixio, Ricciardi, and many others, all Liberals, men without any reactionary tendency. With these he would not trouble the House at any length, for a good case required but few witnesses. He would only read sufficient to establish the truth, pledging himself, if need be, to substantiate his allegations to the fullest extent. For this purpose he would select the speeches of the Deputy Ferrari, because Ferrari was a man of high character and reputation, a Lombard, free from Piedmontese and Southern prejudices, a gentleman, in short, whose testimony was unimpeachable. Signor Ferrari, returning from a visit to the Southern provinces, when he had witnessed the ruins of Pontelandolfo and Casaldini, two towns sacked and destroyed by the Piedmontese (at Pontelandolfo thirty unhappy women, who were in terror kneeling at the foot of the symbol of the Christian faith, were massacred by assassins in the garb of regular soldiers), in his place in Parliament thus expressed himself—

> "Ay, you may call them brigands, but they fight under a national flag; you may call them brigands, but the fathers of these brigands twice restored the Bourbons to the throne of Naples."

On the 29th of November last, Signor Ferrari, addressing the Ministry, said—

> "What constitutes brigandage? Is it the fact, as the Ministry would have us believe, that 1,500 men, commanded by two or three vagabonds, can make head against the whole kingdom, backed by an army of 120,000 regulars? Why, these 1,500 must be demi-gods! heroes! I have seen a town of 5,000 inhabitants (he alluded to Pontelandolfo) utterly destroyed. By whom? Not by the brigands. You cannot deny that whole families are arrested without pretence; many individuals acquitted by the judges still linger in prison. A new code is in operation, under which every man taken with arms in his hands is shot. This I call a war of barbarians, a war without quarter. If conscience does not tell you, you wade in blood, I know not how to express myself."

That was a fair specimen of the opinions of the independent Members of the Chamber during the great debate of November, and these opinions were singularly confirmed by an incident which took place towards the close of the debate, which clearly showed the national character of the movement in the Neapolitan provinces. It was reported in the Chamber that a band of brigands had entered Grottaglie (a town of 5,000 inhabitants, in the Capitanata). The deputy Castromediano put a question to Rattazzi on the subject. The latter answered by reading a telegram he had received, in the following terms:—

> "Brigands have entered Grottaglie.—Received by the whole population with banners and illumination.—The Syndic and Municipal Council accomplices.—National Guard the same.—The case most serious.—Ordered the dissolution of the National Guard.—The Syndic and Municipal Council in arrest."

Rattazzi then uttered these remarkable words—

> "The Chamber will perceive, that if the brigands have occupied Grottaglie, the blame does not rest with the Government, but with the Municipal authorities, the National Guard, and the entire population."

If further proof relative to the national sentiments be required, it is sufficient to consult the pages of the *Turin Official Gazette*, in which for months past decrees might daily be seen dissolving National Guards and municipal bodies, ten and twelve at a time, for complicity with brigands, and fixing the seat of the civil war, not in the Abruzzi, Sora, or Terra di Lavoro, but in the Capitanata, Basilicata, Otranto, and the Calabrias. Nor was evidence wanting to establish the facts down to the present time. On the 25th March, Cappone, a Government supporter, cited official documents to prove the complicity of the Syndics generally, and called the attention of the House to the defeats and disasters which the Piedmontese had lately met with in the province of the Capitanata. On the 18th April an attack was made upon the notorious Fumel by Ricciardi. The Deputy Miceli, who was in Calabria at the time of the massacres, supported Ricciardi, stated that a reign of terror prevailed in Calabria, and referred to many cases of persons shot without trial and without mercy. The strict letter of Miceli's statements being questioned, Bixio rose. Bixio was a Garibaldian general, who landed with Garibaldi in Sicily, and accompanied him through his campaign. General Bixio, being well acquainted with the country, had been appointed a member of the Brigandage Commission by the Government. Bixio, therefore, spoke with authority. He said—

> "A system of blood is established in the South of Italy, but it is not by shedding blood that the evils will be remedied. There is truth in the statement of Miceli. It is evident that in the South blood alone is sought, but the Parliament must not follow this course."

After acquitting La Marmora of the excesses of the subordinates, and blaming the severities permitted by all Ministers, he concluded, "Let us first be just. If Italy is to be a nation, we must attain our end by justice, not by shedding blood."

He (Mr. C. Bentinck) would now call attention to the last phase of this question, which was of the utmost importance, not only as showing the slender ground on which these charges of harbouring brigands rested, but is a fair sample of the gratitude which England might expect in return for her Piedmontese sympathies.

On the 27th ultimo, the Deputy Sandonato inquired of the Italian Government, what course they had pursued with reference to the British Government, which had permitted brigands to be organized at Malta, and thence despatched to infest Italian territory. Peruzzi answered in the terms following:—

> "We have received information to that effect. We have ordered men-of-war to cruise in the Sicilian and Calabrian waters. We have not failed to make proper representations to the British Government on the subject, but no satisfactory answer has been received; and with reference to recent events at Malta, we will not fail to renew our instances."

Then follows this remakable passage:—

> "We do not apprehend any grave consequences from these preparations. Experience shows us that all expeditions from without produce unimportant results."

Here was a lesson for Lord Russell. What might not the French Government say, if they chose to descend to the style of Lord Russell's arguments, and endeavour to gain a little temporary popularity by the abandonment of all principle? They might justly urge, "Why you (the British Government) profess to favour Italian liberty, and yet you harbour brigands? The continuance of these barbarous outrages is therefore an evil entirely owing to British occupation of Malta, and would cease at once if proper orders were given;" and so forth. Was it not monstrous, then, that these attacks should be made on the French Government? He had never been in favour of the French occupation of Italy; he had always been averse to it; but the noble Viscount (Viscount Palmerston) could not object to the result, for he had done his utmost to establish French influence in Italy. When the noble Lord sat last in Opposition, he attacked Lord Derby's Government, because, he said, their sympathies were with Austria and against France, and any policy that went to weaken intimate alliance with France was undeserving of the confidence of the country. It was on that ground that he in great measure rested his support on the vote of want of confidence in 1859. Since the noble Lord had crossed the House he had made many speeches relative to the French Government which were not over-discreet; but if he were now asked whether his Government was still on good terms with the French, he would probably answer that both in the East of Europe as well as in the far West the Cabinets of St. James and the Tuileries were cordially acting to effect a common purpose. Did these attacks, then, on the French Government indicate a change of policy? A recent appointment had excited some surprise in this country, and would doubtless not pass unnoticed abroad. He should be the last man in the world to deny the talents and eloquence of the hon. Member for Halifax; but it was rather extraordinary that the noble Lord, if it was necessary for him to go below the gangway to recruit his strength, should have returned with a gentleman whose opinions on foreign politics were so very decided. The hon. Gentleman himself would be the last man to deny his sympathies, and it was sufficiently notorious that he had been for years associated with the promoters of every species of frantic revolution, and the noble Lord, in placing him on the Treasury bench, was bound to assure the House and the country that he in no way favoured the opinions of those who constituted the party of disorder in Europe, and whose object was to disturb the peace of those countries with which it was our interest to be on the best possible terms.

There was also strict Parliamentary precedent for requiring the production of the papers relating to the treatment of political prisoners, which the Government refused. In 1851 the Chancellor of the Exchequer wrote his celebrated pamphlet, and in eloquent and forcible terms depicted the horrors of the Neapolitan prisons; and the noble Viscount, then Foreign Secretary, in answer to a question put by the gallant Member for Westminster, said he would send a copy of the pamphlet to all the British diplomatic missions, in the hope that a beneficial impression might be generally produced. A few years afterwards the noble Lord became Prime Minister. In 1856 there was a discussion of the subject in both Houses, and it was admitted by very high legal authority in another place—that there were cases where interference with the domestic administration of foreign Governments was allowable, and Naples was one of those cases; and therefore at the latter end of the same year, upon the ground that the King of Naples did not govern in the way in which this country thought proper, diplomatic relations with Naples were suspended. Those relations were only resumed upon the accession of the ex-King, and even then not without protests on the part of some hon. Members. Therefore, the precedent that the want of a proper administration of justice, and the improper treatment of political prisoners at Naples, justified our interference was as firmly established as any precedent in our legal and equitable jurisprudence. He found no fault with the right hon. Gentleman for having written his pamphlet. Seeing what he did, and believing what he did, it was his duty to publish it; and the right hon. Gentleman must have great satisfaction if he could think that he had relieved the sufferings of those unhappy men. He (Mr. C. Bentinck) did not defend the proceedings of the late rulers of Naples; on the contrary, he condemned them, and he would admit, for the sake of argument, that every iota of the pamphlet of the right hon. Gentleman was true; but having made that admission, he must ask how it was that in the existing state of things neither the right hon. Gentleman nor the noble Lord made any sign. What were the charges made by the right hon. Gentleman in his pamphlet against the Neapolitan Government?

First, that 20,000 persons and upwards were confined in the public prisons. What did they find to be the case now? Consul General Bonham himself admitted the political prisoners to exceed 20,000 in number. Many Deputies have borne testimony to the same effect. The House would learn from Signor Crispi that 1,300 political prisoners were detained in prison at Palermo. From the Deputy Lazzaro (so lately as the 9th of April), that the prison at Salerno, constructed for 600 prisoners, now held 1,400. Potenza, 1,100 instead of 600. Lanciano, 700 instead of 200. And yet in face of these facts the right hon. Gentleman was silent.

Secondly, the right hon. Gentleman was indignant because the Neapolitan police paid domiciliary visits. Let the House hear his own words, which he loved so much, page 9—

> "The law of Naples, as I have been informed, requires that personal liberty shall be inviolable, except under a warrant from a court of justice authorized for the purpose. In utter defiance of this law, the Government, of which the Prefect of Police is an important member, through the agents of that department, watches and dogs the people, pays domiciliary visits very commonly at night, ransacks houses, seizing papers and effects, and tearing up floors at pleasure, under pretence of searching for arms, and imprisons men by the score, by the hundred, by the thousand, without any warrant whatever, sometimes without even any written authority at all, or anything beyond the word of a policeman, constantly without any statement whatever of the nature of the offence. Nor is this last fact wonderful. Men are arrested, not because they have committed or are believed to have committed any offence, but because they are persons whom it is thought convenient to confine and to get rid of, and against whom, therefore, some charge must be fabricated."

And yet now that the Piedmontese "statuto" was in force, far more liberal in its provisions than the Neapolitan constitution of 1848—now that domiciliary visits and alleged arrests were of everyday occurrence, as shown by the Parliamentary discussions relative to the cases of the Senator Prince d'Elia and the Archbishop of Palermo (the latter an avowed Liberal)—now that the relatives and connections of alleged brigands to the third degree and hundreds of persons, upon mere suspicion of complicity, were arrested and frequently shot without trial—now that many persons, actually acquitted by the courts, still lingered in prison, the right hon. Gentleman was silent.

Thirdly, the right hon. Gentleman protested against the detention of accused persons for long periods of time before trial. Now that thousands of unhappy wretches, of all ages and both sexes, were rotting in gaol without hope, and appealed piteously to the passing stranger—now that the evil was admitted to its fullest extent even by Consul General Bonham—the right hon. Gentleman was silent.

Fourthly, the right hon. Gentleman gave a description of the condition of the prisons which had become quite historical. What is their actual condition? Let him read the accounts of Crispi, of Ricciardo, even of Consul General Bonham! The chains of the political prisoners — the chains of the Garibaldians, whose fault was that they loved the unity of Italy too well, failed to excite the compassion of the right hon. Gentleman, and the right hon. Gentleman was silent.

Lastly, the main charge of the right hon. Gentleman against the Neapolitan Government was it utter lawlessness. At page 68 he said—

> "My main charge against the Government is its utter lawlessness. I am obliged to repeat it, and I say there is no body of brigands in the country which breaks the laws of Naples with the same hardihood, or on the same scale, as does the Government by the hands of its agents."

Was the Piedmontese "statuto" any more respected? The state of siege in Naples and Sicily had endured for a longer period than any state of siege under the Bourbons; the gagging of the free press was a matter of fact. He did not attempt to defend or justify in the smallest degree the proceedings of the late Bourbon Government. But was the new order of things any improvement on the old system? Under Bourbon rule, as admitted by the right hon. Gentleman, punishment by death was rare; yet at the present time hundreds, nay thousands of persons were ruthlessly shot without trial, and chiefs like the monster Fumel, whose iniquities Her Majesty's Government last year virtually tried to palliate, were sent forth to burn and lay waste whole villages, and massacre the inhabitants.

> "The Bourbon Government," said the deputy Nicotera, "had the great merit of preserving our lives and substance, a merit the present Government cannot claim. We have neither personal nor political liberty. In lawlessness the Bourbon Government is far surpassed. The deeds we behold are worthy of Tamerlane, Gengis Khan, or rather of Attila."

Crispi spoke to the same effect. The right hon. Gentleman called the late Government of Naples the "negation of God." He should like to know what title the right hon. Gentleman would apply to their successors. He would not express his opinion relative to the right hon. Gentleman's conduct. He (Mr. Cavendish Bentinck) would tell the right hon. Gentleman what the Neapolitans now say of him. "Where is *Il nostro* Gladstone? Where is that great statesman who in the hour of our distress lent his strong arm to help us? Why he was then in opposition, and yet he prevailed upon the noble Lord, his bitter political enemy, to adopt his views. Why is it that now, when he holds a high political position, when he and the noble Lord have reconciled their differences and sit in the same cabinet, when the bitter cry of our wrongs resounds throughout Europe, when we are chastened not with whips but with scorpions, how comes it that the great statesman, *Il nostro* Gladstone, will not even raise his little finger to help us?" He (Mr. Cavendish Bentinck) appealed to the right hon. Gentleman, not in the name of consistency, because to that name the right hon. Gentleman would be sure to turn a deaf ear, but in the name of humanity, to raise his voice once more in the cause of Naples, and endeavour to mitigate the afflictions under which that unhappy people laboured. As an honourable English gentleman, which he (Mr. Cavendish Bentinck) knew the right hon. Gentleman to be, he hoped he would now exert himself in a cause which was unpopular as truly as he had done in a cause which had been popular, and that he would prevail upon the noble Lord and his Government, following the words used by the hon. and gallant Member for Westminster in 1851, to instruct the British Minister at Turin to employ his good offices in the cause of humanity with the Court to which he is accredited, for the diminution of these lamentable severities.

Amendment proposed,

> To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copy of any further Papers respecting the state of Southern Italy,"

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. LAYARD said, he had heard it frequently stated of late out of doors, and he thought too in that House, that the opinions of hon. Gentlemen opposite upon the Italian question were identical with the opinions of the Government, and he understood that this identity of views was made the basis of a claim to popular favour. The Opposition professed to be as anxious for Italian liberty as Her Majesty's Government could be, and he was therefore surprised to hear every observation of the hon. Gentleman which was hostile to the Italian Government and the Italian people vociferously cheered by hon. Gentlemen near and around him. [MR. CAVENDISH BENTINCK: I beg pardon; I said nothing against the Italian people.] Last year, when he made the same assertion, he was met by the same denial. [*Loud cries of* Hear, hear! *from the Opposition.*] He remembered the voice of the hon. and learned Member for Wallingford (Mr. Malins). It was the same cheer last year which the hon. and learned Member then repeated. In justice he was bound to say that the hon. and learned Member was the consistent friend of Italian liberty. He said all—of course there were some few exceptions; but let it go forth to the country that Gentlemen on the other side were opposed to Italian liberty. [*Loud cries of* Oh! oh!] It was all very well for hon. Gentlemen to cry "Oh, oh!" He did not know whether reports of these proceedings ever got abroad; but if they did, he trusted that these passages in the hon. Gentleman's speech, which he would prove were unfounded, would go forth for the country to judge whether they were not hostile to and condemnatory of the Italian Government. [*Loud cries of* Hear, hear! *from the Opposition side.*] He really did not know what he was to understand by those cheers. But if the speech which they had just heard was not hostile to and condemnatory of the Italian Government, he did not know what could be regarded in that light. [*Cries of* The Italian Government, but not the Italian people!] He knew no difference between the Government and the people; and he would go the length of saying, that if any Government ever represented the opinion of a people, the feelings of the people were represented by the Italian Government as it now existed. The time, he would add, was past for a debate on the internal condition of Italy. As well might the House of Commons have a debate on the condition of France, Prussia, or any other State on the continent of Europe. Let him suppose that any gentleman in the Parliament of Turin should rise in his place and ask to have a report furnished as to the condition of Ireland, or any county in England; would they not resent such a proceeding as one of undue interference? The hon. Gentleman had said he would show that the state of their relations with Italy was such that they were warranted in asking for such reports. But he (Mr. Layard) had not heard one word in proof of that. Some time ago, when a great struggle was taking place in Italy—when its independence was not recognised—when its unity had still to be fought for, the question might very fairly be put why her Majesty's Government showed sympathy in favour of one side more than another, or adopted a particular policy. But that time was passed. The Italian Government was an independent Government; Italian unity was, with one or two unhappy exceptions, established; and although Italian unity might not yet have brought forth the fruit which it would bring forth, the hon. Gentleman had no ground for contending that the great Italian people, once having enjoyed the advantages of the present state of things, would wish to return to their former condition. He, for one, was not prepared to deny that there were in the kingdom of Naples things to be deplored. But why did such things exist? When he came down to the House, he had no intention of entering into an Italian debate, but he was, nevertheless, prepared to assign sufficient reasons why the state of Naples was not similar to that which prevailed in other portions of the Italian peninsula. One of the main reasons was that its people had been so demoralized—so lowered in the scale of civilization by a horrible priestly tyranny, and by the most abominable of civil Governments that it would take generations to fit them for the complete appreciation of the blessings of liberty. Let him put a case—let him, for instance, suppose that Avignon had the misfortune to be restored to Papal dominion, and that the Government was so detested by the people as to drive it to call in the assistance of Austrian or British troops, while it gathered together all sorts of cut-throats, vagrants—not natives of Avignon, but perhaps Spaniards or Bavarians, or any other persons who would plunder and murder for pay—suppose that these men, clad in the uniform of these foreign soldiers, should invade the neighbouring French territory, murder and torture the inhabitants, and burn their villages and vineyards, and then take refuge in the Papal territory of Avignon, to be rewarded and blessed—what, he should like to know, would the French people say, at whose doors a state of things such as that should take place? What would become of the French Government that allowed such a state of things as that? Would it not be expelled; would not the people take the law into their own hands, and destroy that den of thieves? Yet that was the true position of things in Italy at that moment, as regarded the Roman States. Hon. Members might impeach, as the hon. Gentleman opposite had done, the statement of Mr. Odo Russell—that as he could not produce witnesses to what he had asserted with regard to the use of French uniforms by the brigands, he was bound to admit that he had been misinformed; but he, for one, honoured Mr. Odo Russell for what he had done. Mr. Odo Russell knew well what would happen if he gave up his authorities; and therefore he preferred humiliation—for that was the word used by the hon. Gentleman—to giving them up. He would, however, state solemnly to the House that, in his opinion, Mr. Odo Russell had justified his statement, and had shown that what he said was true. It was quite clear that two hundred or three hundred persons, more or less—he could not say the exact number—did cross the frontier in French uniform; and did, he took it for granted, pass through the Piedmontese troops, How was it possible, he would ask, while such a state of things continued, that Naples could be kept quiet? Brigandage was not, he might add, a new thing in Naples; it had existed there, he might say, for centuries. And why? It was owing to the detestable Government which had existed in that country. The hon. Gentleman, indeed, contended it was not brigandage, but civil war, and he had quoted, in support of that view, certain statements made in the Italian Legislature. It should, however, be borne in mind that there were gentlemen in opposition at Turin as well as in London, and that gentlemen in opposition sometimes made statements which they could not prove, and did not much care whether they could or not. Let him bring the matter to a test. What took place in the Italian Parliament? Did the whole body of the House vote for the appointment of a Commission to inquire into the existence of a state of civil war in Naples? No; the Commission was to inquire into the state of brigandage in the kingdom; and was he, he should like to know, to take the statement of three or four Members of the Chamber on the subject in opposition to the whole body of the House? The Commission was sent, and it made its Report. [Mr. CAVENDISH BENTINCK: No!] The hon. Gentleman might not have seen the Report, but his impression was that the Commission had reported to the Chamber. But, be that as it might, he would ask the House to bear in mind the difficulties which beset the Italian Government in dealing with Naples. On the one hand a cry was raised against it if it sent Piedmontese to administer the affairs of the kingdom; while, upon the other hand, it was condemned if it allowed things to remain as they were. The truth, however, was that such was the condition of public men in Naples that it was impossible, among those who were employed in the administration of affairs there under the old *régime*, to find one honest man, or one who had the experience derived from ruling under an independent government. That was the reason why it was necessary to send Piedmontese to administer the affairs of the country.

The hon. Gentleman spoke of the number of prisoners in the prisons, but that arose from the same cause. The hon. Gentleman might or might not be correct with respect to the number of those prisoners—though he by no means accepted his statements—but he should recollect that the Italian Government had begun to introduce into Naples the system of trial by jury, and that they had failed in finding Neapolitans to carry out the scheme. [*A laugh.*] That statement was received with laughter on the benches opposite, and it was well that it should go forth to the country what the sentiments were which those hon. Gentlemen entertained on the subject. The reason why the persons in question were not put on their trial, at all events, was that it was found impossible as yet to administer the new system in the Neapolitan provinces, and that when the courts were first open, what with the want of experience amongst the lawyers, and what with the well-known system of intimidation carried on in that country, it was difficult to find judges to preside, or lawyers to conduct the business. He was happy to see opposite a noble Lord who could bear witness to the state of the prisons, and he trusted he had not been so corrupted since his return from visiting them as not to bear testimony that they were being put on a more satisfactory footing. If the old people were retained, the old vices, so well described by his right hon. Friend the Chancellor of the Exchequer, could not be eradicated; if they introduced Piedmontese gaolers, the usual outcry was raised against strangers in Naples. The prisons in Piedmont and Tuscany were on an excellent footing; it was only in Naples that they heard of a large accumulation of prisoners, and of gaols badly administered. Why? Because the Italian Government had failed, up to that time, to bring them into the same condition. They admitted—they regretted the fact. The prisons in Naples, which the Government had been able to bring under their own administration, were as well administered as any prisons in the world. The Italian Government could have no object in keeping the prisons in the state described by the hon. Gentleman, and for the state in which they were in they had given full and adequate reasons. A great deal had been said about the treatment of Mr. Bishop and others; but he knew, from those who visited Naples, that nothing could be more liberal than the treatment which he and the other prisoners received. They were allowed to see their friends, without even the presence of the gaolers, which would be denied in such cases in this country. They were allowed all they could reasonably require. The hon. Gentleman had made a reply to a speech he had delivered last winter; and yet, after all the time he took to consider it, although he said the information then supplied was inaccurate, he was unable to bring forward any proof of that assertion. He reiterated what he said before—that although the country was in an unsatisfactory state, although brigandage prevailed, yet, with very few exceptions, the National Guard were true to the Government. Only one case was mentioned by the hon. Gentleman, in which it was said forty women were barbarously murdered in a church. But that was mere hearsay. ["No, no!"] It was all very well to say "No, no!" It very often happened that Gentlemen in that House, with views of their own, got up and said they were correct, and that the agents of the Government were wrong, and had wilfully deceived the Government. The hon. Gentleman had repeated what he had said last year, and what he then repudiated with indignation. The hon. Gentleman stated that he had twice convicted Sir James Hudson and Mr. Bonham, and that their reports were not to be relied on. When such an accusation was made against men of high character and unimpeachable honour, he could not repress his indignation. He would not, however, expose himself to rebuke from the Chair, but would leave it to the House to say if it was generous or fair to come down to that House and make such statements when those against whom they were made were unable to defend themselves. No Government in the world was ever served by men more honourable, conscientious, and trustworthy than was the British Government by their diplomatic and consular officers; and to say that they wilfully deceived the Government, and that their reports were not to be relied on, was a calumny on those gentlemen that ought to be resented. If such a thing as the hon. Gentleman alleged had taken place, the Government must have heard of it. There were occasional reports of atrocities committed on both sides. Nowhere had brigandage been carried on so systematically and extensively as in the Neapolitan provinces, and it was consequently impossible to prevent them. Who was to blame for that? Not the Italian Government, but those who sent the brigands from Rome to commit brigandage, or protected them when they had committed it. It was said there were persons at Malta preparing to cross to Italy and engage in brigandage. Well, let the hon. Member prove this, and moreover, that Her Majesty's Government encouraged this brigandage—and the censure which he had passed upon the Government would be deserved; but he had utterly failed to do so. Then he said this was not brigandage, but civil war. Was there ever a civil war in which no man of fortune, position, rank, or character had been engaged? He defied the hon. Gentleman to mention the name of one man known in Italy as a man of noble birth, of position, of fortune, or of eminence in literature or in science, or who held any military rank, who was connected in any way whatever with what was going on in the Kingdom of Naples. He repeated that was a state of brigandage, not of civil war. He thought he had answered the hon. Gentleman. He thought it would be unworthy of this country and insulting to the Italian Government, a great and independent Government, to give year after year reports of the state of that kingdom. He would at once admit that the state of Italy was not satisfactory; but no country ever achieved its independence in so short a time and with so little to complain of. Nothing great ever took place without great trials, and the Italians must be prepared for their trials. They must go through them. It was not such speeches as they had heard to-night that would discourage them. They had tasted the sweets of unity, of independence, of a free press, a free Government. ["Oh!"] Yes, a free press and a free Government. Speeches had been made in the Italian Parliament which could not have been uttered by the Members of the Opposition in any other Assembly in Europe. Words and thoughts were free; commerce was increasing; the country was flourishing; the Italians knew it; and although there was brigandage in Naples and parties from Rome promoting it, the Italians would not be pushed back. They were a great people, a highly civilized people, a free people. They knew what an independent Government was; they were capable of enjoying free institutions. Those institutions they would have; and they deserved to be a great and united nation.

The hon. Gentleman the Member for the King's County (Mr. Hennessy) in his observations on Italian trade had ingeniously confined himself to the years 1861 and 1862; but if he wanted to test the increase of Italian trade, he ought to have contrasted 1855, 1856, 1857, and 1858 under the old form of government, with the present time; but that he carefully avoided doing. It was well known that the trade of this country, and of the greater part of Europe had suffered during the last two years on account of events in America. What was the principle article of export mentioned? Cotton yarn.

MR. HENNESSY: Iron. I did not mention cotton yarn at all. I avoided the mention of cotton yarn, and I specially mentioned cotton manufactured goods.

MR. LAYARD: Well, cotton manufactured goods; that was pretty much the same thing. He would show the House one extraordinary fact, that while the trade had fallen off with all parts of the world, in consequence of the present state of things in America, it had increased with Italy. With Russia it had fallen off £200,000; with Norway, £1,600,000; with the Hanse Towns, £1,000,000; with Turkey, £1,400,000; it had increased with Italy, £1,200,000. In Italy, exclusive of the Papal States, there was a diminution of £700,000 as compared with the year 1861, but the amount received in 1862 was an increase upon the amount received in 1860 to the extent of £400,000. The hon. Gentleman had mentioned the case of Naples as exhibiting a reduction of receipts. He (Mr. Layard) explained last year, that although the tariff which prevailed in other parts of Italy, and was 80 per cent lower than the old Neapolitan tariff, had suddenly been introduced into Naples, accounting for a reduction of seventeen millions of franks, yet that the trade itself had increased five-fold. The hon. Gentleman seemed to think that Italian trade was limited to this country, but that was not the case; and there had been an enormous increase of Italian trade in relation to the rest of the world. The statement of Mr. Consul Bonham was strictly accurate, because he took all the English vessels which entered the ports of Naples in the year; but a large number of these vessels had not cleared from England for Naples, but had arrived there from other places. The Board of Trade returns were drawn up on a different principle, which explained the apparent inconsistency between them and Mr. Bonham's statement. Indeed, any gentleman who had lately been at Naples must have seen that there was immense commercial activity going on compared with the state of things ten years ago. He would read an extract from the last despatch of Mr. West, Secretary of Legation at Turin, whose duty it was to report upon the state of trade. What he stated was so true that it was well worthy the attention of the House—

> "The want of the Custom House Returns for the past year precludes the possibility of forming any opinion as to the progress of the different branches of Italian commerce."

Let the House remember that three years ago Naples was an independent state, and that within so short a space of time it was almost impossible to bring order out of such a chaos as existed there. Mr. West went on to state—

> "And I am consequently unable to give any later reliable statistical information than that contained in my last general report on the trade and commerce of the Italian kingdom. There have been, however, *data* furnished in such a form as to show satisfactorily the progress which has been made during the last three years. The annexed tables A and B show the value of the imports and exports for the year 1858 as compared with 1860, including the Roman States, and distinguishing the countries of Import from and Export to. It will be observed that there is a sensible diminution in the trade of Great Britain with the Roman States, and an augmentation with all the others. The figures of these tables are a convincing proof of the amelioration of the commerce of Italy, and I think that when the returns for the years 1861, 1862 are published, a proportionate progress will be observable. The value of the imports may in some particular ports or provinces have fallen off, but this in no wise proves that the Italian community in general have not derived incalculable advantages from the extension of their foreign commerce consequent on their union. In a country formerly ruled by six different dynasties, each with a commercial system of its own, it is not difficult to point to particular provinces, districts, or communities whose individual interests may have suffered from the sudden union of these systems into one. In some instances, as in that of Tuscany, the tariff of the old *régime* was more liberal than the Piedmontiese one of 1854, upon which the new Italian one was based, and some branches of trade in those provinces may have received a temporary check from its introduction; but such indications as these can scarcely be regarded as proof that commerce is in general declining, especially when we see that, upon the whole, a marked increase is observable."

That was, he believed, an accurate and impartial statement of the condition of things in Italy. It was true the hon. Member for King's County might find that here and there a falling-off in trade had occurred, but that the trade of Italy had immensely increased, and that there had been a great development of commercial activity, no one who had visited Italy within the last three years could doubt, any more than they could fail to perceive, that a day of great prosperity and wealth was at hand for that country.

LORD HENRY LENNOX* said: Having been distinctly alluded to by the Under Secretary of State for Foreign Affairs, and being one of those Members of the Opposition in whose sorrowful ranks we had the pleasure, but a short time since, of numbering the hon. Gentleman the Under Secretary for Foreign Affairs himself, I cannot hesitate, for one moment, to accept the challenge which has been thrown out. And first, I would wish to make an observation as to the right of the English Parliament to be accurately informed upon the state of Italy. It is now only twelve months since that the hon. Gentleman the Under Secretary of State for Foreign Affairs, with his usual eloquence, expatiated upon the indefeasible right of the British Parliament to be made aware of the proceedings of that Government now established in Italy, over which this country had very properly thrown its shield, and on whose support and sympathy that Government mainly depends for its continued existence. At that period, the information of which the Government were in possession was avowed by the noble Earl (Earl Russell) in another place to be most meagre; and, besides being meagre in quantity, it was also most unsatisfactory in matter; for those last official accounts showed that matters were improving very slowly in Naples, and that there were even at that time at least twenty thousand political prisoners confined in the prisons of that province. At an early period of this Session, the hon. Member for Taunton (Mr. Cavendish Bentinck) asked the Government for the production of further papers. The Under Secretary of State, in reply, admitted that those papers had been received from the Consul General at Naples, but declined to lay them on the table of the House; and more than this, he, in plain terms, indicated his intention to discourage any further discussion on the affairs of Southern Italy. Accepting the hon. Gentleman's former declaration, that Parliament and the country had a right to such information as the Government could give, and the hon. Gentleman the Under Secretary of State having nevertheless refused again that evening to give it, I, as an independent Member, feel bound to rise and state to the House facts that have recently come before my eyes, and upon which facts I will abstain from making any comment but that which is absolutely necessary for making them understood. The Government of Victor Emmanuel has made certain professions to this country and before Europe, and by those professions that Government must be judged; it has applied for the sympathy of free England, on the ground that it was about to replace a detestable despotism by the freest institutions. Before proceeding further, I will ask the indulgence of the House while I allude to a matter that is personal to myself. The hon. Gentleman (Mr. Layard) has stated, that on the Opposition side of the House any and every attack on the Italian people or Government is always sure to be received with tumultuous cheering. I cannot presume to answer for hon. Gentlemen who sit around me; but I can speak for myself, and all who know me are aware, that throughout the Italian struggle my warmest sympathies have been with the cause of Italian freedom. I have, on several occasions, been on the point of disagreement with those with whom I usually have the honour to act. Even before the plains of the Mincio were deluged with French and Austrian blood, and later, again, when those victories came, there was scarcely a dozen men in London who did not feel some jealousy at the French successes, and become somewhat less ardent in the cause of Italian independence from a fear of the result of these Napoleonic victories. But I never have shared either those jealousies or those fears. Certain facts, however, have lately passed under my eyes, to which I cannot be indifferent, and with which I think the House ought to be made acquainted. In order to simplify the statement I am about to make, I will classify it under four heads, and I will join issue with the hon. Gentleman (Mr. Layard) on four points: first, whether there does or does not now exist in the Neapolitan Provinces a system of personal and domestic espionage; secondly, whether there does or does not exist, either in the Neapolitan States, in Florence, Milan, or Bologna, perfect liberty of the press; I will next ask the House to say, whether there is or is not that perfect liberty of the person in the dominions of Victor Emmanuel, of which the hon. Gentleman (Mr. Layard) has spoken; and lastly, I will call the attention of the House to the state of the Neapolitan prisons, upon which subject the hon. Gentleman (Mr. Layard) has especially challenged me—of those prisons, the condition of which, as the hon. Member for Taunton (Mr. Cavendish Bentinck) has already said, has brought just retribution upon the infamous Government of the Bourbons. These, then, are the points upon which I will buckle up to the hon. Gentleman (Mr. Layard). In the first place, I aver that a system of personal and domestic espionage is still carried on in the same way, and with the same agents and *formulæ,* as it was under the Bourbon *régime.* It is not alone men of low caste, who are trying to incite to brigandage and murder, who fall under this system of espionage, but men of birth and education—men who have suffered under Ferdinand and Francis the Second—men whose only crime is, that they differ on some points from the policy of the Italian Government without ever seeking to bring about a change of dynasty. I have the names of those men, and the hon. Gentleman the Under Secretary for Foreign Affairs, the noble Lord his chief (Earl Russell), in another place, or any of their Colleagues, are welcome to see those names; but I dare not give them to the House of Commons, for such is the paternal nature of the Italian Government—paternal in the sense of not spoiling its children by sparing the rod—that I think I shall best consult the safety of these gentlemen by only communicating their names privately to the hon. Gentleman and to his Colleagues. The system of arbitrary arrests is so well known, and so generally admitted, that it is not necessary to detain the House by dwelling on it at this time. The partisans of the Italian Government are constantly asserting that there is but one mind in Italy, that there are no Bourbonists to be found, that such a thing as a Muratist cannot be discovered, that republicans have ceased to exist, and that there is but one cry, and that is, for a United Italy under Victor Emmanuel. If that be so, the cruelty of the Government is only the more indefensible. Week after week unoffending citizens are dragged out of their beds by the police at midnight, are flung into dungeons, not cleanly enough to serve as a cow-house in England, and there lay forgotten for months—nay, for years, untried and uninterrogated. I was in Naples some two months ago, but until now I have remained silent, for I had hoped to find that the state of things would improve from what it was when I left it; that hope has proved illusory. Only last week the police swept off, in one night, two hundred individuals — including an aged priest of past eighty years of years—women as well as men; they were thrust into prison for they knew not what offence, and upon application to the authorities, were told that their crime was, that they were suspected of sympathy with the brigands, and upon such a charge as this, under this boasted free and constitutional Government, these men were swept off into these infamous prisons. The next point is one which I approach with much diffidence; the statements of the hon. Gentleman the Under Secretary having been of such a very decided character. The hon. Gentleman said last year, and to my surprise he has said it again this evening, that the people of Italy are now enjoying a perfect freedom of the press. Now, perhaps, the House would like to know what are the rules in force in the Neapolitan States for the regulation of this "free press." Every morning the newspapers, when published, are sent to an official gentleman called the "Quæstor." That gentleman has to read these papers through, and for such a task he is much to be pitied, for greater twaddle and more insignificant balderdash than that which appears in them certainly never disgraced what we call a free press. The Quæstor consults nobody, but on his own responsibility can seize and confiscate the sinning newspaper. Now, this is in distinct contravention of the Charter of "Carlo Alberto," the law under which the Italians are now supposed to be living. But to show that the Quæstor in thus acting is not over-stepping the limits of his authority, I will take the liberty of reading a circular which has been circulated by Monsieur Perruzzi the Minister of the Interior at Turin. That circular is dated from Turin, the 21st of January 1863, and it is addressed by the Minister to the Prefects throughout the country. Now, Sir, if any one at the present day ventures to reflect upon, or disapprove, any one act of the Government, even to lament, as the Chancellor of the Exchequer so eloquently lamented in his Budget speech, the present condition of Italian finance, he is sure immediately to be hounded down as a sympathizer with the brigands, or an enemy to the unity of Italy. I mention this, in order that hon. Members should thoroughly understand the extract which I am about to make from this ministerial circular. Signor Perruzzi begins by saying, that inasmuch as some persons wish to sap the foundations of Italy, and inasmuch as some persons have Bourbonist sympathies and a reactionary tendency, therefore it is necessary, that "in the limits of the law, an active surveillance and energetic and constant repression should take place among the newspapers." And then follow the words in which this Minister distinctly orders the prefects to break the laws of the country:—

> "Although the duty of the surveillance and repression of the press is confined specially by the law to the judicial authority, nevertheless the political agents should not remain quite inactive. On the contrary, it is necessary that each should assist the other in his sphere."

That is, in carrying on an "active surveillance and an energetic and constant repression" of newspapers. In treating this part of the case, I have taken my extracts from certain semi-official newspapers, which have announced, with some glee, that justice has been done upon these offending journals. I will now give the names of the journals, though I regret that my proficiency in the Italian language is not greater. This system is not confined to the Neapolitan Provinces, nor has it been in any way relaxed of late, in proof of which I will mention many instances, some of which have occurred since I left Italy. Within a month, a newspaper at Florence, called the *Nuova Europa*, was seized four times in nine days, and the editor has had to pay a heavy fine and has been imprisoned for three months. Next day the *Campana del Popolo*, a newspaper of ultra-liberal sentiments, came to the same untimely end at the hands of the Police. The *Contemporaneo* has also been seized several times. This is at Florence, not at Naples. Next, I come to Milan—Lombardy, which has only just escaped from the iron rule of Austria, and which might be supposed to be full of gratitude to that Government which had delivered it from bondage and oppression; and what do I find there? The *Unità Italiana*, a journal of extreme liberal opinions, was seized there on the 27th of last month; and what does the House suppose it was for? Surely, the new Lord of the Admiralty, the hon. Member for Halifax (Mr. Stansfeld), will feel a throe of sympathy when he learns that the *Unità Italiana* met with an untimely fate because it had republished in one of its columns extracts from documents containing the ultra-liberal views written and signed by the present Secretary of State for Foreign Affairs in the Italian Government, Visconti Venusti. Upon this ground one of the most liberal newspapers in Italy was seized, and was not allowed to circulate on that day. From Lombardy, I will now go to the Romagna, to those provinces so lately released from the Pontifical rule—from that rule which is often described by the hon. Gentleman and his Colleagues as being such a curse to the population that they were on that account literally bowed down with gratitude to the saviour of their liberties. And what do we find there? The *Eco di Bologna* has been in existence during two years, and, like a cat, it seems to have a great many lives, for within that short period it has been seized twenty-four times. At Bologna, however, there seems to be no dearth of editors, for although the paper was seized twenty-four times within twenty-three months, and the poor editor tried and condemned to imprisonment and to pay a fine of 7,000 francs, yet the *Eco di Bologna* has not ceased to exist. Hon. Members, therefore, who talk loudly about the unity of Italy, should bear in mind the fact that one newspaper has been seized in Milan for publishing that which is allowed to circulate freely in the other provinces of the kingdom; that another has been suppressed in Bologna for publishing matter which was allowed to circulate freely in the other provinces of the kingdom; and from such facts as these, they will find it difficult to decide which is the more complete, the freedom of the press or the unity of Italy. But the *Eco di Bologna* is not the only newspaper suppressed there. Within the last three weeks the *Monitore* has been seized, because, in that now free country, the editor has ventured to extract from a Turin paper a speech on the state of Italy delivered in another place by the Marquess of Normanby. Such is the liberty of the press with which the hon. Gentleman the Under Secretary of State is so well satisfied; and now, having proved to the House that the liberty of the press does not exist in any one of those four annexed districts, I will refer, for a moment, to the state of the Neapolitan provinces. In the city of Naples, within the last three years, twenty-seven journals have had violent hands laid upon them by the police, and have altogether disappeared; of these *La Napoli e Torino* had seventeen numbers seized out of fifty; the *Machiavelli* five out of eleven, and the *Aurora* ten out of nineteen. There are many other examples with which I will not, at this time, trouble the House;

I have stated enough to show that never, in the most iron times of the French Republic, or immediately after the *coup d'état* of 1851, never was there a more perfect gag placed upon the press than there is at Naples at the period of which I am speaking. It is very well for the hon. Gentleman (Mr. Layard) to shake his head in an incredulous manner; but if the hon. Gentleman is not yet satisfied, if he has not had proofs enough yet, I will gladly furnish the hon. Gentleman with a few more. Of the newspapers suppressed at Naples, three have not perished in the ordinary way, theirs was what a London coroner would call "deaths from violence." The *Napoli* is the first case to which I will refer; that is a newspaper as to which I have the authority of many warm and ardent supporters of Italian liberty for saying has been always conducted with much ability and good taste, and with perfect loyalty to the reigning dynasty. It has chiefly been given to the discussion of the financial measures of the Government. To show how justice is administered at Naples, I will tell the House what occurred with reference to this paper. On the 8th of January, the office at which this paper was published was assailed at eleven o'clock in the morning by a mob of two hundred persons; the leader wore the *kepi* of the National Guard. They broke into the premises, smashed the printing press, tore the newspapers, scattered the type in the garden, and threatened the editor with death if he ever published another number of his journal. The editor, to save his neck, promised compliance—but broke his word; he applied to the Government, and asked them to let him have two caribinieri to stand at his door and protect him in the performance of his duty. This, after some evasion, the Government refused. On the 18th of January, at the house of a private friend, this energetic man published what he called his final protest, in which he certainly did not use the mildest language, to describe the treatment he had received. The next day, and on four or five days subsequently, two men came to the door; not as in Ireland, with threatening letters, or with the good taste of murderers in that country, who at least blacken their faces; but, in an open and avowed manner, they came and threatened the editor (Signor Ventamiglia) with the dagger if he ever published another number of his paper. The editor went again to the Government, and asked to be protected against the threats of these men. What was the answer? Why, the editor was himself taken up, his protest was found to be disloyal, he was tried, convicted, sentenced to fine and imprisonment, and the Italian Government thus set their stamp of approval upon the threats of these midday assassins. Two other journals have come to an end, only very recently, in the same manner, and in one case the unfortunate editor has suffered from personal violence. I will not trouble the House with the details of those outrages, or with any more names of suppressed newspapers, but I will proceed with the proofs which I am about to give, as to the liberty of action which exists in the Neapolitan States. I have already stated that at the time of my arrival in the Neapolitan territories I was a partisan of the Government of Victor Emmanuel; and whilst in Naples I met a gentleman, a member of the Turin Parliament, who had the advantage of understanding English with great facility. On four occasions I had the opportunity of visiting the prisons with that gentleman, who gained admission to them by right of his position as a member of the Turin Parliament. I obtained an order myself from General La Marmora, to whose kindness and courtesy I feel much pleasure in bearing testimony. Now, in visiting the Italian prisons, I had no idea that I could, in any way, be considered guilty of conduct offensive to the Piedmontese Government; but such turned out to be the case, for no sooner had I left the Neapolitan territory, than there appeared in the newspapers, not only of Naples, but of Piedmont, attacks and commentaries both upon me and upon the gentleman who had accompanied me in my visits. It was said that he (the gentleman) must have been plotting against the Turin Government, indeed so much annoyance was caused to that gentleman, that I have received letters from him, asking me to state in writing the reasons and the circumstances under which we had visited the prisons, and to give an assurance that there was nothing disloyal to the Government on the part of this gentleman in those proceedings. After due consideration, I refused to notice such attacks emanating from such a source, but am happy now, in my place in the House of Commons, to state, on my honour, that the gentleman who accompanied me in my visit to these prisons has never breathed one word against the dynasty of Victor

Emmanuel, and that his detestation of the old *régime* of the Bourbons exceeded in intensity, if it were possible, even that of the hon. Gentleman the Under Secretary for Foreign Affairs himself. The newspaper attacks went on, and the climax arrived but a few days since. The House may imagine how great was my surprise last week, when I received an intimation so remarkable that at first I could hardly give credence to it; it was neither more nor less than this:—That a gentleman, a member of the Turin Parliament, for accompanying a Member of a sister Parliament to see the prisons in Italy, not only incurred the obloquy of a gagged and fettered press, but had been actually summoned before the Judge (Salice) to answer an implied charge of conspiring against the Government. I confess, that when I first heard of that occurrence, I treated it with ridicule and disbelief; I asked myself why, and above all in a free country why should this gentleman incur odium and suspicion for doing a simple act of courtesy to a stranger? but I soon learned that the fact was too true, and having learned that it was true, I proceeded to inquire of myself what could be the cause of such a proceeding?—why should it have been done?—what should have led to it?—and then the truth came out! It would seem that a terrible bugbear afflicts that Government, which, we are told, is so firmly and strongly fixed in the affections of its people, and that that bugbear is no less a personage than the most noble the Marquess of Normanby. The second question in the interrogatories put to the gentleman by the Judge was, "Is Lord Lennox a *parente* of Lord Normanby?" It would appear that this was the point upon which the judge most thirsted for information, for the question was repeated twice; but unfortunately the person to whom it was addressed was very naturally, after so short an acquaintance, unable to give any answer to it. Now, that I am in my place in the House of Commons, I think it is only fair to answer that question myself, and I will at once state, hoping that it may be consolatory to the shattered nerves of that timorous judge, that I not only am not related to the Marquess of Normanby, but that I believe, by a curious coincidence, it is almost the only family in the English peerage with whom I might not claim some connection. The next question that was put by the judge, acting under the orders of a Government which so highly respects both liberty of discussion and liberty of the press, was, "Can you tell me whether this Tory Lord, during his stay, made the acquaintance of Signor Ventamiglia the editor of the *Napoli?*" Now this is the gentleman who is undergoing a sentence of imprisonment, for having been daily threatened with assassination. Having stated to the House what I have stated with respect to liberty of the person, liberty of discussion, and domestic espionage, I am about to make an appeal to the House, and I hope my appeal will go forth to the country and have some effect as a caution to the people of England against being misled by the eloquent language of the Under Secretary of State, who, in speaking of this subject last year, said—

> "A change which has in three short years transformed, I may almost say, the very life of the people; a change which has raised them from the very verge of slavery to the enjoyment of the fullest liberty; a change, which contrasts as much with that which went before, as would the bursting forth of the glorious sun in its noonday splendour at midnight contrast with the darkness which it had suddenly dispelled."

I appeal to the House, whether the state of things that I have just described betokens the existence of that noonday splendour, to which the hon. Gentleman so eloquently alluded. Before I proceed to my next point I must remind the House, that last year the hon. Gentleman the Under Secretary for Foreign Affairs taunted the hon. Baronet the Member for Dundalk (Sir George Bowyer) with only being able, after elaborate research, to bring forward one solitary case—that of Count Christen, who had been a prisoner confined six months in prison without a trial. Now, Sir, I am about to refer to other cases of a worse character; and before doing so I am anxious again to throw myself upon the indulgence of the House, and to assure them that I am deeply sensible of the responsibility which I have incurred in coming forward upon this occasion, and stating things which ought not to be stated unless they are true, and which, if true, must cause a strong feeling throughout Europe. But the facts which I am about to relate passed before my eyes; I pledge my honour that they are true, and that I will give no exaggerated statement of them. I would again remind the House, that the first time I visited Naples after the formation of the Kingdom of Italy, I went there as an ardent supporter of Victor Emmanuel; that I had not been in Naples more than six days, when a gentleman who has attained the rare position of acquiring high distinction in the country of his birth, and equal eminence in that of his adoption, asked me whether I would like to visit the prison of Santa Maria, in which I should have the opportunity of seeing an unfortunate countryman (Mr. Bishop). I went, and saw Mr. Bishop; and certainly there was nothing to find fault with in the treatment which he appeared to be receiving. The hon. Gentleman the Under Secretary for Foreign Affairs has challenged me to give my impressions of the prison in question, and I am happy to say that I saw nothing to complain of in the treatment of any of those persons who were confined in Santa Maria. The prison was cleanly, and the food was good, always supposing that the prisoners had been tried and convicted; but I regret to say that such was not the case. One Hungarian gentleman, named Blumenthal, who spoke French fluently, told me that he had been eighteen months in his cell without having been tried or even interrogated. From the conversation of those around, he had gathered that he was suspected of being concerned in some revolutionary proceedings, and he earnestly desired that he might be brought to trial. He had no objection to find with his lodging or his food; he had so long despaired of trial that that poor man had almost ceased to complain! On leaving the cell of that prisoner, other prisoners, prompted, I suppose, by some instinct which induced them to make their complaints known, gathered around me and my companion and frequently exclaimed in Italian, "Why are we in prison?" "Why are we not tried?" Much struck, and somewhat uneasy at what was going on, I requested the gentleman who accompanied me to ask of the governor that question which the prisoners had put to me. All honour to that governor, all honour to the governors of the different prisons which I visited, for they were one and all actuated by philanthropic motives and detested this system of which they are the unwilling instruments. The governor, to whom I now more particularly allude, replied that he was unable to answer the question; that he had eighty-three prisoners in his charge who had never been tried, and that about one-half of these had never undergone a form of interrogation, which I believe is tantamount to being brought before a magistrate in this country. These persons were confined in prison, and were not aware of the crimes with which they were charged. Perhaps, when the House hears of these men who are thus kept in prison without being tried, they may arrive at the conclusion that they are men of intelligence and wealth, men who could head a revolution, and who would be dangerous to a Government firmly seated in the affections of its people. On the contrary, some of them were most miserable-looking beings, mumbling, grey-headed, crawling upon crutches, being poor old wretches who, in appearance, were only fit to finish their days in the neighbouring almshouse. To talk of such men as these as being conspirators, dangerous to the safety of the Government, and of His Majesty the King of Italy, appears to me to be simply absurd, and an outrage upon common sense. On leaving this prison, the distinguished gentleman who was with me said, "This is indeed wrong: I am an Italian, a thorough Italian; but this is wrong, and we must inscribe our names in the visitors' book to that effect." I said, "It would be a great liberty in a stranger to do anything of the kind;" but my companion was of a different opinion. We therefore wrote in the book a protest, for protest I must call it, to the following effect:—After acknowledging the extreme courtesy of the governor, and the generally good condition of the prison, the protest went on in the following words:—

> "But the undersigned cannot help expressing how regrettable it is, that some prisoners have been detained for months untried, and, as far as they have assured the undersigned, not even interrogated, and without knowing from the authorities the cause of their imprisonment."

This document being signed, it was left with the governor, and a copy was to be forwarded to the Government at Turin. Now, I admit, that during my visit to this prison some little uneasiness had begun to creep into my mind, and I began to have some slight misgivings as to that state of liberty and justice of which I had heard so much. The result was, that I made an application to General La Marmora, and obtained from him authority to visit the other prisons of Naples. The second prison which I visited, was that known as the "Concordia;" it is situated in the upper part of Naples, and is chiefly occupied by persons imprisoned for debt. Now, the House will readily imagine that such men form by no means the most respectable portion of Neapolitan Society; I found these men walking about the gallery of the prison, and in the midst of them two convicted felons. One of whom was undergoing a sentence of imprisonment for life for homicide, and the other of eighteen years for a grave crime. And here I beg to call the especial attention of the Chancellor of the Exchequer to these facts, because, if I am not mistaken, if there was any one point which he (the Chancellor of the Exchequer) had especially denounced in olden days, it was the abomination of compelling prisoners suspected of political offences to associate with those convicted of crime. Among those prisoners, too, mixed up with the debtors and the felons, was a Roman Catholic bishop and five priests, who had been dragged out of their beds a month before, thrust into this prison, and made, if they left their cell, to pass their days in the society of needy debtors and convicted felons, and that without knowing the crime for which they were suffering. Some hon. Gentlemen around me, I am well aware, do not sympathize much, perhaps, with Roman Catholic bishops and priests, but they are sufficiently English in their feelings to sympathize with any one who is treated unjustly, whether Catholic or Protestant, priest or layman. There is at present confined in that prison another man, who had been in prison two years: he was an old man, he must have been close upon seventy; he was bowed with years, and was confined to the prison diet, one meal a day, and nothing but water to drink. He complained, but he said, "He thought—he hoped—the end was near!" This second prison certainly did not remove the uneasiness which had been excited in my mind by my visit to the first. The third prison was the "Santa Maria Agnone," the women's prison (Carcere di Donne); and really, if it were not for the gravity of the subject, I should be almost tempted to ask the House to join with me in a hearty laugh at the sight I saw. Of the prisoners there were a number of women confined for "political sympathies." Among these "ladies," who were perfectly delighted to see an English gentleman come among them, the most ridiculous case was that of three poor sisters, whose names were Francesca, Carolina, and Raffaella Avitabile: these unhappy women had been confined in prison for twenty-two months, because, as they gathered from their examinations before the magistrate, the last of which had taken place ten months before, they were suspected of hanging a Bourbon flag out of the window. The one who was the most discreet of the three, and who evidently was afraid of admitting much before persons she did not know, instantly corrected her sister as she told the story, saying, "Why, no, sister, it was not a Bourbon flag; it may have been a bed sheet we were hanging out to dry." This is the state of law and justice in the Neapolitan kingdom. I have a long list of the names of the women who have been confined in this and another prison, for longer or shorter periods, uninterrogated and untried; no complaints can be made of want of cleanliness or of the diet; but all this time they were compelled to associate with the lowest class of women, even those taken from the streets for immoral conduct. The next prison which I visited was a large one at Salerno. The governor there was exceedingly courteous, and on hearing what was the object of my visit he bade me welcome, and hoped that it would be productive of good; but he said that he thought it right to tell me that in a prison which ought to accommodate 650 prisoners he had then 1,359, the result of which was that a virulent typhus fever had broken out, and within the previous week had carried off the physician and a warder. Among the prisoners in the first cell which I entered in this prison were eight or nine priests, and fourteen laymen, all suspected of political offences, and these were confined in this cell with four or five convicted felons. In the next cell were 157 prisoners, the greater part of whom were untried. They lived there the whole day, they slept there the whole night, and except for a very short period, when they were allowed to take a little exercise in a small yard, these 157 wretched creatures passed the whole of their lives in this place, without knowing why or wherefore they had been brought to such a place. To show how completely unaltered was the system which the Chancellor of the Exchequer had, in the year of 1851, so emphatically denounced, I will state, that in this room, associating with political offenders, was confined a man who had been sentenced to death for murder, and who was to suffer the extreme penalty of the law within a week from that time. The next room was a long room with vaulted roof, and in it were 230 prisoners. To describe the state of squalor and filth in which these wretched men were, would require more eloquence than I can command. Among the prisoners were men of different classes in life—officers of the National Guard, who were condemned to this living death, because they had a few months before listened to the voice of General Garibaldi—priests and laymen all in a most pitiable condition. One man of seventy was a wretched object. Others had been in prison so long that their clothes had worn out; they had no money to buy new ones, and some were in such a state of nudity that they could not rise from their seats as the strangers passed along, to implore, as their companions did, our pity, and to petition us to intercede in their favour. Some of them had literally no trousers, shoes, nor stockings—nothing but an old jacket, and a small rag, which did duty for a shirt. It was a piteous sight—the stench was dreadful, and the House must remember that it was then the cold weather of January; what, then, must it be now? I dare not think of it. The food they had would not be given to any cattle in England. I threw a piece of their bread upon the floor and pressed it with my foot, but so hard was it, that I could not make the slightest impression upon it. The next spot I visited was one which had been visited by the Chancellor of the Exchequer some eleven years ago, and which he had then accurately described as a "charnel-house." It was the Vicaria—a prison situated in the most crowded and unhealthy part of Naples—into which, though it was only calculated to hold 600 prisoners, 1,200 had been crowded. In this prison there were five rooms, one following the other. There were only fourteen warders for the whole of these 1,200 prisoners; and when Consul General Bonham permitted himself to put down in an official despatch that the abuses still existing in the prison of the Vicaria were owing to the cruelty of some old Bourbon gaolers that were left, he was making a statement which I will take upon myself to contradict, and which Mr. Bonham must or ought to have known to be incorrect. So small was the staff of warders for the prisoners confined there, that it was difficult, nay, almost impossible to search them; and the consequence was, that many of them were armed with weapons of one kind or another; some being thrown through the windows, the others brought in by the sellers of provisions that visit the prison. The result is, that the unhappy governor goes in danger of his life, and said to me, "I shall only be too glad if you can do any good, for I never leave my wife in the morning without the feeling that I may be brought home at night a murdered man." Of the 1,200 prisoners, 800 were confined in five rooms with no doors between them, but iron rails; and thus the effluvium arising from these 800 men circulated without let from one end to the other. The moment I entered the first room, the prisoners crowded round, and I was set upon with petitions, prayers, and entreaties; indeed, the pressure was so great, that it was with difficulty that I was able to escape. I afterwards saw nearly the whole prison turned out into the yard; and if the right hon. Gentleman the Chancellor of the Exchequer will allow me to say so, I think he ought to be highly gratified to hear what happened. Fearing that any further demonstrations might recoil with evil on the head of the governor, I begged him to entreat the prisoners not to repeat their requests, which, as I could do nothing for them, gave me great pain. I therefore requested him to assure them that I had no influence with the Italian Government, for that, in point of fact, I was only an English traveller. But when they heard I was an Englishman, the clamour was renewed, and the entreaties waxed louder, for they seemed to think, at the sound of an Englishman, that a tutelary deity had come to relieve them from the grossest and most wicked of oppressions. The name of Gladstone was so well known to them, ignorant though they were on other topics, that they, in their simplicity, thought one Englishman in 1862 could do the same as another had done in 1851. They little knew the difference of power and influence between the two Members—between the Chancellor of the Exchequer and myself. But, to return to the yard. The sight which there met my eyes was one happily not often to be seen, and which I can never forget. The door by which I emerged was at the top of the lofty wall, communicating by a steep staircase down into the yard, and no sooner were the party in sight, than the prisoners rushed towards us with piteous cries, again and again repeated, and, with bloodshot eyes and outstretched arms, implored not for liberty but for trial; not for mercy, but for a sentence. The description of the attitude and condition of the tortured in Dante's *Inferno* would give the best idea of the scene that presented itself in that prison yard. And now I come to the last prison, on which I wish to speak, and I will ask the House to accompany me to the fortress of Nisida, situated about five miles from Naples, on the summit of a rock commanding the most beautiful and extensive scenery. In this prison there are none but those that have been tried and condemned, and it is here where hard labour (*travaux forcés*) sentences are carried out. In this prison were a French gentleman, Comte de Christen, Signor Caracciolo, and Signor di Luca. They had been, as far as I know, rightly convicted of conspiring against the Government. But it is not of such crime that I wish to speak lightly, it is one which I cannot palliate; for those who conspire frequently are those who put forward brave men to suffer, while they themselves skulk behind in safety. In the same prison I saw some thirty or forty very fine young men, dressing in the flaunting scarlet and green vestments of shame. They had been apparently the flower of the Italian army; but were so no longer, for their sinewy arms were powerless, chained as they were by heavy irons to their brawny thighs. These young men had committed the grave crime of having deserted from the army of Victor Emmanuel, and having listened to the voice of that brave and honest man Garibaldi. But, however detestable the crime of disloyalty—however much to be reprehended is the conduct of those men who break their oaths to their sovereign—yet, considering that, only eighteen short months before, those troops who did not listen to the voice of that same Garibaldi and who did remain faithful to their king — considering that these were disbanded as unworthy of trust, and turned adrift to gain their bread, I do say, that if ever there was a man who, in such a case, was bound to temper justice with mercy, that man was Victor Emmanuel, King of Italy. And now I come to a narrative from which I confess to recoil with feelings of shame and indignation, for in one cell, narrow and most miserable, with a stone floor and four iron bedsteads, without a table, and without even a book to cheer their solitude, were four men, chained two and two with the heaviest of irons, three of them being men of birth and education. Though, owing to felon's garments, it was difficult and painful to do so, I recognised in two of then Count Christen and Signor Caracciolo. Count Christen, seeing my reluctance to approach, made a sign to me to come to him, and he said, "My Lord, I appreciate your feelings. You feel pity for me. Do not pity me—but reserve your pity for those who degrade the name of freedom by treatment such as that which I am now suffering." Signor di Luca was chained with similar heavy chains to a brigand who had been convicted of robbery or manslaughter. Here was an Italian gentleman whose misfortune it was to differ from the Italian Government, and whose crime was conspiring against it, chained with irons to the commonest malefactor! Against such a system as this I must enter my protest. I care not whether such deeds of darkness are done under the despotism of a Bourbon, or under the pseudo-liberalism of a Victor Emmanuel. What is called united Italy mainly owes its existence to the protection and moral support of England — more does it owe to this than to Garibaldi or even to the victorious armies of France — and in the name of England, therefore, I denounce the commission of such barbarous atrocities, and I protest against the ægis of free England being thus prostituted. I conversed with some of the prisoners who were awaiting their trial, and they said, "If we only knew what our sentence was, at least our despair would not be so blank. At the end of every vista, however long, a spark of light is visible. Were we condemned for ten or even twenty years, we could keep our eyes fixed on that light, and as month succeeded month, that ray, however small, would still be growing brighter, and the star of liberty would irradiate the darkness of our unhappy lot; but now, all is one blank dark despair, without alleviation—because without hope." Others even went so far as to say, "If we only knew that our sentence was for life, we should not be buoyed up with false hopes or wearied with a feeling of uncertainty; we should know what to expect; at least, we could pray for the grave." And now I would express my earnest hope, that the right hon. Gentleman the Chancellor of the Exchequer will not remain inactive, but will exercise his powerful influence with the Government, of which he is so distinguished a Member, to put an end to such a state of things. Nor have these been the only follies committed by the Piedmontese Government since the annexation of Southern Italy; indeed, with two exceptions, it has been one unbroken chain of mistakes; first, they had rudely, and in one day, swept away that autonomy, which had lasted 800 years; and this was done, against the advice and decided wish of Garibaldi himself. Next, there had been a wanton disturbance of the finances of the country. Taxation had been increased to a great extent in Naples; indeed, some of the taxes — for example, the stamp on paper had been raised to such an amount that it was actually less productive now than before the extra 10 per cent had been added. The hon. Gentleman again shakes his incredulous head, but I make that statement on no less an authority than that of Sella, who was Chancellor of the Exchequer at Turin. The National Debt has been added to six-fold, and security for life and property has diminished in proportion to the increase of taxation, till at last neither life nor limb are safe beyond the immediate gates of the City of Naples. I hope that in the remarks I have made I have said nothing which can give offence to any one. I have spoken honestly and conscientiously. I have spoken, because if such a state of things is allowed to go on—if the Government does not take the matter up and communicate with the Piedmontese Government—it may, nay it must lead to the gravest European complications. It must be remembered that on the frontiers of Italy is a formidable military power, and that that power has done much to earn the gratitude of the Italian people. It must also be borne in mind, that that great nation has for its ruler a man who has repeatedly stated that he would not tolerate on its frontiers a country in open revolution. I am one who have never at any time harboured suspicions of the French Emperor or his intentions. I believe him to be, and to have proved himself to be, the truest and best ally which this country has ever had. But England must remember, that if by silence—by concealing the facts—by covering with a plaster the festering sore—we allow matters to grow from bad to worse, the end may come, when a miserable people, overborne by taxation, oppression, and cruelty, will turn to the strong power at hand, and say, "Save us from anarchy; restore us our commerce; give to us again peace and liberty." If such should be the case here, and if the Neapolitan dominions should fall under a French protectorate, neither the noble Lord at the head of the Government, nor the noble Lord the Foreign Secretary, nor the hon. Member the Under Secretary, could with reason condemn such an event as that. I am well aware that these remarks are likely to draw upon me great unpopularity, and bring down on my head a storm of obloquy and misrepresentation—["No!"]—but all this I have considered, and it is in the cause of truth and humanity that I am willing to undertake this grave responsibility. I certainly have no party purposes to serve, and I have spoken in sorrow not in anger. I shall welcome with grateful joy any reforms, by whomsoever brought about, which will restore to that fair land—fairest among the fair—the possession of happiness and liberty, and does not leave her any longer a prey to the worst of despotisms and the most maddening of sufferings.

Mr. BUTLER JOHNSTONE: Sir, the picture which the noble Lord has drawn of the condition of the unhappy captives in Neapolitan gaols has been drawn with so much power, so much eloquence, so much pathos, that there was no need for the closing words of apology which he addressed to the House for having so long occupied its attention. It must, however, be allowed to take exception to some of his facts, and to say that I differ altogether from the conclusions which he has deduced from the facts to which he referred. The noble Lord would have us to believe that there has been no improvement in the gaols of Naples since the advent of the new dynasty. But, Sir, if in any country there ever existed gaols with dungeons more deep, more dark, more noisome than any other gaols of Europe, it was in Naples, and those gaols have been altogether abolished and are no longer used for the confinement of either political prisoners or criminals. Shall we not, therefore, say a change has come over the spirit of the dream—a change has come over the administration of those gaols, which has been a great improvement. Every one who knows Naples knows also that there are now no secret gaols, but the greatest publicity is courted and encouraged. Hon. Members of this House, and various people in this country, have visited these Neapolitan gaols, as well as the noble Lord; but after hearing his description of them one would imagine it was one of the most difficult things in the world to visit a Neapolitan prison. Why, Sir, it is one of the sights of Naples to visit the gaols; so easy is it to gain admission, both by foreigners and by Italians, that no one visits Naples without seeing them. Every one who knows anything of the Neapolitan gaols knows, that if there were any more terrible than others, they were the Castle of St. Elmo and the Castello del Uovo. It was there that under the dynasty of the Bourbons those prisoners were confined who were intended by the Government to be punished with the greatest severity; it was there that human life was supported with the greatest difficulty; it was there that prisoners lay rotting without a trial. The two worst of the Neapolitan gaols have been abandoned altogether, and many improvements have been made in others—a fact, which may perhaps in some measure account for the over-crowding which the noble Lord alleges to exist. It may be said that there are certain objectionable practices still maintained; that political prisoners are crowded into criminal prisons. That is perfectly true. It is one of the grievances of the Neapolitan prisons that no distinction is made between the political and the criminal prisoners. It is a very great aggravation indeed of the punishment of one who occupies the position of a gentleman, to oblige him to pass his time chained to a common felon; it not only doubles but quadruples his punishment. It is a grievance of which men have a right to complain; but I say also that the Italian Government acknowledge that it is a grievance, and are determined to provide a remedy. A system of solitary confinement has been recommended at Turin, and is about to be tried in the gaols.

There is perhaps, another, and a still greater, grievance, and that is that political prisoners are kept a long time in confinement previous to their trial. Every one acknowledges that that is a great grievance, and to the English mind, familiar as it is with the idea of the security of individual liberty, it appears to be a grievance altogether monstrous; but the same practice, I would remind the House, obtains in almost every other country in Europe; and although I regret that a Government which stands up for the liberty of the subject, and has adopted the noble word "freedom" for its motto, should have taken a weapon from the armoury of despotic Governments, yet I do not think that the Italian Government is to be blamed for having, at a time when the whole country was agitated, resorted to what every other country in Europe resorts to. Have not we ourselves, in times of public disturbance and agitation, been ready to suspend our ordinary safeguards and hold them in abeyance, in order that we might not permanently be deprived of our liberties? And, after all, there is this general ground of defence for the Italian Government—it is illegal. The noble Lord himself said that it was an illegal practice. If such practices, then, are illegal, they must also be exceptional, and the laws of Charles Albert, which will be the normal laws of the country, discountenance the practice.

The defence on the part of the Italian Government, in regard to this point, is so easily set up, that I wonder the noble Lord, in his candour, did not state it to the House. You meet with prisoners, some criminal, some political, abandoned without a trial. But in both cases there is a special defence to be made for the Italian Government. In the case of a great many criminals, the population of Naples have been so long cursed by all the terrors of despotism, that they have become so mean-spirited, so cowardly, so chicken-hearted, so base, that they dare not come forward as witnesses against those who have injured them. There is a society called the *Camorra*, which exercises such terror over the public mind that the people would rather the criminals went unpunished altogether than that they should expose themselves to its vengeance by denouncing them. The defence of the Italian Government, then, in such an exceptional state of things, rests upon the fact that the people are reduced to such a depth of low-spirited pusillanimity that it is obliged to deal with its prisoners in an extrajudicial manner. Well then, Sir, in the case of political prisoners, I say that it is precisely when the country is in a turbulent and agitated state that the Government are obliged to suspend the trial of prisoners from the fear of giving a clue by the publication of such evidence as they possess which would prevent their tracing out the guilty parties and bringing conviction home to them. Have we not suspended our great guarantees of individual liberty in times of political emergency? And have we not, when the country has been much agitated, enlarged the powers of the magistrate? This is precisely the condition of Italy at the present moment. There is revolution in one part, anarchy in another. There is brigandage all over the southern portion of the Italian kingdom; there are revolutionary committees sitting in the north, and there are republican clubs over all the country. Surely this is an exceptional condition of things. You may say this is the fault of the Italian Government—of a Government not yet rooted in the affections of the people; but you must remember that the present system has only been three years in existence, and that in fact the present practice is only one year old; because during the first two years the Turin Government was so agitated with political questions, and especially with the question of Rome, that it was unable to set about organizing the country. For two years, in the *cafés*, in the market-places, in the legislative halls, you heard nothing but the cry of "Rome! Rome!" while in the Court you had nothing but intriguing, and ministers receiving the confidence of their Sovereign, on the ground that they were in possession of some potent charm which would enable them satisfactorily to settle the Romish question. That was a waste of much precious time. Instead of setting themselves to accomplish the vast task before them—of education, of instituting a proper system of judicature, of ameliorating, generally speaking, the condition of the population—they stood still for a time watching all these imperial changes and intrigues. Well, Sir, the last attempt of Garibaldi put an end to all that, and in doing so conferred an inestimable benefit upon Italy. When Garibaldi appeared in Italy, we heard no more of Rome. The question of Rome is not before Europe now; it is not before Italy. This is owing to Garibaldi. Since the French minister read the despatch in which he declared that the Emperor was determined to pursue the traditional policy of France, the Italian Government has given up for the present agitating this question of Rome, and they have organized commissions to go over the country to see where brigandage exists; and where they found it existing they have taken measures to put it down.

This question of brigandage is one, I may observe, of considerable difficulty and complexity. It is certainly true that it is not only the bands organized in the Roman territory who form the brigands in the Neapolitan dominions, but the peasantry also to a great extent are more or less brigands themselves. Still its existence can scarcely be urged as an argument to show that the Italians are opposed to the present Government, as the whole of that middle class upon which public opinion in the long run depends is in favour of the present order of things; and we cannot be very much surprised when we hear that the peasantry, who are so easily brought under the dominion of other people, cannot be made to understand the questions which are involved in a change of dynasty. One thing they understand perfectly, and that is that the taxes are greater. It is perfectly true, as the noble Lord said, that the taxes are heavier than under the late system, but the Neapolitans have got this inestimable consolation, if they choose to avail themselves of it:—They know that the resources of the country no longer go to fatten the favourites of a corrupt court, but that they are expended in educating the people, in establishing a proper system of judicature, in creating a great army, which may one day make Italy something more than a mere geographical expression. We must remember also that the brigands of Rome have been organized by a Bourbon commitee, and sent over the border to add fuel to the flames now raging in that fair country; that while the French Emperor is conceiving the benevolent idea of reconciling irreconcilable elements, and while the English Minister is building castles in the air or at Malta for the reception of his Holiness the Pope, there sits in Rome a Bourbon committee, presided over by an expatriated king, to organize bands of brigands, who may without let or hindrance invade the Neapolitan dominions. All this forms a mass of difficulties to the Italian Government, the overwhelming character of which it is almost impossible to estimate. No Government was ever placed in a more difficult position. They are driven to the alternative of, on the one hand, either spending a great deal of money, and in consequence levying very burdensome taxes, or, on the other, of letting the present state of things go on festering to such an extent as will make it impossible for them at any future time to hope for anything better. Does the House know what system of judicature prevailed in Naples before the change was made? Under the Bourdon *régime*, the Judges received, on the average, a salary of about £12 a year; and notwithstanding this miserable salary, they lived in affluence and comfort. How do you suppose they supplemented their mean salary? By a system, of course, of the grossest corruption, which they thought it no shame to acknowledge. The present Government have, however, appointed highly-paid Judges to preside over the courts of justice, and have endeavoured to obtain gentlemen to fill those posts who bear the most unspotted character—in

Naples, if possible; but if not, in Tuscany or Piedmont, Then, again, they have established a system of national education. Each district had now its elementary and higher school, and there are normal schools for training teachers throughout the country. All these things, of course, cost a great deal of money. We know here what the reconstruction of the navy and the reorganization of the army cost; but in Italy the Government has had to create all these things *ab initio*, to educate the people, to establish courts of judicature, to construct a navy, to establish an army; and, of course, there are financial difficulties which lead to the imposition of heavy taxes upon a low-spirited people who can scarcely bear the weight of the necessary taxation. Remember, also, that there are in Italy always a class of people ready to mak capital out of the distress of the Government; to say to the people, "You were taxed lightly under the Bourbons, see how heavily you are taxed now;" and the consequence is, that there is a vast amount of dissatisfaction throughout the country. The Government, however, trust to the middle classes, and they hope that the day will come when, supported by the intelligence of the country, they will be able by the strong hand of power to establish first of all that order, without which all liberty is impossible, and to put down brigandage and violence; and then, Sir, will come the time — and I hope the day may not be far distant — when they will be able to set about their reforms with all the energy they can command, and when the Italians will be able to enjoy national liberty, and be no longer troubled by those laws which are at present necessary to secure the order of the country. The noble Lord has drawn graphic pictures of what he witnessed with his own eyes in the interior of the Neapolitan prisons. Surely, on a consideration of the facts he has laid before the House, it must strike him that some of the witnesses do not quite agree with each other. He told us that on one occasion he spent some time in the agreeable society of three sisters, one of whom told him that they had been sent to prison for hanging a Bourbon flag out of the window, when the other said, "Oh dear no, it was a blanket." [Lord HENRY LENNOX: No; I said a white sheet.] Well, it may have been a sheet, which I suppose was taken to be a display of the Bourbon flag. Now, it really looks as if these young ladies, who treated the matter as a joke, were preying upon the credulity of their English visitor. Of course, when the noble Lord went about and conversed, as he did, freely with the prisoners, it was to be expected that they would declare that they had done nothing whatever to deserve confinement, and that they had been thrown into prison solely through the unreasonable vindictiveness of the Government. But is it possible to suppose that the Neapolitan Government, with so small a prison accommodation as it possesses, should be anxious to put people into the prisons without any cause? Is it reasonable to suppose that the Italian Government, surrounded as it is with all these difficulties, would add to their difficulties and expenses by filling, without rhyme or reason, the Neapolitan gaols. It is still less easy to reconcile such conduct with the fact that the Government court publicity in regard to their prison arrangements, and not only allow visitors freely to inspect them, but to converse with each prisoner individually. On the very face of it such behaviour is extremely improbable, if not impossible. I do not doubt that many anomalies are practised in the gaols, but that, I say, is due to the vicious system which has long been established in Naples, and from which it will take some time before the officials are thoroughly weaned. It is very difficult to get people out of bad habits, however you may alter systems. But what have the Italian Government done? Why, they have sent humane men to preside over those goals, as the noble Lord has himself admitted, and, from time to time, the Court of Turin has issued orders for reforms and improvements in the goals. [Lord HENRY LENNOX: No.] The noble Lord challenges me to say what improvements have taken place. Then I say that a progressive system of reward has been introduced, by which the criminal prisoners—for I cannot speak as to the political prisoners—are enabled to work and earn a certain sum of money, part of which is expended in prison luxuries and comforts, and part set aside as a fund to give them a start in life when released. The noble Lord said the food was not good. I tasted it, and I assure the House that the soup was excellent in quality, and sufficiently plentiful in quantity; the prisoners received 24 oz. of bread a day, and, if they chose to work, a most excellent and nutritious dish. The Italian Government has set to work to root out that terrible society of the Camorra, which has existed in Italy for centuries, being introduced into Sicily by the Spaniards, from whence it crossed the Straits to Naples. Sir, the late Government encouraged, instead of attempting to crush, the the Camorra, and even made use of it for political purposes. The existing Italian Government have, however, crushed it. The prisons are crowded with men belonging to the gang; but it is impossible to bring them to trial, for the very reason I have mentioned—namely, that owing to the dread entertained of them by the people, it is difficult to procure witnesses to give evidence against them. Then I say, that while the Italian Government have such difficulties to contend with in a country so turbulent—while they have such taxes to raise amid so much dissatisfaction—I think we ought, of all countries in the world, to sympathize with them; for I quite agree that the reason of the enthusiasm of this country in favour of Italy is because we hope to see her enjoy that civil and religious liberty which we enjoy ourselves. The fact, however, is that the present is purely an exceptional state of things, which is not likely to last long, for two reasons—first, because the Government is gradually organizing the country; and, second, because the purse of the Bourbon Committee will soon be exhausted. The Camorra also is in process of being destroyed, and there is every hope that the present terrible state of things will pass away. If you could prove that the Government was not supported by the great mass of the intelligent middle classes, then I should be ready to admit that the present state of things would be unendurable. If you could show that the laws under which they are at present suffering are not exceptional, and are likely to last long, the case would be different. But you confess that the laws of the country are free laws; therefore the laws of Charles Albert do not warrant these acts. The acts are illegal, which is a proof that the laws are good. The defence of the Italian Government rests altogether on the fact, that the intelligent classes support it; it is not the *bourgeoisie*, but the uneducated, who have been debased by long years of misrule, that are not satisfied. I repeat, if you could prove that the present state of things would be permanent, you would have said something to justify this Motion; but as you have not, let us, I say, give the Italian Government credit for good intentions. I do not mean to say that this Motion has been brought forward in order to cast discredit on the Italian Government; but its success would have the appearance of showing that this House had no faith in the destinies of Italy. That would be discouraging to the Italian Government in the mighty work they have undertaken, and upon which they are now engaged. One thing, however, I am sure of, that whatever may be the view which the House takes of this matter, the discussion of Italian affairs by this House cannot fail to be beneficial to the people of Italy. On the grounds, then, Sir, which I have stated, I hope the Government will refuse to produce the papers which have been moved for.

Mr. LEVESON GOWER said, he felt reluctant to take any part in the debate, because he did not think that it was the duty of that House to inquire into the state of the internal administration of other countries, though an exception to that rule might be justified when great oppression existed in a State where no publicity prevailed. That, however, was not the case in Italy, for Italy had a free press and a Parliament. The noble Lord denied that Italy had a free press, and mentioned several newspapers which had been suppressed, but the noble Lord had omitted to state on what grounds they had been suppressed. A change, certainly, had taken place in Italy in that respect. Formerly no papers were suppressed, because there were none to suppress. He was induced to address the House by the statement of the noble Lord in reference to the prisons of Italy, though the admirable speech of the hon. Member who last spoke almost relieved him from the necessity of adverting to that subject. He had not been in Italy himself lately, yet he had conversed with a great number of gentlemen who had recently visited that country, and they all left with a very different impression from that which the noble Lord appeared to have received. Two friends of his went to all the prisons in Naples with the exception of one, not as a mere visit, but as a matter of business, and were allowed to converse freely with the prisoners, who, undoubtedly, often made complaints with respect to the justice of their sentences, but in no single instance complained regarding the treatment they met with in prison. These gentlemen admitted that one prison, where about 100 boys were confined, was in a wretched state; but that was merely the remains of the bad system which formerly prevailed. With this exception, the only fault to be found with the prisons was a too great laxity of discipline; but as regarded the cleanliness and comfort of the prisoners there was no ground of complaint. It was wonderful that the noble Lord, who had returned from Naples, had not alluded to the fact that three of the prisons there were shut up in consequence of being clear of prisoners. It might seem strange that a gentleman of honour and veracity like the noble Lord should take such an entirely different view of the state of things from that taken by others, but that was a matter capable of explanation. No doubt a stranger, in visiting a foreign country, was in great danger of being misled by the people who surrounded him. A person, for instance, who visited Ireland, and listened only to the extreme party, would believe that there was no country in the world so tyrannically used as Ireland, as no one who entertained the opinions of the hon. Member for Devonport would be likely to do justice to the cotton manufacturers. The noble Lord was surrounded by agents of the reactionary party, and his visits to the prisons were made in company with one of those persons. It was not by accident that the noble Lord was so surrounded, for there was a plot to surround him. It appeared that, not a long time ago, a lady was arrested in Italy with some treasonable correspondence, and in that correspondence there was a passage to the effect that the noble Lord was to be "fished for and surrounded" by the very man who afterwards accompanied the noble Lord. The statement made by the hon. Under Secretary for Foreign Affairs, with respect to the increase of trade in Italy, disposed of all these wretched small accusations against the Italian Government; while the speech of the hon. Member who last spoke showed how deserving of estimation in many respects that Government was. The improvements going on in Naples, both material and moral, were very great. His friends who visited that place were struck with the crowded state of the harbour, which was more filled with shipping than ever; and also remarked the utter disappearance of lazzaroni, and the entire absence of mendicity. New buildings were spreading in every direction; meat had increased in quantity and in price—that was a proof of the increasing wealth of the country. Then there was the opening of schools in all directions. The present Government was the first to make serious attempts to put down the *Camorra*, a society of cut-throats, whose object it was to levy black mail upon all the industrious inhabitants. That society had lasted for 300 years; it had been connived at by the authorities; and it could not be expected that it could be put an end to at once. He did not understand how hon. Gentlemen who advocated the cause of Poland could refuse their support to the cause of Italy. He should be sorry if a debate in that House would have the effect of discouraging the Italian Government; but he hoped it would rather urge them to persevere in their efforts to improve the state of the country.

SIR GEORGE BOWYER said, that he would only make one remark on the speech of his hon. Friend who had just sat down. His hon. Friend had stated that the noble Lord (Lord H. Lennox), when he visited the prisons, was surrounded by reactionists; but the noble Lord himself told the House distinctly that the gentlemen who accompanied him were friends of the Government. But supposing that he had been surrounded by reactionists, his hon. Friend attributed to them a power little less than miraculous or magical, that of making the noble Lord see things which did not exist. Now, if one thing more than another entitled the noble Lord's speech to attention, it was that he made no comments, but merely stated what he saw himself; and with regard to the newspapers, he told what might be proved by official documents. The noble Lord told the House that he saw Count Christen and other gentlemen placed in immediate association with malefactors—four gentlemen chained by heavy chains to malefactors. Did his hon. Friend mean to say that the noble Lord saw these things because he was surrounded by reactionists? As for the hon. Gentleman (Mr. Butler Johnstone) whose speech the Government had cheered, though that speech was able and eloquent, and such as they should all be glad to hear from so young a Member, who, he hoped, would often take part in the proceedings of the House, yet that speech was a tissue of sophistry and improbability, and was by no means to be placed in the balance against the facts which the noble Lord had stated, and which the hon. Member for Taunton (Mr. C. Bentinck) had adopted. The hon. Under Secretary's defence of Mr. Odo Russell was more like an attack than a defence. Well might Mr. Odo Russell say "Defend me from my friends," for even his enemies would not have said of him what the hon. Under Secretary had said. He said, that having written a despatch to Her Majesty's Government, of the truth of which he was fully convinced, he yet withdrew his statement, and said he was mistaken when he was not. Could a greater slur be thrown upon a public man ? It was saying that he had told a falsehood. He (Sir G. Bowyer) he would be the last man to believe that Mr. Odo Russell would tell a falsehood. But the House ought to know what had really occurred in that matter. Mr. Odo Russell made a statement highly derogatory to the honour of the French General — namely, that a large body of brigands, as they were called, had proceeded from Rome in French uniform and entered the territory of Naples. That statement imputed one of two things to the French General, either that he was playing false, or that he was incapable of doing his duty. The French Commander-in-Chief took the matter up. The noble Lord the Secretary for Foreign Affairs wrote a despatch to Paris complaining of the matter, and it was referred to the French Commander-in-Chief, who denied it. And he (Sir G. Bowyer) knew from authority which he could not doubt that the French Commander-in-Chief attacked Mr. Odo Russell publicly in a crowded room, and in the strongest language denied the statement that Mr. Odo Russell had made. The word used by the French General was that it was a *mensonge*, and he added that Mr. Odo Russell was not fit to hold any public situation. Mr. Odo Russel apologized to the General, and said he had been mistaken. These were facts notorious to every one in society at Rome. A short time ago he (Sir G. Bowyer) asked the hon. Under Secretary (Mr. Layard) whether Mr. Odo Russell's position at Rome was the same as it had been, and he was told that it was as good as ever. But he was assured that such was not the case, and that Cardinal Antonelli had declared his great unwillingness to hold any further communication with Mr. Odo Russel, on account of his meddling propensities, and on account of the conversation which he stated he had with the Holy Father, to which he (Sir G. Bowyer) referred to a former debate. In consequence of these circumstances, Mr. Odo Russell's position was not what the position of an English diplomatic agent ought to be. He (Sir G. Bowyer) did not for a moment impute to Mr. Odo Russell that he wilfully told a falsehood; but, like many other agents of the British Government, he was anxious to write home news that would be agreeable to the English Government, and which would recommend him to their favour. He found himself mistaken, and he was obliged to retract. That was the real truth of the case, and he must say that the account given by the hon. Under Secretary was not creditable to that Gentleman. The hon. Under Secretary ought not to have made that statement to the House, and he (Sir George Bowyer) very much regretted that the hon. Gentleman was not then in his place in order that he might have the opportunity of stating to his face that he ought not to have made that statement with regard to Mr. Odo Russell.

Now, on what grounds was it that the public feeling of this country was stirred up against the dynasties of the Italian States, and especialy against the Bourbon dynasty ? It was because the Bourbon dynasty was represented to be a most wicked and grinding tyranny by the press, and especially by the party over which the noble Lord presided. Then came the pamphlet of the Chancellor of the Exchequer. That pamphlet exemplified exactly what his hon. Friend had stated about the kind of people a person may be surrounded by when he goes to a foreign country. The Chancellor of the Exchequer was surrounded at that time by the enemies of the King's Government. He (Sir G. Bowyer) could state, knowing it to be a fact, that the Chancellor of the Exchequer took no trouble whatever to ascertain the truth. He never addressed a question to the friends of the Government; but if they had supposed he took an interest in such matters, they would have given him every information in their power. It was assumed that everything in the right hon. Gentleman's pamphlet was true. He could not admit this, because the right hon. Gentleman had been compelled to retract the chief gravamen of his charge in another pamphlet. The whole pamphlet was, in fact, a tissue of untruths — not, he admitted, wilful untruths, but which had been palmed upon the right hon. Gentleman by persons who had got round him at Naples. A member of the Piedmontese Parliament at Turin had admitted that "Mr. Gladstone had been imposed upon in the case of Poerio." He said they wanted some one to personify their complaints, and so, he added, "we invented Poerio, and wrote him up at a penny a line." He did not mean to say that no such person existed, but that the Poerio of the Chancellor of the Exchequer was an entirely different person from the real Poerio. He thought he had sufficiently disposed of the right hon. Gentleman's pamphlet, which had been very useful to hon. Members opposite, and out of which the right hon. Gentleman had made a great deal of capital. Several influential members of the Piedmontese Chamber at Turin had admitted, that although they did not like the state of things under the late dynasty of the Two Sicilies, yet that matters were now infinitely worse. The *Gazette de France* of the 30th December 1862 reproduced two documents from the *Diritto* of Turin which were worthy to be read side by side. The first was a letter addressed by a Member of the Court of Cassation of Palermo, Benedetti Castiglia, to Commander Vigliani, Attorney General of the Court of Cassation at Turin, on the abolition of the pain of death. That letter contained the pure and simple expression of an historical fact—namely, that a Minister of Ferdinand II., Nicolas Parisio, in the year 1831 ordered, with the consent of the King, that the sentence of death should not be executed without a previous report being submitted to the King, who since that day had always commuted it. The result had been that the pain of death, except in two or three instances claimed by public opinion, had only existed in the code, and, in fact, it was practically abolished. That, however, did not increase the number of crimes; on the contrary, they had never been less numerous than from 1831 to 1847. The other document, which he wished the House to contrast with the foregoing, was the circular of a Piedmontese prefect to the mayors of the province intrusted to his administration. The circular was dated "Prefecture of the Province of Girgenti, October 1, 1862," and was as follows:—

"Sir, — Wishing that the Sicilians may understand that they have a just and strong Government, I explicitly order you to take care that the officers may act with zeal in communicating orders of payment either in favour of the Government or in favour of private persons. You will render to me an account of their conduct under your personal responsibility, and I give you notice that in case of violation of this order you will be unmercifully treated — as those are now treated, in accordance with the present exceptional laws, who are suspected of criminal tendencies. I desire you to observe, in conclusion, that as you have not forwarded any request for leave or the resignation of your office, if you do so in future, I shall consider it the formal declaration that you refuse to accomplish the duty which I confide to you, and I shall be obliged to act with all the rigour that the present times require and authorize.—The Prefect Falconcini."

That rigour meant nothing less than that these people would be punishable with death. Let the House contrast that most harsh and sanguinary circular with the letter written under the former dynasty of the Two Sicilies, by which the punishment of death was practically abolished. He must add that Earl Russell, in another place, had acknowledged the wisdom and frugality with which the finances under Ferdinand II. were managed. The funds at Naples were formerly above par—at 118, he believed. Now, the Piedmontese Five per Cents were about 70. That was a practical test of the management of the finances of the two kingdoms. He had asserted on a former occasion that the supposed deliverance from tyranny of the people of Italy, and especially of Naples, was a delusion. Let the House look at the facts. They had been told that the Piedmontese and Garibaldi were received as deliverers and welcomed by a grateful population. If that had been true, the country would now be in a state of peace and happiness, and exceptional laws would be unnecessary. But the fact was, that Italy was in a state of permanent insurrection. To call a state of brigandage that which was the struggle of the Royalists for the Royal cause was merely a clever attempt to give that struggle a bad name. There were 90,000 soldiers of the Piedmontese army in the Kingdom of the Two Sicilies. Would any one tell him that such an army could be required in a country where the people were contented and happy, and where, according to the Under Secretary of State for Foreign Affairs, all the intelligent classes were in favour of the Government? Even that army of 90,000 men was only successful in keeping possession of the country, and not in maintaining order. An orator in the Piedmontese Chamber had truly said, that if those men who opposed the Government, and were able to make head against such an army, were brigands, they must be heroes or demigods. That orator drew the correct inference that these demigods were really supported by the whole body of the population. That was why so large an army was necessary to keep material possession of the country, although it did not enable the Piedmontese Cabinet at Turin to govern the country in the true sense of the word. *The Times* had always supported the Piedmontese Government and what was called Italian unity; but with all its desire to favour these, and to uphold the foreign policy of the noble Lord at the head of the Government, the truth crept out in its foreign correspondence and in its leading articles. It was constrained to admit that the Piedmontese were encamped in the South of Italy, that they held it as a conquered country, and that in reality there was no union between them.

The House had heard of a commission which had been issued from Turin to inquire into the state of the brigandage, as it was called; its report had just been made public, and the debate with regard to it was held with closed doors; but it was admitted that the Piedmontese had shot 7,000 men in the South of Italy without any trial, and in cold blood, in order to realize what they called the liberties of the country. He supposed it was in the same philanthropic spirit that they had burnt, sacked, or nearly destroyed sixteen towns on account of manifestations in favour of the Bourbons. The following was a list of the towns burnt and sacked in the Two Sicilies, as given in the *Commercio* of the 8th of November 1862:—Province of Molise—Guaricia, 1,322 inhabitants; Campochiaro, 979; Casalduni, 3,032; Ponte Landolfo, 3,917. Province of Capitanata—Viesti, 5,417 inhabitants; San Marco in Lamis, 10,612; Rignano, 1814. Province of Basilicata—Venosa, 5,952 inhabitants; Basile, 3,400. Principato Citeriore—Auletta, 2,023 inhabitants; Eboli, 4,175. Principato Ulteriore—Montifalcone, 2.618 inhabitants; Monteverde, 1,988. Terra di Lavoro—Vico, 730 inhabitants. Calabria Ulteriore II.—Controne, 1,089 inhabitants; Spinello, 298. Total 49,366 inhabitants. The proceedings of Major Fumel, who appeared to be taken under the special protection of Her Majesty's Government, illustrated very well the proceedings of the Piedmontese. That officer proceeded with a battalion of troops to the residence of a landed proprietor who, with others, was suspected of keeping up a correspondence with the brigands. Asking to be sheltered for the night, and having been received at the table of his host, Major Fumel, pulling out his watch, said this gentleman had only three minutes to produce a list of the banditti in the neighbourhood, or his castle would be burnt down. Under that terrible threat the landlord produced the list, and Major Fumel had the persons mentioned in it arrested and drawn up in the courtyard, with directions that they should be shot, including his entertainer among the list of his victims. Somehow or other his proceedings came to the ears of the Government, and the execution was stopped, whereupon Major Fumel indignantly threw up his commission. The Government received his resignation instead of ordering him to be hung. Now, these were facts which it was easy to deny, but the truth of which had been admitted over and over again. Again, 32,000 persons had been condemned to the galleys, and were now undergoing that mode of punishment. Would not that fact sufficiently explain the crowded state of the prisons, without seeking to put forward as an excuse that two prisons were closed which he knew to be of very limited accomodation? What did the House suppose was the number of political prisoners in Southern Italy? From official documents it appeared that the number was 70,000. What did the House want more? *Habemus confitentem reum.* If the noble Lord at the head of the Government would read a leading article in *The Times* of the 22nd of April, he would see there an admission of all the material points on which he based his argument. The House ought to hear what were the views of Her Majesty's Government upon this subject, because he refused to accept the very intemperate speech of the hon. Under Secretary of State as a representation of what the Government, or any statesman in this country, would be prepared to support, or even to sanction. He hoped the noble Lord would not, as he did on a previous occasion when he called attention to the deeds of Majors Fumel and Pinelli, justify the atrocities which had been committed, and encourage their perpetrators to greater vigour. It would be more worthy of the Government to act with impartiality in the matter, or, if they must show sympathy, to sympathize with the people who were struggling for their independence, and for their native government and the restoration of their lawful Sovereign. Some hon. Member had said that because they sympathized with Poland they ought to sympathize with the Piedmontese Government. In his opinion, it was only if they sympathized with Russia, that they ought to sympathize with King Victor Emmanuel and his Ministers. The insurrection in Poland was caused by the cruelty of the conscription. The people of the South of Italy were groaning under oppression of the same description. Under the rule of the Bourbons there was no conscription in Sicily ; in Naples it was so mildly enforced that it caused no inconvenience to the people ; and in the States of the Pope there was none, the troops of his Holiness being all volunteers. Now, however, the conscription was carried into effect in the most cruel manner. The people were torn from their homes and their industry, and carried off to serve in North Italy—a part of the country to which they were strangers, and which was hateful to them. Hundreds of thousands of people, rather than serve the Piedmontese, had fled to the mountains and become what were called brigands—in effect, rebels to the Government of the usurper. He hoped that the noble Lord would not meet him with the answer that these were matters which ought to be discussed in the Parliament of Italy, and not in that House, because the noble Viscount and the noble Earl the Secretary of State for Foreign Affairs had accepted the responsibility for what had occurred in Italy, and had said that they were proud of having contributed to the events which had taken place there ; and also because the Parliament at Turin was a partisan and packed assembly, in which the truth was not heard, and from which justice could not be obtained. The House of Commons had at least a right to call upon the Government to do their utmost to mitigate the evils which they had had so large a part in creating. He warned the noble Lord and the House, that when the means by which what was called Italian unity was brought about were fully brought to light, the policy of the House and the country would be reversed, and they would no longer support the tyrant and usurper who oppressed and enslaved that unhappy population ; and the people of Italy might then see the restoration of that dynasty and government to which he believed they were firmly attached.

Mr. AGAR-ELLIS said, that as he had recently visited most of the prisons in Naples which had been described by the noble Lord the Member for Chichester, and as he had not arrived at quite the same conclusions, he would, if the House allowed him, give a brief account of the result of his inspection. He would refer to them in their order. The first named was Santa Maria d'Apparente, and there he saw foreign prisoners who had been kept a long time untried. It certainly was a great slur on the authorities at Naples that the accused were kept so long in prison before trial. He might mention one fact which came to his knowledge. A foreign gentleman came to the prison while he was there. He saw the foreigners ; they were Hungarians, who maintained, of course, that they had never committed the slightest offence. He went to the Austrian Consul, and made intercession for them. They were liberated, and the Austrian Consul informed this gentleman that a set of greater scoundrels were not outside the prison. He had also visited the Santa Maria Agnone Carcere di Donne. The noble Lord had fallen into a mistake about the female prison. The worst women of the town were said to be there ; but he had asked the question whether they were mixed with the other female prisoners, and he was told they were not, although the noble Lord's impression was they were. With respect to the Vicaria, he had been more fortunate than his noble Friend. He found a much smaller number of prisoners there than had been mentioned by the noble Lord, and, on a second visit, 250 of them had been removed to another place. The noble Lord gave a very glowing description of the horrors of some of the cells in which a number of prisoners were kept together. He did not say they were the pleasantest rooms he ever was in, but, as far as the ventilation of the prison was concerned, he certainly had found the house in which they were assembled occasionally in a worse state. The prison was certainly too crowded, but the fault was being lessened every day. Salerno he had not visited. But in every prison he went to he had carefully examined the food, and found its quality good and the quantity sufficient. In fact, he should say, considering the circumstances of the country, that the food was better in many respects than was supplied in England. The proportion of meat was not so great as was given in the prisons of this country, because the Italians generally did not consume as much solid meat as the English, but in other respects the food was unquestionably good. The most interesting prison he saw was one mentioned by the noble Lord—Nisida, which was a convict establishment. Here there were wards such as the Bourbons had left them ; others had to be remodelled. The former were in a sad state of dirt, discomfort, and filth ; in the latter there was nothing to complain of. The hon. Member for Dundalk had spoken of Castellamare as a small prison, but in March he saw there 396 prisoners. He might add that the new irons were only half the weight of those formerly used, so that the usual padding was dispensed with. He had thought it right to mention the facts that had come under his notice, in order that the House might judge from them what was the condition of those prisons at a very recent period.

SIR PATRICK O'BRIEN said, he felt bound to notice the extremely intemperate language of the hon. Under Secretary for Foreign Affairs. It was quite competent for the hon. Gentleman to make remarks upon general Continental politics without placing in a false position Irish Roman Catholic members who were supporters of the Government of which the hon. Member was a subordinate. He thought that it was the duty of every Irish Roman Catholic Liberal to state his opinions upon the Italian question. They, as Roman Catholics, considered that the Papal possessions were necessary for the proper position of their Church; but although they would give their most devoted support to the Pope, they were not to be dragged into supporting Venetian, or Neapolitan, or Bourbon tyranny. He wished to know how it was that the party which had for so long resisted all concessions, and even justice, to the Catholics of Ireland were now to be found craving the support of the Irish Catholic Members. Was there an alliance; and if so, what were its objects? That was a question which the people of Ireland, as well as the people of England, had a right to have answered.

MR. BAILLIE COCHRANE said, that having listened to the clear expression of the opinions of the hon. Baronet who had just sat down, he had failed to discover what those opinions were. He would, however, bring back the House to the subject under discussion. That subject was a very solemn one indeed. Last year the Chancellor of the Exchequer took great credit to himself for the influence which he had exercised in the events occurring in Italy. That night they had heard in that able, elequent, and noble speech of his noble Friend, a description of the misery, and sorrow, and suffering which prevailed in the kingdom of Italy; and they had a right to demand from the Government that they would exercise that influence they were so proud of possessing in Italy in remedying those evils, and to ask the Government what their course of policy would be in reference to the matter. The hon. Under Secretary for Foreign Affairs had endeavoured in his speech to destroy the statement of the noble Lord (Lord H. Lennox), but nothing had occurred in the course of the debate to weaken that statement. That was the positive statement of an eye-witness; and what he complained of in the Government was, that whereas on a former occasion, under the Bourbon dynasty, there was a daily interference on the part of Her Majesty's Government to improve the state of affairs in Italy, on that occasion it appeared, on the contrary, that no effort had been made by Her Majesty's Government to remove or to mitigate the evils under which the Neapolitan States were now suffering. What could be the answer to that? The only answer which could be made by the Chancellor of the Exchequer must be, that the Government were not previously acquainted with the oppression and cruelty that were being practised in Southern Italy. Well, he would ask the noble Lord at the head of the Government, how it came that the officials serving under him in those States had not communicated the sad state of affairs? He was surprised to hear one remark made by the hon. Gentleman the Under Secretary for Foreign Affairs, when he spoke of Mr. Bishop. If ever there was a partisan, it was Mr. Consul-General Bonham; yet even Mr. Bonham admitted the shameful treatment to which Mr. Bishop had been subjected. How was it, then, that the hon. Under Secretary of State ignored the fact? In one of his despatches Mr. Bonham stated that a prisoner who had been reported to have undergone the torture, when questioned on the subject, denied that the torture had been applied, but said that he had been treated cruelly by the keepers until he was black and blue. That was a statement of Mr. Bonham himself; and yet the Under Secretary for Foreign Affairs had quoted the authority of Mr. Bonham to show the prisoners were well treated. Mr. Consul-General Bonham also adverted to the fact that prisoners were kept without trial. He said—

> "The new system of procedure in criminal cases came nominally into operation on the 1st of May, but the whole system is in an indescribable state of confusion, and nothing is done; even the jury lists are not yet made out. So far as I can understand the matter, from lawyers with whom I have spoken on the subject, Bench and Bar are equally averse to the changes—all make difficulties, and there is a passive and stubborn opposition which has yet to be overcome. Meanwhile, the number of persons committed and waiting for trial amounts to many thousands; and, even if the courts could

be got into working order at once, to get through this list would occupy a longer period than could, I apprehend, be tolerated; and it seems to be felt that a general amnesty for all persons charged simply with political offences, is the only way of getting out of the difficulty."

In another despatch, Mr. Bonham reported a conversation with Signor Tanigro, Procuratore del Re, on the subject of Mr. Bishop's trial. Mr. Tanigro attributed the delay to the form of procedure required by the laws, and said it was possible that Mr. Bishop would be tried after Count de Christen, whose case would occupy twelve or fifteen days; when Mr. Bonham said—

> "I remarked, that if one trial took fifteen days, it would be long before the prisons were cleared. He said he regretted it was so, for there were upwards of 1,000 people waiting for trial. I said I believed 20,000 was nearer the mark. He said, 'There may be from 12,000 to 15 000 in these provinces.'"

Taking merely the statement of Mr. Bonham, therefore, he could not understand how it was that the Government, who withdrew their Minister from Naples when they complained of the injustice and cruelty of the Bourbons, now remained silent. To that extent they must certainly be held responsible. Another most important point had not been mentioned that night, and that was the number of persons who had been shot and murdered in the Neapolitan provinces during the last two years. It had been said that the Commissioners appointed had not reported; but he held a copy of their Report in his hand. Their instructions were to inquire into the cause and extent of brigandage in the Neapolitan States, and in their report were the following statistics:—Taken in arms between the months of May 1861 and February 1863—taken in arms and shot, 1,038; killed in battle, 2,413; made prisoners, 2,768; surrendered, 932; making in all, 7,151. Such was the official report, that they had actually killed, in cold blood, 1,038 individuals, and made prisoners to the extent of nearly 4,000. That was a most fearful state of things. Again, in the Chamber at Turin, the Deputy Miceli stated that 350 citizens had been shot as the accomplices of brigands, and accompanied his statement with these words—"Often these so-called accomplices were innocent." The *Gazette de France*, in reporting this, alluded to Fumel, who was last year disavowed by the Piedmontese Government, but was now supported by them, and added—

> "Do we not remember how Mr. Gladstone spoke of the foul atmosphere of the old prisons? What will this humane Minister say now? Will he remain silent at the appeal of these unhappy beings, who he is in part responsible for having delivered up to a ferocious and hypocritical despotism? The hatred against Piedmont is so great, that notwithstanding all this terror, all this severity, the cause of independence ever enlists new soldiers."

A most extraordinary document had been sent to him, and it was, no doubt, perfectly authentic, being taken from official sources. It was a list of persons shot in the Neapolitan provinces by order of the Piedmontese Government—not during the heat of the revolutionary movement two or three years back, in times of great excitement, when excuses were found for acts which at other times would receive the gravest condemnation—but during the months of January, February, and March, 1863, and not including those shot as supposed brigands in military barracks. The list contained the names of 188 persons who were shot in cold blood within those three months. . Appended to the list were observations by the Government. The first victim was described as a young surgeon attached to the band, and the Government remark was, "Died with great courage." Then came two more—[*A laugh.*]—Hon. Gentlemen might think this a very jocose thing, but he would show that for the massacre that was going on daily in these provinces the House of Commons must be held partly responsible, because they had taken credit to themselves for bringing about the charming state of unity in Italy. Let no one suppose that he was looking for the restoration of the old state of things, which he believed to be perfectly impossible. He certainly would say, that as the Government had always interfered in Italy to overthrow the old Government, they had a right to call upon that Government to be consistent, and certainly not to ridicule the official statements of the number of men shot. He wished to call the attention of the hon. Gentleman the Under Secretary — who seemed to think that it was so good a jest —to the terms of Major Fumel's proclamation. The hon. Gentleman, who was so enthusiastic about the brightness of Italy, had congratulated his Government on the share it had had in bringing it about; and it was very well for him now to retire into a corner and make jokes on the system. In the Turin chamber Major Fumel was lately spoken of in terms of eulogy by the Government; and this was the proclamation which the House were aware was repudiated last year, but which was approved in 1863—

"The undersigned, charged with the destruction of brigandage, promises a reward of 100 francs for every brigand, alive or dead, who may be brought to him. This reward will be given to any brigand who shall kill his companion; moreover, his own life will be spared. In defiance of this, those who may give shelter, or any means of subsistence or support to brigands, or seeing them, or knowing the place where they have taken refuge, do not give information to the force and to the civil and military authorities, will be immediately shot. For the custody of animals it will be well that they should be brought into several central spots, with a sufficient armed force, because it will not be of use without a considerable force. All straw huts must be burnt, the towers and country houses which are not inhabited and guarded by a force must be, within the space of three days, unroofed, and their entrances bricked up. After the expiration of that time they will, without fail, be burnt, as also all animals which are not in proper custody will be killed. It is prohibited to carry bread or any kind of provisions beyond the habitations of the communes, and whoever contravenes this will be considered an accomplice of the brigands. Provisionally, and for this circumstance, the syndics are authorized to grant permission to carry arms under the strict responsibility of the proprietor who shall make the request. Shooting as sport is also provisionally forbidden, and therefore no one may fire off a gun except to give notice to the armed posts of the presence of brigands, or else of their flight. The National Guard is responsible for the territory of their own commune. The undersigned does not mean to recognise, under present circumstances, but two parties—brigands and anti-brigands; therefore he will class amongst the first those who are indifferent, and against these he will take energetic measures, for when the general necessity demands it, it is a crime to refuse. The disbanded soldiers who do not present themselves within the space of four days will be considered brigands."

He (Mr. B. Cochrane) considered that a more infamous proclamation had never disgraced the worst days of the Reign of Terror in France. At that late hour he thought it unnecessary to detain the House any longer, after the able speeches which they had already heard; but he felt that he could not allow the debate to terminate without saying a few words; for it was well known that the question was one in which he had had always taken a great interest, and, with the facts which he had in his possession, he thought it his duty to lay them before the House. He thought those facts, and the discussion which had taken place, had been so striking that they must carry conviction to the country that Her Majesty's Government had failed, at any rate up to that time, in the great cause of humanity; and had materially assisted to convey to the minds of the people of this country an erroneous impression with respect to the happiness that was generally supposed to exist in the kingdom of Italy.

Mr. WHALLEY said, he was of opinion that the debate, which had already consumed four or five hours, was a disgrace to the House. ["Order!"] He repeated distinctly that it was a disgrace to any business assembly. He did not see what the House had to do with the internal affairs of Italy, the only pretext for discussing them being the fact that three or four years ago Her Majesty's Government had supported the cause of Victor Emmanuel. But that was no more reason for the debate, than the fact that the Government had supported the Emperor Napoleon some ten years ago, would be a reason for discussing the state of the French prisons. At any rate, if the House was to be given up to the service of the Pope for a number of hours on an evening supposed to be devoted to the Motions of independent Members of British constituencies, notice of that fact should be given to hon. Gentlemen, in order that they might be prepared to answer such statements as had been made that evening on behalf of his Holiness.

Mr. MAGUIRE: Since I have had the honour of a seat in this House, I do not think I have been present at a more interesting discussion than that which has taken place this evening; and perhaps amongst the most interesting features of that debate has been the temperate, moderate, and graceful speech which has been so appropriately delivered by the hon. Gentleman the Under Secretary for Foreign Affairs. As a matter of curiosity and speculation, I wished to ascertain in what manner his colleagues bore that inflammatory harangue. I scanned the features of the hon. and right hon. Gentlemen and noble Lords who sat on the Treasury Bench; and if I could form an opinion from the expression of a human countenance, I do not believe there was one of the entire number who did not wish from his heart that the hon. Gentleman was safe in the Golden Horn. A more damaging speech for the Government, or one more calculated to excite the manly indignation and generous sympathies of the people of England, whatever their prejudices upon this Italian question, against a Ministry who had allowed that hon. Gentleman to stand forward as their spokesman, I could not imagine. One would suppose, from the speech of the hon. Gentleman, that he was the pink of patriotism, the consistent propagandist of liberty, and that tyranny and oppression were hateful to his soul. But who, Sir, is this hon. Gentleman? Is he not the enthusiastic admirer and dauntless defender of the most abominable tyranny under the sun—the Government of Turkey? In European Turkey there are 11,000,000 of Christians—believers with us in the Redemption—who are trodden under foot by the Mohammedan power—who groan under a debasing and brutalizing slavery; and yet the hon. Gentleman the Under Secretary for Foreign Affairs is always proclaiming the liberality and justice of that hateful rule; and while he is the vindicator of that oppression, and the champion of that hateful despotism, he is the flaming advocate of liberty and unity in Italy. The same hon. Gentleman who now paints such a golden picture of the prosperity of united Italy, has also been in the habit of painting the commercial progress and financial prosperity of Turkey in equally glowing colours. I have heard him on former occasions, and I suppose, when the right time comes, I shall again hear him, describe the freedom, the happiness, and the contentment enjoyed under the rule of the Mussulman; and I therefore cannot help mistrusting his authority when he represents the improved condition of Southern Italy under a rule which is naturally detested by the people of the Two Sicilies. My noble Friend the Member for Chichester (Lord H. Lennox), using a manly phrase, spoke of "buckling up" to the hon. Gentleman the Under Secretary; but the hon. Gentleman has not only "buckled up," but stripped to the buff, like a political prize-fighter, and has struck out right and left, without any reasonable provocation, amongst those who in any way questioned the existence of the unity and liberty of Italy. The hon. Member for Taunton (Mr. C. Bentinck) certainly made a most temperate, moderate, and at the same time able speech. Every one must give him credit for that. What did that hon. Gentleman, who has been so misrepresented, really seek by his Motion? Not to endanger the liberty or interfere with the so-called unity of Italy—but to induce the noble Lord at the head of Her Majesty's Government to interfere, in the name of common humanity, to prevent the continuance of atrocities practised in that free and united country. The hon. Gentleman properly asks Her Majesty's Government to interfere in the present instance; for they are to a very great extent responsible for what has occurred. They have thrown all their influence into the scale against the young King, and played into the hands of the traitors who poisoned his mind, betrayed his counsels, and corrupted his soldiers. Surely they are now bound to interfere in the cause of humanity and justice. The hon. Member for Taunton holds different notions from what I do on the subject of Italian freedom. For myself, I do not believe in Italian unity. I hold it to be an utter sham. This united Italy is like a house of cards, and at the first jolt which it receives it will be certain to tumble to pieces. I repeat what I once said in this House, and which every day's experience impresses more strongly on my mind—that you may as well expect to see a united Continent as a united Italy. You may as well expect to unite the various nations of the continent of Europe into one nation, as to unite Southern and Northern Italy, and render the Neapolitan content under the rule of a people whom he despises as a barbarian, and hates as an oppressor. I do not believe there are any more iniquitous facts in history than those connected with the occupation of Southern Italy by the Piedmontese under Victor Emmanuel. Victor Emmanuel was at that time the ally—the friendly ally—of the Pope and the King of Naples. His ambassador was at the courts of Rome and Naples, and their ambassadors were at the Court of Turin. Friendly relations were maintained between the respective courts, and no cause of quarrel existed. Victor Emmanuel pretended that his only wish was to put down brigandage and suppress revolution; and, under this specious pretence, he invaded and took possession of the dominions of the King of Naples by force of arms, having first undermined his power by a systematic course of internal treachery. The same heroic conduct was pursued towards the Pope, whose dominions were invaded on the same pretence, and whose feeble army was crushed by the superior legions of his friendly ally. And now, Sir, what is the result of the machinations, the intrigues, the treachery, and the violence of Victor Emmanuel, and of the noble policy of Her Majesty's Government? Instead of peace, prosperity, and contentment, which were promised as the consequent result of that Italian unity which we are now told exists, what have we in reality? We have a gagged press, choked prisons, crushed nationalities, and a union which is a mockery, a delusion, and a sham. The Government are now asked to remonstrate in a friendly spirit with Victor Emmanuel; and every hon.

Member in this House, whatever opinions he may hold — however, for instance, he may desire to see the Government of the Pope swept off the face of the earth—which it never will be—must desire to see the monstrosities which have been described put an end to. No doubt, the statements made by the right hon. Gentleman the Chancellor of the Exchequer as to the former state of the Neapolitan prisons were true [Sir GEORGE BOWYER: No, no!]—at any rate, for the sake of argument, I will assume they were. The right hon. Gentleman is incapable of wilfully stating what was not the fact. But I say, if he were believed in 1851, why should you and the country not now believe the noble Lord, whose descriptions of the present state of the same prisons have sent a thrill of horror through every heart in this assembly? An hon. Friend of mine from Ireland (Sir P. O'Brien)—whose speech, I protest, I could not understand, though perhaps that hon. Gentleman may explain it to me to-morrow in private—talked of this question being one of prison discipline. Sir, it is not a question of prison discipline; it is a matter of principle. The hon. Member for Canterbury (Mr. Butler-Johnstone), whose able speech this night has at once won for him a most distinguished reputation as a Parliamentary debater, has endeavoured most ingeniously, but unsuccessfully, to weaken the effect of the speech of the noble Lord who preceded him. The hon. Member stated that there were several prisons in Naples which were not occupied at all, and which the Government had abandoned. If so, why then did the Government allow the other prisons to be overcrowded in such a shameful manner, when they had the means of relieving them in their power? That may be classed under the head of prison discipline and police regulation; but the great principle involved in the more important question is this—that hundreds of people are kept in prison without trial, who either know that they are "suspected" of disagreeing with the Government, or who are utterly ignorant of the reason of their incarceration. Then the hon. Gentleman endeavoured to justify this state of things by representing it as exceptional, and that Southern Italy was in an abnormal condition. When, I ask, is this exceptional state of things to cease?—when is Southern Italy to be restored to its normal condition?—when is there to be an end of this gagging of the press, this all-pervading espionage, these domiciliary visits, and these overflowing prisons? I believe that this exceptional condition of things will last until there is a break-up of this wretched imposture of a united Italy. For my part, Sir, I am convinced that what has begun in iniquity must end in shame and disappointment. The law of God and the law of man have been violated by Victor Emmanuel; and what was begun in trickery and perfidy, and consumated by violence, cannot end otherwise than in shame. Then it has been said that the bands in arms against the Piedmontese Government are but miserable handfuls of brigands. If that be so, why are they not suppressed by this powerful Government? If they were but mere brigands—mere robbers and assassins, as they have been described—they would not have possessed the sympathies of the people; and if they had not possessed the sympathies of the people, I ask could they have resisted an army of 90,000 men? The fact is, these brigands and robbers, as they are called, have repeatedly defeated the military forces sent against them, have exhausted the strength of Piedmont, baffled her generals, upset her cabinets, and even altered, if not altogether changed, the policy of one of the most powerful potentates in Europe. But we have not always been so scornful of "brigands." Our greatest generals have, ere now, held counsel in their tents with the leaders of brigands. Lord Wellington did not disdain the aid and co-operation of brigands in the Peninsula. And in what respect did the guerillas of Spain, who fought against King Joseph and the Great Napoleon, differ from those "brigands" who are now fighting for their nationality, and in the cause of their lawful Sovereign. The hon. Member for Canterbury has laughed at the noble Lord because he ventured to quote the case of three virtuous young girls who were incarcerated, without trial, for two-and-twenty months on "suspicion" of having hung out a Bourbon flag; but even if this grave accusation were true and proved, I ask was that an offence—the expression of respect for their native Sovereign—which deserved to be followed by so terrible a punishment? The bold challenge of the hon. Under Secretary has been most completely answered by the noble Lord, who has made a speech which will long be remembered in this House, and which will be read with sympathy in every home in this empire. The hon. Member for Canterbury, however, comes to the rescue of the Under Secretary, and he places his testimony against that of the noble Lord. But, Sir, I believe I am perfectly correct in saying that that hon. Gentleman has only been in one prison in Naples—the prison of Santa Maria Apparente—which is the show-prison of Naples. Therefore, he is not qualified to speak with authority on the state of things so pathetically described by the noble Lord, as existing in the five other prisons to which he has referred. Now as to the willingness of the Piedmontese Government to have everything shown to strangers — that, Sir, is nothing better than a myth. So far from all the prisons having been thrown open to strangers, had not the noble Lord fortunately obtained an order from General La Marmora, his shadow would never have darkened the door of any other prison save that of Santa Maria Apparente, and the tale of misery and suffering, which has thrilled our hearts to-night, and which will excite the emotions of every generous heart in the land, could never have been heard. A telegram was sent from Turin by the Minister of the Interior to the authorities of Naples, to this effect—"On no pretence whatever allow any one to visit your prisons." The noble Lord was, however, beforehand with the Government, who, we are told, are so desirous of letting everything be seen; and having General La Marmora's order, that order could not be discredited. The result was, that the noble Lord was enabled to lift up the veil that hid the atrocities practised in the name of liberty, and under the government of a constitutional King, and which would be odious under the worst imaginable despotism; and that the tale which he has told this night will not only appal those who have given their moral support to this gigantic swindle of a united Italy, but will serve many an unfortunate wretch, on whose festering limbs now clank the iron fetters of the captive. For myself, I am sincerely anxious for the freedom of Italy. [*Derisive cheers.*] Yes, for the freedom of Italy; but that result is, in my opinion, to be achieved by the gradual purification and internal reform of the several separate and independent governments, rather than by huddling up together seven or eight distinct and different nationalities, in defiance of history, tradition, feeling, habits, and even language, placing the whole under the iron rule of one, and then calling that unity and liberty. In reference to the existing state of things, I certainly wish for the restoration of the legitimate sovereigns, and the recovery by each State of its lost nationality; for though I freely admit there were abuses in those States, those abuses would now be corrected by the public opinion of Europe, as well as by their own internal effort at regeneration. I cannot but express my belief that in a few years you will see the old state of things restored—not the abuses, not the wrongs, but the independence and distinct nationality of the now amalgamated states. I freely confess I am for the restoration of the former governments, but without their abuses or defects, which I believe they could best remedy of themselves. I believe, Sir, that the Pope, who has been so generously offered an asylum in Malta, will be restored to the dominions which have been so iniquituosly taken from him; for though a cloud may now seem to overshadow the Vatican, you may rest assured that Providence still watches over the temporal power of the Holy Father. The dynasty of the Popes is the oldest and the most venerated dynasty in the world. It existed when other dynasties were unheard of, and when the ancestors of those who hear me were painted savages. You were told, some two years since—indeed, I think but one year since—that there was to be an end to this temporal power, which has now lasted for eleven hundred years; but has that assertion been vindicated by fact? Why, Sir, those who were then the enemies of the Holy Father have since become his friends. Whether that change has had its origin in or is owing to the low motives of personal interest, or to the lofty motives of high principle, it is not for me to say; but the fact of that change is an instance of the ways in which the designs of Providence are worked out. In a few years we shall see the present wretched state of things in Italy abolished, and an end put to that arrant sham—a united Italy—which has been hatched in treason and carried out by fraud, violence, and brutality.

Mr. GUILDFORD ONSLOW said, that having been acquainted with the state of things in Italy for many years past, from a residence there of twenty-three years, he could not remain silent after the extraordinary remarks which had fallen from hon. Gentlemen opposite. From his experience of the country he was enabled to say that there had been a remarkable change for the better in every respect in Italy within the last few years. There was not a sensible or enlightened man to be found from North to South Italy who was not grateful for the moral support which Her Majesty's Government had rendered to that country, or who did not look upon that moral support as being fully as valuable as the armed assistance of France. What the Italians now required was to be liberated from the dominion of the priests, who resisted everything like freedom and advancement throughout the country.

Mr. SCLATER-BOOTH said, he had no wish to enter into the general question, but he would remind the House and the country to keep in mind the fact, that an English gentleman had been imprisoned for a long period on what he ventured to say was a trumpery charge. He thought it surprising that the Turin Government, if it really desired to emulate the free institutions of this country, should have retained an English gentleman in prison for eighteen months. Mr. Bishop had been made the victim of a clique, who induced him to convey a letter from Naples to Rome; and nothing worse than an act of gross indiscretion could be imputed to him. It might be in the remembrance of the House that twelve months ago he (Mr. Sclater-Booth) asked a question of the Under Secretary of State for Foreign Affairs on the subject of Mr. Bishop, who had then been kept six months in gaol without a trial. The excuse then was, that it would be to his advantage to be tried by jury; and that as trial by jury was being established, he was only detained till the jury lists could be made out. In July last he was tried and sentenced to a punishment equivalent to ten years' penal servitude—a most unjustifiably severe sentence. It was true the penal servitude had been remitted, and the sentence commuted to ten years' imprisonment. He had no blame to cast on the Secretary for Foreign Affairs in this matter. He believed that noble Lord had done all he could to induce the Italian Government to moderate the sentence, but he regretted to say that the diminution of the sentence was not the result of the despatches of Lord Russell, but to the affliction under which the unfortunate prisoner laboured, and which rendered him incapable of enduring the worst part of his punishment. Still, there was the greatest difficulty in procuring the remission of penal servitude. Lord Russell had since made repeated applications for Bishop's liberation, but the reply he received was that it would be impossible to remit the sentence until the Italian Government could grant a general amnesty. On further application from our Foreign Minister to know when the amnesty was likely to be proclaimed, the answer given was, on the cessation of the French occupation of Rome. Such a reply was perfectly monstrous and absurd. He would not touch on the general subject of the debate, except to say, he thought there would have been less disappointment in regard to the results of what was called "the unification of Italy" if a less revolutionary course had been pursued there.

Sir JOHN WALSH said, he wished to offer some reply to the imputations cast upon the whole of that (the Opposition) side of the House by the hon. Under Secretary for Foreign Affairs, whom he was sorry not to see then in his place. That hon. Gentleman, rising under the influence of very considerable excitement, had most unfairly accused hon. Gentlemen, who were provoked to laughter by some portions of his speech, of deceit in having previously counterfeited a sympathy with the cause of Italy which they did not feel, and in at last being induced to throw off the mask and avow their real sympathy with absolutism. Now, for his own part, he at once pleaded guilty to the offence of having smiled, perhaps even laughed, at the speech of the hon. Gentleman. It would be remembered that the hon. Member for Taunton, who so ably opened the debate, made some remarks on the conduct of Mr. Odo Russell, our representative at Rome. Mr. Odo Russell, he said, had thrown out charges against the French authorities at Rome of having connived at and encouraged brigandage, and permitted bands of robbers and assassins to pass from the Roman territory into that of Naples. However, it appeared that Mr. Odo Russell had received his information from sources which he subsequently found were not worthy of credit; and acting like a gentleman and a man of honour, he took the earliest opportunity of declaring that he had been misled into an erroneous supposition. Perhaps there was something in that course which detracted from the ability and penetration of Mr. Odo Russell as a diplomatist, but it left his character as a gentleman perfectly unstained. What, however, was the defence set up of his conduct? Why, the advocate of Mr. Odo Russell, the Under Secretary for Foreign Affairs, throwing his shield over the absent diplomatist, and protecting him by his eloquence, stated that he still believed all these charges against the French authorities, and that he had publicly retracted what he knew to be true, simply because he was afraid of compromising his anonymous informants. The hon. Gentleman, no doubt, spoke without much previous preparation, and under the influence of considerable excitement, and he did not wish to charge him with anything more than very indiscreet advocacy; but, at the same time, the hon. Gentleman had no reason to be surprised if a good many hon. Members could not help laughing at such a singular species of defence. But that was not all. The hon. Gentleman seemed to be at once in a vehement and comic vein, for he went on to talk about the Kingdom of Naples, and having so successfully defended Mr. Odo Russell he thought he would try whether he could not perform the same service towards the King of Italy. He stated that the Kingdom of Naples was in so desperate a condition, and there was such an absence of honest men in all Italy, that it was absolutely impossible to carry on anything like a constitutional Government. In answer to the striking statements which fell from the hon. Member for Taunton, and which were afterwards corroborated by the noble Lord the Member for Chichester in a speech that evidently made a profound impression upon the House, to the effect that great accumulations of prisoners were packed in the dungeons of Naples, and that, in fact, King Bomba was quite outdone by King Victor Emmanuel, the hon. Gentleman explained that the Italian Government had become exceedingly liberal, and carried on their criminal proceedings according to the most approved pattern of Liberalism; that they had instituted trial by jury, and established all the forms of free Government, but that unfortunately they found themselves in the disagreeable predicament of being unable to discover any honest jurymen in the whole of Italy, and had consequently no choice, being so exceedingly liberal, but to keep the poor prisoners in gaol for ever. Such was the line of argument which, without at all expressing any want of sympathy with the people of Italy, did strike him as of a somewhat ludicrous character; and he could assure the hon. Gentleman that the laughter which proceeded from different quarters of the House was not inspired by any coldness of feeling towards the Italians, but was excited by his own peculiar notion of a successful defence. But, leaving the hon. Gentleman, he wished now to say a few words upon this debate. There was some truth in the observation of the hon. Member for Peterborough that it was not the business of the British House of Commons to enter so largely into the internal affairs of Italy. He, for one, had never given any but a very limited adhesion to the favourite doctrine of non-intervention; but while thinking that they could never establish what was called the principle of non-intervention, he had always admitted that, as a rule of policy, non-intervention in nine cases out of ten would prove to be safe, prudent, and expedient. Now, it was very singular that he, who had always taken such a low ground in theory, generally found that somehow or other hon. Gentlemen opposite, who talked so loudly of the great principle of non-intervention, were in practice far more inclined than he should ever dream of being to interfere in the affairs of other nations. It appeared to him that the debate, which he agreed with the hon. Member for Peterborough, was too great an interference with the affairs of a foreign country, arose from improper meddling on the part of Her Majesty's Government, from their having identified themselves so much and so intimately with the cause of Italy, not merely by their sympathies, but by an interference of a more active kind. If unity could be established by a real fusion of the Italian nation, he believed it would be a blessing to Europe, a security to the balance of power, and a great advantage to the interests of this country; but there had been a good deal too much interference on the part of Her Majesty's Government in Italian affairs; and the misfortune was, now that the veil had been torn aside by the noble Lord the Member for Chichester, and the painful revelations of that night had shown that very great evils and abuses still continued to pervade Italian society, that Her Majesty's Government were naturally regarded as in a considerable degree responsible, and appeals were made to them to correct those abuses and strike off the fetters of those unfortunate prisoners, when, in point of fact, no such appeals could have been addressed to them if they had only had the prudence and discretion to stand aloof, and not to mix themselves up in the affairs of a nation which had their sincere sympathies, to which they had always given their best wishes, for the prosperity of which they would make every prayer, but with the interests of which England was no so closely identified as to render it necessary that they should in any way meddle with its internal concerns. The debate therefore was not to be attributed as a fault to the hon. Member for Taunton or the noble Lord the Member for Chichester, but had arisen naturally and, as he thought, inevitably out of what he must call the mistaken policy of Her Majesty's Government.

VISCOUNT PALMERSTON: Sir, I wish, before I address myself to the subject of the debate, to set right a misrepresentation which has been made with regard to the conduct of Mr. Odo Russell in a particular transaction. An hon. Member—I am ashamed to say I do not recollect who—quoted from a Brussels paper, *Le Nord*, an account of a supposed conversation between Mr. Odo Russell and the French General commanding in Rome. [SIR GEORGE BOWYER: I did not.] Whoever it was, I would recommend him never to consult that paper again.

SIR GEORGE BOWYER: I beg leave to explain that I did not speak from information derived from any newspaper. I spoke from more trustworthy information.

VISCOUNT PALMERSTON: Whether by the hon. Baronet, or by some other hon. Member, the paper *Le Nord* was mentioned, and the conversation was quoted from that paper. That assumed conversation was a great reflection upon the good breeding of the French General, because it is unusual for gentlemen in society to make use of the expression which is attributed to the French General; and knowing him to be a gentleman of refined manners, I do not at all believe that he used it. The facts of the case were these:—Mr. Odo Russell received information from persons whom he believed to be trustworthy, but whose names he was not at liberty to mention, that a certain number of brigands had, at different times, passed out of the Papal territory in French uniforms, not furnished by the French Government, but by those persons who supplied the means of the expedition. The French Government denied the fact. Both Mr. Odo Russell and the French General were speaking of things of which they were not eyewitnesses. Mr. Odo Russell had not seen the brigands. The French General could not deny from his own knowledge that they had passed. Each spoke from authority. Mr. Odo Russell said he would not press his information against that of the French General, but my hon. Friend the Under Secretary stated that in which I concur—namely, his belief that the information given to Mr. Odo Russell was more correct than that which had been given to the French General.

There was another point. The hon. Baronet (Sir George Bowyer) who criticised the pamphlet of my right hon. Friend the Chancellor of the Exchequer, said that Poerio was an imaginary person, whom my right hon. Friend had dressed up with dramatic effect and surrounded with circumstances which never took place. I have another Poerio to set against the Poerio of the hon. Baronet—a real Poerio, who was in England, and from whose lips I heard a complete and accurate confirmation of everything stated by my right hon. Friend. Therefore, I quote my living Poerio against the aerial Poerio, who the hon. Baronet, somehow or other, imagined was a creature of my right hon. Friend's mind.

I do not complain of the debate which has taken place. I am not one of those who think that it is beyond the functions of this House to discuss any subjects, any matters, any affairs in any part of the world, which hon. Members may think deserving of attention and discussion in this House. The Members of this House may say—

"Homo sum; humani nihil a me alienum puto."

I think we may be satisfied to discuss every matter which bears a general interest in the affairs of Europe and the world, and that discussion is very useful. Although we may hear many things, as we have heard to-night, totally wrong in argument, mistaken in point of feeling, and leading to conclusions entirely inconsistent with fact; yet, nevertheless, those statements are met by counter statements at the time, as they have been this evening, and the conflict of opinions leads at last to the establishment of truth. When debates go forth to the world, and are read with attention—as I trust everything which has passed this evening will be read with attention by all who take an interest in the subject—that conflict of statements and opinions elicits truth and tends to good in its ultimate result. Therefore, I am not objecting to anything which has passed in the course of this debate, nor do I object to the setting-up the affairs of Italy for a free, fair, and full discussion. It has been a most interesting debate. We have heard most admirable speeches. I must compliment the noble Lord (Lord Henry Lennox) on a most eloquent and admirable speech — a speech which does great credit to his good feelings and his energy in explaining those dark recesses of which he gave us an account. But I must say, that the statements which he made, so far from inculpating the present Government of Italy, showed that in spite of all their exertions the abuses of the former Government still remain unextinguished, because he tells us of nothing which we do not know to have actually existed under the reigns of the Neapolitan Sovereigns; and therefore the only result of that statement which he made is, that the present Government has not succeeded in entirely getting rid of all the abuses which existed. We had another able speech, although it brought down upon the person who made it the attacks of some on the other side of the House. We had an able speech from my hon. Friend the Under Secretary of State, and I think those who heard that speech and saw the way in which he refuted point by point all the statements which went before him, will agree with me that it will go far to establish that truthful result which I contend is the effect of debates which take place in Parliament. Then we heard a most admirable speech from an hon. Member newly come within these walls—a speech delivered with great eloquence, with great power of language, and with an earnestness which proved the deep convictions of the speaker by whom it was delivered. We must give him great credit also for the energy with which he has directed his mind to the subject. I trust that that which is an admirable beginning will be followed by still better results, and that he will frequeutly give the House the benefit of his remarks.

But the real fact of the case is this:—That we do not deny, and we cannot deny that on the Neapolitan territory there does exist a great number of abuses which are, in short, relics of that system which was overthrown when Garibaldi passing from Sicily came to Naples, and presented, as he did, the kingdom of Naples to Victor Emmanuel. Everybody must agree that in every other part of Italy there is nothing of which complaint can be made. Lombardy is flourishing; Tuscany is in good condition. No one says any evil of Modena. Parma we never hear of; the Romagna, added from the States of the Church, is confessedly in a most flourishing and happy condition. It is only in the Kingdom of Naples and Sicily that these complaints exist. Let any one recollect how difficult it is for a Government to mould and weld together six additions to an existing State —and such is the task which the Italian Government has had to perform. To Piedmont have been added Lombardy, Tuscany, Modena, Parma, the Romagna, and Naples. All these different States had different organizations, different laws, different tariffs, different systems, and all these had to be welded into one harmonious whole. I think any one who knows anything of the difficulties of Government can hardly expect that in two years the task will be completely and satisfactorily accomplished. In those parts of Italy with regard to which no external influences are at work it has been accomplished in a wonderful degree, because in five of those States which I have enumerated things go on well and no complaints whatever exist. Naples is the exception, and why? Because, next to Naples we have Rome. Because, in Rome there is a French garrison. Because that French garrison protects the ex-court of Naples. And because, under the shelter of that foreign army there exists a committee of, I believe, no less than 200 people, whose constant employment it is to organize bands of murderers and brigands of the scum and dregs of every nation on the face of the earth, and to send them forth into the Neapolitan territory to commit every sort of atrocity. And then, Sir, we are told that is civil war! Good God! what an idea hon. Gentlemen must have of civil war when they dignify acts of the most atrocious ruffianism by a name which may imply the loftiest sentiments and the highest possible social and political aspirations and virtues. I say they do commit acts of the greatest ruffianism, because they burn houses and murder people, and they destroy and lay waste. They burn people as well as houses. They burn their captives. We have knowledge of this, and therefore I say they do commit atrocities which ought to make the cheeks of those who send them forth to commit them blush to the deepest dye. Then, Sir, there are gentlemen in this House who are proud of their religious faith, who cling, as they may naturally and properly do, to that faith —who call themselves pre-eminently Catholic, while they set their face against the liberties of Italy, and seek to rivet her fetters, forgetting that the Italians are 20,000,000 of Catholics, as good as themselves, and who ought to be better, inasmuch as they are nearer the source. I confess I am at a loss to understand why this should be the case; but be that as it may, I still contend that if those disorders which have been mentioned continue to prevail, their continuance is due to those who from Rome keep up this agitation in the Neapolitan territory, and thus are the cause of all these crimes.

After all, it may be, perhaps, that this state of things is not otherwise than in the usual course of human affairs. Great changes of dynasty cannot well be effected without a long series of disorders. No change of dynasty has ever taken place in any country with the immediate and entire acquiescence of the people of that country. Indeed, I would say that the worse a Government is, the more corrupt it is, the more likely it is to leave behind it, when overthrown, persons who lived by that corruption and who regret to find that their means of livelihood had departed. Such is the case in the Neapolitan territory, and it is not to be supposed that by a stroke of the wand, or by the apparition of half a dozen followers of Garibaldi in red shirts in a railway carriage, all traces of the former monarchy are at once to be swept away, and that there should not remain behind some persons who, from motives of interest or from attachment to the old dynasty, should desire to see it restored. It is, however, a great mistake to imagine that it is the majority of the Neapolitan population, and not the smallest possible minority, by whom such sentiments are entertained. Great difficulty has, no doubt, been experienced in introducing into Naples that pure system of government and jurisprudence which one would wish to see established there, and which it has been the earnest and anxious desire of the Government of Turin to carry into operation. It must, however, be borne in mind that you cannot govern without instruments, and that, as my hon. Friend the Under Secretary of State remarked, those instruments are wanting in a country which has been corrupted to the core by a long system of arbitrary and tyrannical rule. The hon. Baronet who spoke last seemed to ridicule the idea that a jury could not be procured in Naples; but the fact is, that owing to the system of terrorism, which was for a long time established there, persons are afraid to come forward and discharge the duties of jurymen, and that is the reason why the prisoners are not brought to trial with the despatch which is desirable. It is a great pity that such should be the case, because the detention of so large a number of persons in gaol, for so long a time untried, and without being proved guilty of the crimes laid to their charge, is no doubt a great evil. This, however, is no novelty. It is simply the continuation of a state of things which previously existed. There was, I may add, another evil which existed before, but which no longer prevals. Under the old *régime* persons who had been tried and acquitted, and sent back into society, were still held under a species of superintendence, and were not allowed to be masters of their own actions. As many as 70,000 persons were thus placed under the surveillance of the police, and were not allowed to leave their homes, engage in any profession, or do anything, in short, which a free man would wish to do, because they feared they might be re-committed to prison, notwithstanding their previous acquittal. If now the prisons in Naples are not in such a state as one could wish to see them, this is so, I contend, in spite of the exertions of the Italian Government to place them in a better condition. I may further observe, that the detailed statement of the noble Lord opposite (Lord Henry Lennox) has been, in many respects, contradicted in the couse of the discussion by those who have had equal opportunities of seeing the prison into which he obtained admission. The very fact, indeed, that the Neapolitan prisons are thrown open to anybody, be he Englishman or any other stranger, and that there is no concealment as to their condition, clearly shows that the Italian Government does not, at all events, object to be told of its faults, thus affording an indication that it is disposed to remedy them.

The hon. Member for Dungarvan (Mr. Maguire), I may add, has to-night repeated his prophecy that a united Italy cannot last, that it will all fall to pieces, and that their ancient dynasties will be established once more in all the separate States of the Italian peninsula. But I hope he may turn out to be a false prophet, because the unity of Italy is likely, in my opinion, to be the foundation of her prosperity. That unity has, up to the present moment, been attended with the most beneficial results. It will, I trust, continue; and if arrangements could be made so to extend it as to embrace the whole of the Italian provinces, I feel quite satisfied that no country in Europe, no population in the world, could attain to a higher pitch of happiness and prosperity than a united Italy, so constituted, would achieve. For Her Majesty's Government, I will only say, that we do not at all regret the part we have taken in this question. We have been accused of intermeddling, but we have done so only by the exercise of moral influence and the expression of opinion. I am glad to think that the course we have taken has called forth the gratitude of the people of Italy, and that it has done so I know to be the fact. The Italian people, from one end of the country to the other, are deeply grateful to the English Government and nation for the kind and warm interest we have taken in those transactions which have tended so much to their happiness; and, no doubt, any influence which we may be able individually to bring to bear with a view to putting an end to those evils which still survive the unity of that country, it will be the duty of the Government to exert. It is not a fitting or becoming thing for one Government to interfere in the internal administration of another State; but there are, at the same time, cases in which friendly advice might be given, and I feel assured the discussion this evening will be attended with good results in connection with those points which have been the subject of comment. The hon. Gentleman who spoke last but one (Mr. Sclater-Booth) alluded to the case of Mr. Bishop as one in which, in his opinion, a great amount of tyranny was exercised. Now, Mr. Bishop was, after due trial, convicted of having been a carrier of treasonable correspondence between Rome and Naples—an offence of deep dye. He was sentenced in accordance with the law, but the sentence in its execution, though not altogether revoked, was greatly modified at the intercession of Her Majesty's Government. So far from the case of Mr. Bishop, then, being an example of over-severity on the part of the Italian Government, it ought, I think, rather to be looked upon as an instance in which the Government has yielded to the friendly recommendations of Her Majesty's Ministers, and remitted a large portion of the penalty inflicted by a court of justice on an individual who had beyond doubt greatly offended against the laws of the country in which he chose to reside. I have simply to add, in conclusion, that I feel assured the Italian Government will pursue that course which, notwithstanding the allegations made to the contrary, I maintain it is pursuing—namely, the establishment of order with every indulgence consistent with the attainment of its object. I trust that it will exercise no undue severity, but that with the means placed at its disposal it will enforce that authority which is given them by the law, which I contend has its foundation in the free will of the Italian people; which is in accordance with the national desire, and which being so will, I am confident, be more lasting than the hon. Member for Dungarvan seems to imagine.

Mr. DISRAELI: Sir, I entirely concur with the noble Lord on one point, and that is, in not regretting that this discussion has taken place. We are, I think, indebted to the hon. Gentleman who brought forward the subject for the most interesting and animated debate of the Session. I might add, that it is not without pride I observed that from these benches three speeches were delivered to-night, to which everybody who heard them must have listened with the utmost pleasure and satisfaction. This question of Italy is one which requires, in considering it, that we should look a little back. It is about five or six years ago, or more, that the condition of Italy, owing to its critical state, began to attract the deep attention of the House of Commons. Various opinions were then expressed by hon. Members on both sides of the House as to the position of that country, her future fate, and her possible fortunes. There where then two opinions which swayed very much the conduct of public men. The first was the great doubt that prevailed whether the unity of Italy was possible—whether you could mould together seven or eight different nationalities, countries with different laws, with almost different languages, and under the influence of different policies. Secondly, there was the consciousness that in any contest in Italy it was a question as to the supremacy either of Austria or of France. However the people of England might disapprove what has been described by a classical writer as the iron rule of Austria, still we naturally felt jealous of changes and revolutions in Italy which might tend to the aggrandisement of our powerful neighbour and lead to the preponderance of her influence in an alarming degree. With these considerations and contingencies before us, it was not surprising that Parliament and public men should have spoken with much diffidence and some distrust of the commencement of those great changes which we have lived to see, and the consequences of which, to a certain degree, we have realized. What seems to us now very easy and plain to comprehend were really some half-a-dozen years ago political mysteries which the most sagacious could not penetrate and which the boldest could not contemplate without mistrust. What was feared actually took place. Italy was relieved from the power of Austria, but in exact proportion as the power of Austria was diminished, the influence of France was substituted and maintained. Fortunately for Italy there arose to guide her destinies a statesman of eminent ability. It has been said that Cavour was a man not very scrupulous as to his means. That is a question which I leave with the historian to decide. He may have been unscrupulous in his means, but this all must admit—that he was clear in his vision and practical in his policy. He knew what he wanted, and what he wanted he accomplished. He knew it was possible, in the circumstances with which he had to deal, and with the means at his command, to establish a Kingdom of Italy of considerable power and resources; and possibly, like a wise statesman and a true patriot, he may have looked to a future which would increase the power and multiply the resources of that kingdom. But, as far as Her Majesty's Government are concerned, they were originally as distrustful as others of the future of Italy, and their policy was vacillating and timid. I hardly blame them for deserving those epithets, because they had to act under dark and difficult circumstances; but I say that their policy, at the beginning and for some time, was not that policy which has been boldly described to-night. On the whole, I believe that Her Majesty's Government, instead of assisting the patriotic views of Italian stasesmen—instead of consolidating the strength and developing the resources of a practical and powerful kingdom of Italy, have, either for the sake of objects upon which I do not care to dwell, or from a weakness of political vision, adopted a policy which has tended to weaken Italy and to distract Europe. [*Murmurs.*] This is not a question which can be settled by inarticulate moans. I say the policy of the English Government has laid the foundation of future embarassment for the world. What were the difficulties with which Italy had to contend when, unfortunately for her interests, Cavour suddenly quitted the stage, and she was left without a master mind to guide her fortunes and to mould her destinies? There were two great influences acting on Italy, which were opposed to that ideal unity which had been the dream of her greatest statesmen for generations, and which was not invented by Her Majesty's Ministers, but of which, having adopted it from the popular opinion of the day, they suddenly became the patrons. Those two great influences were the traditional policy of France, which, under every form of Government—kingdom, republic, or empire—for reasons which France has deemed wise, has been hostile to the unity of Italy. The other was the policy of the Court of Rome, which was hostile to a scheme which might not only deprive it of its political estates—a very secondary consideration—but produce a revolution in its position which might bring about consequences throughout the world most adverse to Catholic interests. Hence Her Majesty's Government, by announcing themselves as the patrons of Italian unity, placed themselves in collision with the power of France and the power of Rome. ["Hear, hear!"] An hon. Gentleman cries "Hear, hear!" and if he is prepared to support a Ministry which dares to struggle against the French Empire and the Roman Court for the unity of Italy, I might doubt the prudence of such a policy, but at least it would be intelligible to me. If England had chosen, with the sanction of her Parliament and the unanimous approbation of the nation, to throw all her influence into the scale, and to say, what no one doubts, that Italian unity would add to the strength and splendour of Europe and tend to the great advantage of this country, and so devote all her arms and energies to the accomplishment of that object, she would have pursued a policy which one can understand. But we have done nothing of the kind. The noble Lord has taken great credit for his patronage of the independence, freedom, and, above all, unity of Italy. Brave words we have heard in this House from the noble Lord. There have been speeches and there have been despatches. All that could tend to irritate, annoy, and alarm the mighty influences that were opposed to Italian unity was, as far as words went, called into operation. I am not aware, however, that the noble Lord has done more than speak, and write, and indicate a policy, but he has not venture to grapple with the great influences arrayed against the policy he patronized. The consequence is the state of things which we now witness—a state of affairs which Cavour would have looked upon, had he lived, with sadness and dismay, which he would have striven to avert, and the foresight of which would probably have led him to say to England, "Be our active and practical ally, or cease to insult those with whose overpowering resources we must ultimately contend." Since the death of Cavour the programme, to use a fashionable word, of the national party in Italy has been "Movement, development, unity, Rome,"—immense words — *verba sesquipedalia*—used by men of very little minds and very slight resources. What have they leant upon? They have leant upon the support of England. In the English Parliament some Gentlemen, if not with the absolute co-operation of, at least with social encouragement from the noble Lord, constantly brought forward the subject of the state of Italy. It was let out like a bag-fox, and followed with a full halloo. Every year we had the noble Lord presented to us as the regenerator of Italy, the saviour of the country, and the performance ended with invectives directed against the Pope, and a promise, announced amid the cheers of the hon. Member for Brighton and his friends, that Rome should be the capital of a united Italy before the end of the Session. It was the favourite question of the Government. Indeed, when the Reform Bill was withdrawn, the capture of Rome was the great measure of the Session. And now, in what has all this ended? Cavour withdraws from the scene —no commanding mind in Italy; France naturally jealous of our uncertain and irritating policy; Rome alarmed; Rome and France leagued against the unity of Italy; the noble Lord conducting a policy of words, speeches and despatches; the Italian Government without a leader, still hanging on the accents of English Ministers, perpetually adopting a line which nothing could justify except commanding genius and commanding legions, holding out to the people the immediate expectation of Rome being made their capital by the overpowering interference of their English ally, and representing results which will not occur, if ever, for half a century, as the consequences of the passing hour. And what has become the state of Italy? A state of dismemberment, of confusion, vexation, embarrassment, disgrace, and humiliation. The hon. Member for Peterborough (Mr. Whalley) has doubted whether the condition of Italy is a legitimate subject for our debate. He shrinks from irritating the Vatican, and would rather concentrate all his efforts against Maynooth. I want to know on what ground we are to discuss the state of Poland, if we are not permitted to discuss the state of Calabria and the two Sicilies. True, in one country the insurgents are called brigands, and in the other patriots; but, with that exception, I have not learned from this discussion that there is any marked difference between them. But, says the noble Lord, it is really only in Naples that these disturbances occur, and Naples, after all, is merely a province. Naples merely a province! What becomes, then, of your united Italy? Is it only in Naples that this dissatisfaction appears? It is expressed in every other of the six States absorbed. There is universal discontent and complaint. But what have we heard to-night? A description of the state of things has been given, which has not been contradicted, and of which every gentleman with information on these subjects was previously aware, though he had not heard it related in detail, with the picturesque animation which accompanied the statement of the noble Lord the member for Chichester. When you talk of the liberty of the press, is it a fact or not that it is not enjoyed in any part of Italy? Is it true, that whether in Milan, or whether in Genoa, or even in Turin, and certainly not in Florence, the liberty of the press does not exist? Is it a fact, or not, that the liberty of the person is much in the same state as the liberty of the press?

The reason given by the hon. Under Secretary for Foreign Affairs, why persons are kept in prison without trial, is certainly one of the most remarkable I ever heard. While the country is improving its jurisprudence, one of the regulations is, that the prisoners, until the improvements are carried into effect, should be locked up. The reason given by the hon. Under Secretary, as far as I can collect it, for not bringing persons to trial, is, that the jurymen are not considered capable of performing the duties of their high office. But, what if a more natural reason be the true one, and that jurymen are not found capable of carrying into effect the intentions of the Government? I put it to any philosopher who decides on human conduct upon abstract principles, and not with a knowledge of the circumstances, which he would think the most natural solution of the monstrous state of affairs described by the Under Secretary — mine, or that which has the official warrant; and I ask him to decide which is the most probable, the most natural, which is the most true reason.

This is the condition of Italy at the present moment; it was the condition of Italy last year, and it is one highly unsatisfactory, I believe, to the Italians as well as to England. They have been kept in a state of constant excitement and irritation from expectations held out by our Government, through a course of policy being indicated by England, which England was never prepared to act upon, and which England was not justified in holding out without being prepared to act on it. Only last year the noble Lord uttered one of his bitterest invectives against Rome, and informed the country and Europe that immediately they might expect some vast change in Italy, and that a solution of all the difficulties of Italian politics was about to be accomplished. But, mind you, we have had a very different tone to-night. We have not heard from the noble Lord any expressions on that subject. Much as he is obliged to keep up some appearance of unity in the policy of the Government, yet there have been no expectations held out to-night of Rome being immediately, or even eventually, the capital of Italy. There have been no menaces to France, no promises to Italy—menaces and promises generally equally fallacious; but, on the contrary, the noble Lord has spoken with much moderation on the subject, and the noble Lord appears to have adopted the tone of the sensible observations made by my hon. Friend the Member for Canterbury, in his admirable speech—a speech great in performance, greater still in promise, and from which it may be hoped that the hon. Member will contribute much to the interest of our future debates. My hon. Friend, fresh from Italy, and well informed, has taken, as we all have a right to do, his own interpretation and view of public affairs. He stated that there is now a chance for Italy—that there have been some progress and some improvements, and that, though the difficulties have been immense, there is more common sense among the Italians than the world gives them credit for, at least in England, and that they have dismissed from their mind the wild notion of taking possession of Rome as their capital. That was what was stated by my hon. Friend as his impression of what is the state of public opinion in Italy; and the consequence is, that as the views of the Italian Government are now more practical, the prospects of the country are brighter, and there is hope that the people will be content now in consolidating their strength and developing their resources, and not indulge in those wild dreams of impracticable politics which, for some reason or other, have been encouraged by the Minister of England. That was the gist of the speech of my hon. Friend, and I agree with him as to the present condition of Italy. I believe with him, that the state of Italy is an exceptional state. You cannot expect in a nation where a great revolution and great changes have taken place that logical order and propriety in the administration of the laws and the practice of the constitution which you meet with in such a country as England. That is the result of time and experience — experience showing the blessings of order and a settled constitution, and time, which alone can moderate human passions and tone down the dispositions of men to a practical enjoyment of life. I agree with my hon. Friend in the opinion he brings from Italy that the Italian Government has given up those extreme views he adverted to, and that there is now a more practical consideration of affairs, which will, I hope, lead to the increased prosperity of Italy in bringing about that state of things which was contemplated by the most eminent of her statesmen, and which, in time, may be developed in greater proportion. But, if this is to be brought about, it can only be brought about by Italy pursuing that policy with temper and perseverance. Italy must learn to depend on herself. She must not depend on the expectations held out by English Ministers, which cannot be realized. The Ministers of Italy occupy, at this moment particularly, a very difficult position. They must extricate themselves from a false condition of affairs, made up of exaggerations conceived in the epoch of a revolution, and which rival Governments have played with incessant manœuvre. But they cannot do this unless they let Europe know that they are pursuing a policy of peace and conciliation, not of war, invasion, and aggression. There is no country in the world for which peace is more necessary, and of which peace should be so decidedly the policy, as Italy at the present moment. Last year, when we had some incidental discussion upon the subject of Italy, with reference to our own public expenditure, I ventured to say that the policy pursued by our Government with regard to Italy and the centre of Europe was one of the causes of that expenditure. I said then that the policy which we pursued with regard to Rome was of an irritating character, which must end in disappointment and failure, and which was not warranted by sound principles; and that if there were a fair and rational understanding between England and France in regard to Italy, that understanding might, and could, and ought to have a considerable effect on the expenditure of the country. Well, twelve months have elapsed, and the state of affairs which I indicated as desirable has really occurred. There has been a change in the public opinion of Italy as to the policy which it ought to pursue. Rome is no longer held forth as the necessary and inevitable capital of Italy, without the possession of which there could be no development of resources, no expansion of freedom. On the other hand, between England and France, as far as we can judge, there is this tacit understanding on the subject of Italy—it is apparently agreed that Italy shall no longer be the scene of rival policies, that she shall be left alone to the calm and tranquil development of her resources, and the consolidation of her political power. I think the prospects of Italy, in these respects, far more favourable than last year. All who have spoken to-night have described the state of Italy as more or less better than it was said to be last year. I agree with the noble Lord that it may be productive of good that the details which have been given to-night should be known to Italy and to Europe. I think that knowledge may tend to a considerable amelioration both of a public and a private nature. But what is still more important is, that England should be thoroughly disabused as to the popular opinion with respect to the condition of that country. Italy is not a land flowing with milk and honey. Italy is a land much exhausted by great struggles; she has gone through the trial, I am bound to say, in a manner which, on the whole, must elevate her in the consideration of nations. If she has not realized the visions of her friends, she has far surpassed the expectations those who were not friendly to her may have indulged in. She has shown energies which the world did not give her credit for, and which, if well husbanded, and if they meet a fair fortune, may tend to the ultimate triumph of her ambition, provided it be one such as circumstances justify and which the nature of things will permit. This is not an unfavourable prospect after all the fears which have been engendered during the last two or three years. The general condition of affairs is much ameliorated. But that amelioration can only be secured by adopting the causes which have led to it—namely, relinquishing that policy of the English Government which was a policy of words, not of deeds, by promoting the natural consolidation of her Government and the natural development of her resources, and by obtaining that liberty in practice which at present she possesses only in theory.

THE CHANCELLOR OF THE EXCHEQUER: So many appeals, Mr. Speaker, have been made to me in the course of this debate that I can scarcely reconcile it to my mind, if I may trust to the patient attention of the House, to sit still without, in the first place, saying one word in answer to those appeals; and, secondly, without noticing the speech which has just been delivered. My hon. Friend the Member for Taunton (Mr. C. Bentinck) and my noble Friend the Member for Chichester (Lord H. Lennox) have both delivered speeches of great ability, and they appear to think it most inconsistent on my part not to join with and applaud them in the course which they have pursued, to which they think I am bound by the part which I took on a former occasion, now some twelve years ago. I take it to be a very great compliment that I should receive from the noble Lord and the hon. Gentleman so distinguished an expression of opinion on their parts as that they are now pursuing the course, though with reference to different persons, yet on the same principles, which at that comparatively remote period I thought it my duty to pursue. But I am bound to say there is a very material difference between us, and especially between the noble Lord and myself. The noble Lord has visited Italy. He went there enthusiastically attached to Italian freedom—nay, more, he was a devoted adherent of the Government of Victor Emmanuel—[Lord HENRY LENNOX: Hear, hear!]; but having during his visit observed things which appeared to him painful and disgraceful, although he was aided in every respect by the officers of the Government—although he received from General La Marmora an order which laid open to him the inmost recesses of the prisons—although he states that every prison was under the control of a man of humanity and intelligence—and although he was enthusiastically attached to the Italian people, and to the Italian Government as its organ, yet it never occurred to my noble Friend that it might be just to give that Government at once the opportunity of profitting by the researches he had made; but my noble Friend thought it better to conceal the knowledge which he had acquired until he could import it into his own country, and there could deliver it from one of the seats of the House of Commons amid the cheers of an admiring audience.

LORD HENRY LENNOX: My experiences of the first prison I went to, which resulted in the protest to which I have alluded, were written and signed by me on the express understanding that the paper should be forwarded to the Government at Turin for their information.

THE CHANCELLOR OF THE EXCHEQUER: That was the prison which, I think, received at least a qualified approval from my noble Friend. But he went to a variety of prisons and amassed a multitude of facts, and his enthusiastic attachment to Italian liberty, and to the Government, its organ, did not prevent him coming to the House of Commons and making it and this country the first confidential recipient of what he had seen. And my noble Friend thinks that he is walking in my steps. Nothing could be more different. I did not go to Italy as the devoted friend of the Neapolitan Government. I never professed such a thing. But although I was not the devoted friend of the Neapolitan Government, what I saw and heard I did not give to the public at home until everything was brought to the notice of the Neapolitan Government. The course which I took was this—I placed in the hands of the Earl of Aberdeen, that admirable man, who upon one subject had prejudices, prejudices in favour of the Italian Governments, every statement I had to make; and I entreated him, to which he cheerfully consented, to bring the whole of those statements under the view of the Government of Naples before they were made known either to the House of Commons or to the public. Well, Sir, it was the deliberate resolution of the Neapolitan Government, to take no steps for the removal of the evils which I witnessed, that drove me to the steps which I afterwards took. After what my noble Friend has said, it is impossible for a moment to question that he is a most enthusiastic friend of Italian freedom and of the Government which has been supposed to be the organ of the people, having been freely chosen by its suffrages. But I must say if, instead of having those lofty sentiments in favour of Italian freedom, of which he has given us so many assurances, my noble Friend had been tainted with ideas the most opposite — if it had been his object to do everything in his power to discredit all those who are connected with the cause of Italian nationality, I doubt whether he could have taken a better-considered course than the one he has pursued. Sir, I protest against the course which the noble Lord has pursued. It was his duty as an impartial Englishman to make these inquiries; but had it but been in common acknowledgment of the assistance he received from the Italian Government in prosecuting these investigations, it was also his duty frankly and fearlessly to have laid before them the result of his inquiries, reserving his right, if necessary, to appeal to this tribunal. But that does not, I admit, absolve us from our duty of paying due attention to the statements which the noble Lord has made. With respect to those statements and others, it will be enough if I refer to what has fallen from my noble Friend at the head of the Government. The habits of bad Government—[Sir GEORGE BOWYER: Hear, hear!] Will the hon. Gentleman be good enough to restrain his enthusiasm, which is always at fever-heat on this subject, and leave me to pursue my path undisturbed? Sir, the habits of bad Government do not depend on the perverted will of a single individual, although that individual may be a King,—nor upon the perverted will of a Cabinet or a Court. They descend with ten thousand fibres through all the ramifications of society; and when the Italian Government succeeded to the possession of power in the Southern provinces of that country, they did not succeed to a paradise which they have since defiled, but to something like the very reverse of a paradise, and which it will take a protracted time and gigantic labour to cleanse. What, for example, is to be done with the hundreds, the thousands, the tens of thousands who in that unhappy country formerly gained an infamous livelihood as gaolers and spies? Is it to be supposed that a new Government can make a clean sweep of all the functionaries whom they find in office? That is impracticable. Only gradual reforms can be carried out in the ranks of the official corps in such a country. That reform must begin at the head, and go down to the smaller officials. Has that reform begun? The noble Lord says that in every case at the head of the prisons he found men of humanity and intelligence. [Lord HENRY LENNOX: Hear, hear!] Does he suppose that when I went to Naples I was permitted to enter every prison and obtain encouragement and assistance from the head? [Sir GEORGE BOWYER: Yes.] Does he suppose that I was welcomed as a co-operator and friend? No, on the contrary. The statement of my noble Friend the Member for Chichester proves that much that is lamentable and much that is disgraceful to the immediate agents in the system still prevails in the south of Italy. But it also proves that even there reform and improvement have begun. The principal functionaries have been removed, and replaced by better men. The light of day has been let into the inmost recesses of the darkest caverns. There is not an abuse or a horror that is not brought freely forward. And the whole of the statements of the hon. Member for Taunton were not the result of researches made by him, but were a reference to discussions in the open air and in open Parliament by the representatives of the Italian people. Therefore, I say that from the very worst and darkest features of Southern Italy—and some of them, I admit, are very bad and dark—there is ample reward for the past and abundant encouragement for the future.

After the speech of my noble Friend the Member for Chichester came that of the hon. Gentleman the Member for Canterbury. I was pleased to hear the right hon. Gentleman who has just sat down say that he had listened to that speech with the utmost pleasure and satisfaction. I am only very sorry to remember that the pleasure with which the right hon. Gentleman listened to that speech, vivid and intense as it was, was not more largely shared by hon. Gentlemen on that side. My hon. and learned Friend the Member for Wallingford had, I believe, left his place [Mr. MALINS: No.] Was he there? Then I am sorry he did not give more audible expression to his satisfaction. Another hon. Friend of mine sitting on that side of the House, and long known for his devoted attachment to the cause of Italy (Mr. M. Gaskell), signified in the usual manner the approbation and sympathy with which he listened to that admirable speech. But I am bound to say—and I think it better to say such things in this House, instead of going to Slough or elsewhere and there delivering in animated language a description of the effect which particular speeches produce in this House—that I never perceived a more marked change come over the spirit of a portion of the House of Commons than that which came over the spirit of those who occupy the benches opposite, and especially the front bench, between the time of the speech of the noble Lord to which hon. Members opposite listened with such perfect rapture and the time when they listened with unbroken silence—I will not use a more familiar expression—and almost despondency to the remarkable reasoning of the hon. Member for Canterbury. So far as my ears can bear witness to the reception of a speech—the courage of which was not less remarkable, considering the hon. Member's short experience, than its ability—the silence on that side during the whole of his clear, manly, and powerful reasoning on behalf of the Italian Government was only relieved by the cheers which the sentences of the hon. Member received one after another from those who support and approve the Italian policy of the Government.

However, as regards the state of Southern Italy, in the first place, we have got publicity; and in the second place, we have got from the agents of the Government co-operation in the work of improvement. Both these facts were established by the speech of the noble Lord. I agree with him that this is not all that could be desired, and I am confident that the endeavours of my noble Friend (Viscount Palmerston) and of the Government will be directed to those humane aims which he has in view, and that the Italian Government, being appealed to in a friendly and respectful tone, and with the fullest acknowledgment of its independence, will not resent these disclosures—somewhat churlish though the manner may be—but will feel that those who, from whatever motive, when horrors and abuses exist, drag those horrors and abuses into the light of day, co-operate with them, whether they mean it or not, in the sacred objects they have in view, and will gladly avail themselves of that assistance.

I will now say a few words on the speech which we have just heard from the right hon. Gentleman. I do not know with what impressions hon. Members listened to that speech. I own I could better understand the critical and negative than the positive and affirmative portions of that speech. As to the critical and negative portion, it appeared, from the clear summary the right hon. Gentleman gave us, that in everything Her Majesty's Government have said and in everything they have done—in everything they have omitted and committed, they have been entirely wrong—that their efforts have been misjudged from first to last—that they have been odious to all parties, and disastrous to every one concerned. [*Opposition cheers.*] That is, I think, a fair summary of the right hon. Gentleman's speech, and I am glad it is echoed back as such. Well, that is the part which England, according to the right hon. Gentleman, has taken in respect to the Italian question. From the right hon. Gentleman I appeal to the Italians themselves. It is said we ought to teach the Italians to depend upon themselves. In like manner we ought to leave them to judge for themselves, and I say that they will not concur in the statement of the right hon. Gentleman as an impartial description of the proceedings of Her Majesty's Government. The opinion of the Italians themselves I believe to be this—that the aid of material force from England they neither expected nor desired, but that the aid of our moral force and influence which they have received was to be expected, and had been of great, serious, and lasting benefit to the cause of Italy. I appeal next from the right hon. Gentleman, in vindication of the policy of Her Majesty's Government, to the people of England. For I think the right hon. Gentleman, let him select his own audience at Slough or elsewhere, will find it difficult to bring himself anywhere, throughout the length and breadth of the land, into contact, in the free light of day, with English opinion, without learning, on the contrary, that—not only from party politics, but likewise, in no inconsiderable degree, above and beyond and independent of party politics—the course taken by Her Majesty's Government ever since its accession to office with respect to the Italian question has brought a deep, hearty, and affectionate response from the all but unanimous people of England. Sir, to this tribunal I lodge my appeal against the judgment delivered by the right hon. Gentleman. But when I speak of the positive parts of the speech of the right hon. Gentleman, to what do they amount? Now, what are his opinions about Italy? Last year we thought we understood them. I have not got his speech by me, and my memory is sometimes treacherous; but I thought the right hon. Gentleman was sufficiently explicit. He told us, I think, that the question what might become of the political rights of the subjects of the Pope was a matter of infinitely small consequence, but that the maintenance of the temporal power of the Pope, with a view to securing his spiritual independence, was a matter of the utmost concern, in which all Europe was interested. That, I think, was the effect of the speech of the right hon. Gentleman. Does he adhere to that opinion now? Has he made any progress in his consideration of the Italian question? I am sorry to say that in my opinion he has not yet got to the heart and root of the matter; but from partial indications, such as I have not observed in his discourses before, I think he has made a certain progress, and possibly, if he be assisted and encouraged, he may hereafter get on a little further; for the right hon. Gentleman to-night has discovered that Cavour was a great man, and that he did much for his country, and that she has suffered greatly by his removal. Unfortunately, some time has elapsed; it is now a considerable period since the death of that great man, and it has taken the right hon. Gentleman not only the whole duration of Cavour's life, but some two years after his death, to make these discoveries about his genius and the services he rendered to his country.

Then the right hon. Gentleman says it would be an excellent thing—I think I so understood him, but I speak with the greatest deference, and with many scruples even, as if I were endeavouring to decipher some obscure telegram, or to read some ancient manuscript with characters much defaced. That is the spirit in which I approach the speech of the right hon. Gentleman, and endeavour to construe it. In one part I did think I heard something drop from him to the effect that the erection of Italy into a great state, with substantive power and self-directed action, would be for the benefit of Europe and of England. If I understand him rightly, I beg to congratulate him on having given utterance to that opinion, because I think it shows that his opinions are not in a fossil state—that they are growing and developing, and that there is no saying what he may come to at last. But, although I tender him these compliments, be they worth much or little, I am bound to say that I am obliged to offer them with very considerable reserve; because, although it is one's duty to note every promising indication of the policy of future Governments, it is exceedingly important that we and the people of England should know what is the policy now favoured upon that Bench. For I must take notice that there were parts of the speech of the right hon. Gentleman which still suggest to my mind misgivings and even, I will frankly own, awakening repugnance. The right hon. gentleman deprecates extreme views in Italy. What do extreme views mean in Italy? They mean this—those who think Italy ought to be Italy, are guilty of extreme views. What is the position of Italy at present? It is such as the case of England would be if Cornwall and Devonshire were in the possession of one foreign power, and if London was garrisoned by another. I think, if that were the state of facts in England, we should find that a very large number of persons were possessed with those extreme views, and would not altogether be satisfied until they had seen the one Power driven out of Cornwall and Devonshire, and the troops of the other dislodged from London. In one point I entirely agree with the right hon. Gentleman, and I agree more fully with his friend the hon. Member for Canterbury. I believe the hon. Member for Canterbury, in that excellent speech which he delivered, said nothing more true, more just, or more wise than this, that the true course for the Italian Government was not to be diverted by their political objects, however important and essential, from civil objects. The first duty of a Government undoubtedly is to look to the laws, the maintenance of order, and the well-being of society in the territory within its control. These sentiments are common to the right hon. Gentleman and the hon. Gentleman the Member for Canterbury; but how differently were they used by the two! The hon. Member for Canterbury used them in defence of the conduct of the Italian Government, showing, as far as his judgment went, that they were sensible of their duty, and that this duty constituted their primary obligation. But not one word fell from the mouth of that hon. Gentleman in disparagement of the ulterior duty of seeking to bring the country of Italy to its integrity and its unity. The right hon. Gentleman quoted the hon. Member for Canterbury as sombody sometimes quotes Scripture. He quoted the sound doctrine of the hon. Member for Canterbury with regard to the primary, every-day, indubitable, imperative duty of the Italian Government to look to the organization of the country it possesses, for a very different purpose; he alluded to it in order to ground upon it the doctrine of political finality—the doctrine that the Italian who thinks Rome the natural and necessary capital of a strong and permanent Italian kingdom—is to be put down either as a revolutionist or as a dreamer. He alluded to it for the purpose of establishing this, that the present state of things in Italy is to be regarded territorially, though not civilly, as final. It appears to me that the generosity of the right hon. Gentleman to the Italian people consists in this, that he will give them everything that he cannot take from them. At a former period the right hon. Gentleman was, I think, an advocate of federation. But the day of federations has gone by, and Italian freedom has vindicated itself over so vast a proportion of the Peninsula that now there is no longer room for that scheme; and the right hon. Gentleman, forgetting the things that are past, abandons federation, and says, "All very well, but don't let us go further." Sir, I confess I have a hope that they will go further. I trust that when the patience, moderation, intelligence, self-discipline, and self-command which the Italian people have shown in so extraordinary a degree shall, in the wisdom of Providence, at some early period, bear their natural and proper fruit in the acquisition of other territory which, in moral right, belongs to them—when they have got it, and when it becomes obvious that it cannot be taken from them, I have little doubt that we shall have among others the right hon. Gentleman walking in the rear of the triumphal car, and joining the whole people of England in their generous acclamations upon so happy a consummation. But I must say, that if critical times were to come, I have not much confidence in the right hon. Gentleman's Italian feelings. If there were to be a reaction, if foreign force were to do something towards breaking up what is now united in Italy, I feel no absolute confidence in my own mind that the right hon. Gentleman would not fall back on his doctrine of federation. He is, I am afraid, in an infirm state; his mind greatly wants to be strengthened and encouraged in the good cause, and nothing will strengthen and encourage it so much as a strong and universal declaration in favour of Italy on the part of the people of England. And let the right hon. Gentleman understand that it will not do for him, it will not do for his friends, to inculcate these equivocal doctrines, to utter these ambiguous sounds in the face of the nation, which if it has made up its mind to any one thing upon earth, has made up its mind to this, that Italy ought to be one, and that Italy ought to be free. If, on the one hand, the policy of Her Majesty's Government has not operated with the charm of magic, still less is it true, on the other, that it has irritated those with whom we ought to cherish alliance. Too well does France appreciate, too well does the Emperor of the French understand the action of public opinion in this country to suppose that any Government is to be construed as feeling other than the most friendly sentiment towards France, because on occasions of this kind it does not dissociate itself from the universal and enthusiastic convictions of the English people. Although the policy of the Government may not have operated, as I have said, with magic force in precipitating events towards a consummation so glorious that, perhaps, it could hardly be expected to be reached except after some tract of time, yet that policy, I assert, has been leniently, indulgently, and favourably judged. Nay more; it constitutes one of the chief titles of my noble Friend to the confidence and approval of the people, because they believe it has been conceived in equity and justice, and that it is directed towards a wise and towards a righteous end.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Supply *considered* in Committee.

House *resumed.*

Committee report Progress; to sit again on *Monday* next.

POOR REMOVAL BILL [Sir Hervey Bruce]. [Bill 86.] SECOND READING.

Order for Second Reading read.

Sir HERVEY BRUCE said, that in consequence of the lateness of the hour (five minutes to one o'clock) he proposed to postpone the second reading till a future day.

Mr. DUNLOP said, that hon. Members who opposed the Bill had on many nights been kept in the House expecting that it would come on, and it would be better to proceed with it at once.

Mr. COLLINS said, he hoped that the hon. Baronet would withdraw the Bill, as its provisions were most objectionable. They would enable every Irishman who had been in England six months to live here for ever at the expense of the Union.

Sir HERVEY BRUCE said, the necessity for the Bill arose from the large number of Irish paupers who were annually removed from Great Britain to Ireland. In one year their number, excluding those sent from Scotland, from which country no Returns had been received, amounted to 3,750. Since the passing of the Poor Removal Bill, two years ago, 700 persons had been returned to Ireland. In the workhouses of Ireland there were now 600 persons who, if the English law existed there, would be returned to this country. Liverpool sent back to Ireland 1,170 destitute people; Manchester, 404; Lancashire, 2,100; London in two years, 700. He had framed the measure on the model of the Bill adopted twenty-five years ago. He appealed, not to the charity or the mercy, but to the justice of the House to give the Bill a second reading.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. DUNLOP said, he would move as an Amendment that the Bill be read a second time that day six months.

Mr. AYRTON said, he would second the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 9; Noes 58: Majority 49.

Words *added.*

Main Question, as amended, put, and *agreed to.*

Bill *put off* for six months.

SHEEP AND CATTLE (SCOTLAND) BILL.

Bill to render Owners of Dogs in Scotland liable for injuries to Sheep and Cattle, *presented*, and read 1°. [Bill 115.]

COURT OF SESSION (SCOTLAND) BILL.

On Motion of The LORD ADVOCATE, Bill to consolidate and amend the Laws relating to Procedure in the Court of Session in Scotland, and in Appeals to the House of Lords, *ordered* to be brought in by The LORD ADVOCATE and Sir GEORGE GREY.

Bill *presented*, and read 1°. [Bill 116.]

SALMON FISHERIES (SCOTLAND) ACT CONTINUANCE BILL.

On Motion of The LORD ADVOCATE, Bill to continue the powers of the Commissioners under the Salmon Fisheries (Scotland) Act until the first day of January one thousand eight hundred and sixty-five, *ordered* to be brought in by The LORD ADVOCATE and Sir GEORGE GREY.

Bill *presented*, and read 1°. [Bill 117.]

The House adjourned at half after One o'clock till Monday next.

HOUSE OF LORDS,

Monday, May 11, 1863.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Elections during Recess * (No. 84); Marriages, &c. (Ireland) * (No. 93).

Report—Corrupt Practices at Elections * (No. 94); London, &c. Dioceses * (No. 95); Augmentation of Benefices * (No. 99).

Third Reading—Hares (Ireland) * (No. 52), and *passed.*

Royal Assent—Exchequer Bonds (£1,000,000) [26 & 27 *Vict.*, c. 16]; Local Government Act (1858) Amendment [26 & 27 *Vict.*, c. 17]; Inclosure [26 & 27 *Vict.*, c. 18]; Consolidated Fund (£20,000,000) [26 & 27 *Vict.*, c. 15].

ITALY—CASE OF MR. BISHOP.

PETITION. OBSERVATIONS.

THE MARQUESS OF NORMANBY rose to present a Petition from the Reverend Alfred Bishop, Rector of Martyr Worthy in the Diocese of Winchester; and in reference to that Petition to call the Attention of the House to the Proceedings of Her Majesty's Government and their local Agents in the Case of the Petitioner's Son, Mr. James Bishop, now a Prisoner in the Fortress of Alexandria, undergoing a Sentence of Ten Years' Imprisonment.

A Petition on such a subject from such a source is fortunately without parallel. It required a combination of circumstances hitherto unexampled to induce a person in the station of the Rev. Mr. Bishop to break through the habits of a retired life and to call your Lordship's attention to the cruelties of a foreign Government exercised towards a son who had quitted his home without the most remote idea of dabbling in politics abroad, but simply to seek, through the favourable influences of climate, restored health for his sickly frame, having for many years previously lost the use of his limbs. Before proceeding to state some important circumstances which I think should cause the Petitioner's appeal to be received with favour, I will at once dispel a general prejudice founded on the repetition of a falsehood, that Mr. James Bishop was a convert to the Roman Catholic religion. Now, though I do not hold that the English Government is at all less bound to extend protection to British subjects at home and abroad on account of their religious profession; yet had this conversion been a fact, there is no doubt that it would have been a personal mortification as well as on higher grounds a misfortune to his father, a respectable minister of our own Church. Yet so persevering was this misrepresentation that I myself believed it till I received, a few days ago, a letter from the Petitioner saying there was not the slightest foundation for the allegation.

The necessity for this Petition is, that our agents abroad seem to share the general impression that, for the first time in the history of this country, the Government, in the hands of the noble Lord, has been the active partisan of usurpation when founded on revolution. It is in this spirit exclusively that Mr. Bonham and others are shown to have acted. But it is important, to the fair consideration of this special case, that we should trace the various contradictions of the Foreign Office in dealing with these questions. There is not, in the case of Mr. Bishop, the slightest pretence that he was levying actual war against a Government *de facto*; his antecedents and his actual physical condition mark this as impossible. But when sympathies are made criminal, to an extent that absolves the Government from any responsibility for the safety of a British subject, it is necessary to point out, that though the noble Lord showed great favour to the Garibaldian insurrection in its first stages, yet when the noble Lord had to decide whether the legitimate authority so long established and so universally acknowledged in Naples was transferred to Victor Emmanuel by the plebiscite, nothing could be more positive than the declaration of my noble Friend, that the plebiscite was utterly valueless for such a purpose. This declaration must be coupled with his first dictum on taking office—that Victor Emmanuel should recollect that his occupation of the territories of others was only provisional, and that no territorial limits could be finally changed except by a European Congress.

These official opinions, promulgated from such a source, may have induced English residents to suppose that fair latitude for the expression of their sincere opinions was left both to them and to the Neapolitan people, and that to discuss those opinions could not fairly enter into an aggravated charge of conspiracy. It is true, that some months after the noble Lord had refused to acknowledge the plebiscite, he stated that he would be guided for the future by the result of the Parliamentary elections; and when only 30,000 electors, out of a population of nine millioes, voted, my noble Friend, upon this abortive result, recognised the title of King of Italy, although he had repudiated the act upon the validity of which the new order of things was alone founded About a year had elapsed between the date of the noble Lord's despatch giving a qualified acceptation of *des faits accomplis*, by recognising the title of the King of Italy, and the arrest of Mr. Bishop upon his way from Naples to Rome, when this sickly young English gentleman was seized, and has ever since been guarded and punished as a dangerous enemy to the great design of a united Italy. What the circumstances connected with that arrest were, was first made known in all its details by a letter to *The Times* of the 11th of April 1862. The arrest was not founded upon information which justified the step, though this first step was afterwards perverted to their own purposes. They knew literally nothing against him, for the police who so brutally ill-used him, told him "that he was an impostor; that his passport was false—that he was a German, and no Englishman." The arrest, with all the needless violence which accompanied it, may be left to Mr. Bishop's own description, which I shall read—

"Naples, 11th April, 1862.

"I left Naples at four o'clock on the morning of the 2nd instant, intending to go to Rome, and occupied the seat which is vacant for one passenger in the courier which conveys the letters *par terre* traversing the route of Capua, Gaeta, and Terracina. At Gaeta I was asked for my passport; gave it, and received it back again without any remark being made. We continued our way till the carriage arrived at the Delegation, where it was stopped by four policemen, and I was forced out of the carriage—as they pretended—to speak to the Delegato. On going up stairs, I found myself in a room occupied by a number of the police, and two young men who called themselves Delegati. These were the same who had asked for my passport but a few moments before. I asked what they wanted, and what their motive could be in acting with such suspicion and violence. The only answer I received was an order to the police surrounding me to search me and my luggage. I remonstrated, and showed my passport, which had the *visé* of the British Consul at Naples, and that of the Roman Consul. I was answered by a coarse laugh, and told to hold my tongue, for that I was a Swiss in disguise, and no British subject at all, and that they, the two Delegati, would teach the Government how to deal with all such reactionists. The order was given to the police to search me (my things lay already strewn about the floor, where they were left). Nothing was found among them. They then proceeded to search my person—stripping me of my shirt, and forcing me to take off even my shoes and stockings. This lasted some time, as I refused to submit, and was held by four men, whilst the rest stripped me of my clothes. Great violence was used, and I was left completely exhausted, being in a very weak state of health, and told in the most insulting manner to dress myself. I expostulated, threatened, asked, but all to no purpose, except to bring down upon me a torrent of abuse and bad language. Nothing had been found apparently to satisfy them, and there only remained my writing desk, of which they had not found the key. They threatened to break it open if I did not open it of my own accord. I refused to do so, declaring that I preferred returning to Naples, or sending a telegraphic despatch to the Questura and my Consul, who would be able to satisfy them. They refused to listen, declaring that they were the authorities of the place; and as for my Consul, I had none, for the Swiss were no longer tolerated in the Kingdom, and I was the last to be sent away.

"The courier then appeared, saying that he could not possibly wait any longer, and that if I were not ready to go on, he must leave me behind. The two authorities answered for me that I was detained by them, and could not continue my journey. I asked why? and was told I had come with a false passport, and should be taken back to Naples. I protested, but in vain. The room was full of police, who prevented me from stirring hand or foot, for I was surrounded by them. The courier was a Piedmontese, and said to me in German, 'But you speak German: I don't believe you can be an Englishman, for I heard you talking in German to your friend who accompanied you to the door of the carriage at Naples.' He turned to the Delegati, assuring them that I was either an Austrian or a Swiss. . . . . As soon as he had left, I was again attacked to make me open my desk. Having many letters which had been given me by friends to take to Rome, I persisted in refusing to give the key, which they had not been able to find. I was called the most obscene names by the two authorities, one of whom declared that he would see whether I were an Englishman or not, and challenged me to fight him. . . . . The fellow who had challenged me then came up, and harangued me after the manner of a savage, and told me I had 'given the last proof of not being an Englishman by not accepting his challenge; that I was a vile Royalist—he was sure of it, and he would teach my ——— entrails to respect Italia, and to know what the blood of Garibaldists such as his was worth.' My answer brought such a blow from his fist at my chest that I reeled back, and fell over the chair which stood behind. Another man entered, and poked his fist under my chin, telling me it was all right, I should soon be done for."

If the petitioner's son had been a revolutionist, and the Piedmontese authorities been the servants of a regularly-established Monarchy, can any one doubt that before now the noble Lord would have presented all the facts of the prisoner's statement in the shape of a blue-book? Can it be believed possible that such brutality can have been practised with impunity towards any traveller, much more towards an English gentleman? And still more, that no attempt at redress should be made by the Consul? That, inflated by the importance of his small official dignity, he never condescended to comfort this English gentleman—he never visited him when in prison—he allowed him, without any remonstrance, to be tried for the minor offence of insulting the authorities, because, when stripped, searched, insulted, struck, and challenged to fight, he exclaimed, not unnaturally, "By such acts you will never make a united Italy."

It is now eight months since, at the request of the petitioner, I first entered into communication with my noble Friend opposite on the case of Mr. James Bishop, and it is ten months since I have been fully put in possession of all the facts of the case, partly through the father and partly through the mother of the prisoner, a lady whose personal energy, sustained by maternal affection, has enabled her on many occasions to supply the place of her husband when he was detained by various duties connected with his pastoral home.

On the 7th of September last, whilst my noble Friend was still in Germany, I wrote to him a private letter pointing out all the hardships of the case. I will, on this occasion, only press one point connected with that correspondence. In his reply to my statement of the repeated complaints that I had heard of the careless and indifferent manner in which Mr. Bonham had neglected his duties, the noble Lord replied, "I entirely approve of his conduct." Now, it should be known whether, when his noble Friend conveyed his entire approbation of the conduct of Mr. Bonham, he was aware, that when the Questore of Naples had suggested to the Consul that he could extend indulgence to Mr. Bishop as an English subject—that, in short, he could give him conditional freedom, the Consul had replied—"Treat him as a Neapolitan." This, Mr. Bishop gives as the dictum of the Consul, on the authority of the Questore himself. Even if Mr. Bonham did not recognise the extent of lawless tyranny which these words would authorize; if he had not thought it worth his while to inquire into all the aggravation of prison horrors of which we have latterly had many authentic details, still it is necessary we should know whether the Secretary of State approves the principle involved in that declaration; because, if he does, it is evident that his predecessor in the Foreign Office should lose not a moment in repudiating his former dictum—that an Englishman had only to say "Civis Romanus sum" to secure special protection. Such an idle boast is quite inconsistent with the practical interpretation of his duties by Mr. Bonham when his decision was—"Let him be treated as a Neapolitan." And if the Prime Minister does not in consequence retract his former boast, it is evident he is deceiving British travellers abroad by holding out a promise of special protection, which under the present Government they will not receive. Before presenting this Petition to your Lordships, I saw the petitioner, and requested him to point out the principal grounds for complaint. The answer was, that his son had been kept in prison six months before trial—that he was placed in a penal prison, being charged with political offence—and that when he was from severe illness removed to the infirmary, so far from being an amelioration it was the reverse, because he was placed in a room separated only by a curtain from a patient dying of typhus fever. So far as to personal treatment. The petitioner naturally lays great stress on the testimony of Signor Bax, one of the first advocates at the Neapolitan Bar, as to the numerous irregularities and illegalities which marked the whole proceedings. Signor Bax, it should be said, was not chosen by the prisoner on account of political sympathies or from any other cause, but was appointed by the court for that office on the death of the advocate he had selected. I shall as concisely as I can bring some of the main facts before your Lordships, by quoting the account of the trial sent home by a brother of the prisoner, an officer in the 22nd Regiment, who went to Naples to be present at the trial—

> "You know probably by this time that James is condemned; the sentence is ten years to the galleys! The first part of the day was absorbed in hearing two witnesses from Gaeta as to his having abused them. All they said was, that he had called them assassins and infamous fellows . . . They differed in their evidence; so the first day went for nothing. The second day began earlier, and finished at 5·30 p.m. Not one single witness for conspiracy, which was the main charge. Much as I was prejudiced, of course, in my brother's favour, I was astonished at the lack of evidence against him. Three times did the judge and Procureur General interrupt James's advocate. The latter, Bax, spoke nobly, forcibly, and with the pluck of an Englishman. Even he did not hesitate to address himself particularly to the President, and on his oath declare that the whole of the proceedings were illegal in every point. Who ever, even in our courts, heard of an advocate speaking with more boldness? 'I commence the defence of Mr. Bishop by declaring that everything that has been done is totally illegal and illogical.' . . . Then with the criminal code in his hands he read out the law which declared that no one could be found guilty of conspiracy who was not proved to have accomplices, and not even then if they were under three in number. . . . Jem's advocate admitted that his client was cognizant of conspiracy, but read out the new Italian law, which does not allow a man to be guilty of conspiracy merely for being cognizant of it. . . . The consul did not attend the trial, but sent a clerk. No wonder the judge was severe when he saw the consul thus disowning James."

As is said in the Petition, it is not our province to deal with the verdict, except inasmuch as the apparent unfairness of the trial furnishes additional ground for making diplomatic efforts against so severe and so unjust a sentence. But the complaint of Signor Bax is consistent with the fact, when he states that Mr. Bishop was only cognizant of a conspiracy, without taking any steps to carry it into effect, and that by the present Neapolitan law such a position is not an offence. How many Englishmen during the last quarter of a century have had cognizance of conspiracies against the Governments under which they have been living, and how much surprised they would have been to have found themselves in consequence undergoing a sentence of ten years' imprisonment. It has been the normal condition of so many travelling Englishmen, whenever there have been complaints against a foreign Government, to like to be flattered and consulted, and their opinions asked upon matters which do not the least concern them. Even my noble Friend opposite, unless he is much belied by his Italian intimates and confidants, ought to feel some sympathy for Mr. Bishop. In the year 1856 he spent some months in Italy, principally in Tuscany. Except when I had the pleasure of seeing him in my house, my noble Friend lived exclusively with that set which was called the Piedmontese set, and who were afterwards known as Count Cavour's Conspirators. He hardly ever entered into any discussion with me on Italian affairs. But the Prime Minister, Signor Baldassaroni, told me that the members of his set boasted to all who would listen to them that he was acquainted with all their plans and approved them. I told Signor Baldassaroni that I was sure there was no truth in these assertions, because I knew the language he had held only four years before in Parliament, whilst still Prime Minister, as to the miserable results of the last revolutionary attempt in Italy, and the praises he had specially lavished upon Tuscany and its Government, as he had recollected it formerly. Signor Baldassaroni accepted these assurances in good part, but said that this did not prevent those with whom he lived from attributing to him directly contrary opinions. In the year 1858 the Avocato Salvagnola, who was constantly in the noble Lord's house whilst he was still at Florence, went to England, and returned in the autumn, saying that he had had many confidential conversations with Lord Palmerston and Lord John Russell, and they might depend upon their assistance. Soon after the Peace of 1859, I was told by many Tuscan friends of mine that the Avocato Salvagnola had just returned to Florence from Turin to urge the annexation; and referring to the change of Government which had just taken place in England, said, "It is all right now, since all this was settled with Lord John in 1856." My Tuscan friends said that all, whether reactionary or revolutionary, believed the statement as to the *solidarité* of the noble Lord with the origin of the conspiracy, from his having, a very few days after the Peace, recommended in a despatch that the Piedmontese Commissioners, whilst still at Florence, should summon a popular Assembly to settle the fate of the country. On the other hand, it is right to give the noble Lord the benefit of the untrustworthy character of his chosen companion. It was Signor Salvagnola who promulgated what my noble

Friend would call his dogma—*Colla verità non si governa;* but taking into account the difference of age and station, I think Mr. Bishop had nothing to learn in the article of prudence from the noble Lord.

It has been stated that when Mr. Bishop was asked whether, if he obtained a pardon, he would leave the country, he replied, "No!" That statement was not correct. On one occasion young Mr. Bonham went to Mr. Bishop, and said to him in a patronizing manner, "Supposing we were to get you released, would you consent to leave Italy." Mr. Bishop, very much annoyed and excited, replied by asking whether Mr. Bonham came to make him the offer; "Oh no!" said Mr. Bonham, "I only want to know what you would do in the case supposed. Mr. James Bishop said, in describing his sufferings, that he had been so ill-used that he wondered he was still sane. Perhaps I may best bring his case home to your Lordships by reading a part of his letter in his own words, as addressed to his parents—

> "Santa Maria Apparente, Nov. 22.
>
> "A fortnight ago I was taken very ill, with cold and dreadful pains, &c. I sent several letters to Mr. Bonham, and got no answer. I begged the director to have something done for me, as I was daily getting worse—my room being constructed between two currents of air. No one came to me, and I lay getting worse. Then an affair occurred in the prison which well-nigh killed me. The prisoners in the lower part of the prison had made an attempt to escape, which was discovered, and the informer was assassinated by them. The result of this was, we were all put under lock and key; and in my state I was left alone without help for twenty-four hours. This completely did for me; and when the brutes came their second round, they found me in a dreadful state; and had it not been for a young surgeon, a fellow-prisoner, I should have been again left to my fate. He insisted on leeches being sent for, and sat up all night nursing me. I had paper brought, and wrote again to Mr. Bonham, and about noon his son came up, quite astonished to find me so ill. The dreadful vomiting returned while he was there, and he left me, for I could not speak. . . . On the the third day young Bonham came again, and brought Dr. Pincoff. I got a little better till the next day, when my throat became nearly closed, and I was unable to lie down. What I have gone through in suffering no pen can tell. While I was so bad, they repented, I suppose, of having let me get so ill in that room, and moved me into another where I now am. . . . . . I only wonder that I am still sane. Racked with pain, my head swollen to an enormous size, unable to swallow. . . . . To remain in prison during the winter will be my death. . . There is not only no place to make a fire, but none is allowed. To give you an idea of how they treat me, when I was at the worst Dr. Pincoff said, 'Ask for another bed, yours is breaking down.' Of whom! 'Of the director.' I smiled, and explained to him that during the first four nights of my imprisonment I had slept on the earthen floor, beds not being allowed to political prisoners; that I had had to buy my own; that I applied to the directors, the gaolers, all in vain; and I should have had to lie on the ground in my all but dying state had it not been for a fellow-prisoner who lent me the tressels from under his own bed."
>
> "Dec. 11.
>
> "I am still in the half of the room I told you of. The other poor fellow remains on the other side of the curtains. I cook the little I can eat on the earthen stove, which is on the sick man's side of the curtain. Dr. Pincoff says I must eat. He has been to see me, but was obliged to light a cigar, owing to the stench from that poor man's side. When the cigar was burnt out, he left me.
>
> "The second case of typhus had died in the division of the room I occupied."

I am quite at a loss to understand why the Piedmontese authorities should view with such peculiar severity the offence of constructive conspiracy. It shows a complete absence of all moral consciousness. Not only did their arch-apostle Count Cavour boast in their own Parliament that he had been a conspirator for twelve years, but conspiracy is the basis of their whole system.

In bringing forward the case of the petitioner, I have endeavoured as far as possible to avoid touching on any points not indirectly or directly connected with it. This has not arisen from any want of materials the most authentic, confirming statements which I have already made in this House during the last few years. To all who do not continue wilfully blind, the light of truth has begun to pierce through the dark mysteries and intrigues which envelop Italian affairs. But I feel that, in the interest of my client, I had better on this occasion omit many topics on which in connection with past events I might have much to say. I will now conclude, and bring the question to its practical issue by quoting an extract from the last letter of the prisoner to his parents—

> "Alessandria, April 23.
>
> "I begin to feel all that I have lost in flesh and strength during this year's confinement. It is not so much in the failure of my physical strength that I feel the sad effects of all this, but in my mind; I often quite lose my memory, and cannot regain it. Sometimes I become profoundly ignorant of even the simplest things, and make use of words and objects quite in a wrong way. I often find the greatest difficulty in fixing my attention even on a thing that interests me much.
>
> "God knows whether I can hold out strong to the end."

To any one who has anxiously studied the indications of that sure process by which the human mind is overthrown, there is in these few words, as sad as they are simple, the foreshadow of a future worse than death. I would conjure my noble Friend, if he would hereafter free his conscience from the consequences of diplomatic delays and defeats to which he has hitherto submitted, to lose not a moment in procuring the liberation of the prisoner. Let him remember, that if hope deferred maketh the heart sick, it also tends to make the mind a blank; and if this unheard-of sentence is not at once remitted, the parents have too much reason to dread that, if still alive, the victim may be at last restored to them in a state equally unconscious of tardy relief or of protracted persecution.

THE DUKE OF SUTHERLAND said, he supposed it was generally agreed that Mr. Bishop deserved some punishment. He (the Duke of Sutherland) visited him in prison at Naples in February last, and found him confined in a comfortable room, having a beautiful view of the bay from the windows, and furnished with two arm chairs, a bed, and a couch. He was treated with every consideration and forbearance. They knew to their cost that he wrote letters; and he was allowed books, which was not usually the case with prisoners. He asked how it was Mr. Bishop had books? and was told, it was because he was considered weak in the head, and was a friend of Lord Normanby. With regard to statements which had been made in the House of Commons — ["Order!"] — in another place—["Order!"]—

THE EARL of DERBY rose to order. It would lead to endless inconvenience if Members of their Lordships' House were to make speeches in reply to those made in the House of Commons. It was also contrary to the rules of the House, and he hoped that their Lordships would discourage it, and that the noble Duke would not proceed further with the observations he was about to make.

THE DUKE OF SUTHERLAND apologized for being out of order. With regard to statements which had been made out of doors, he could give a direct contradiction to the representation that the Neapolitan prisons were overcrowded; and, as to their being filthy, they might be dirty, judged by English notions, but they were cleaner than the homes of the people of the country. As to there being no beds, there was not a gaol in Naples which was not well provided with beds. He recommended the noble Marquess to go abroad and speak with Mr. Bishop, and make acquaintance with his friend, and he thought the noble Marquess would then take a less active part in defending Mr. Bishop.

THE EARL OF HARDWICKE said, he was exceedingly surprised at the statement of the noble Duke who had just sat down—at hearing from the noble Duke language directed against this unfortunate prisoner, who, it must be remembered, was a political offender against the Government of Italy The noble Duke, himself occupying a high station, had held language which he had listened to with regret. Instead of hearing his noble Friend say that Mr. Bishop was well off, when he was suffering from imprisonment and from the loss of his liberty, which an Englishman loved better than anything else—language which went to represent that his position was rather a pleasurable one than otherwise—he (the Earl of Hardwicke) should have expected different language from his noble Friend. He was astonished to hear from him expressions which led to the inference that he considered him rather a well-to-do man than not. When the noble Duke came to weigh his words with consideration, and estimate their effect on his own mind, he (the Earl of Hardwicke) thought he would find them rather worthy of his own condemnation than approval. The position of this gentleman was one which invited the most profound sympathy. His noble Friend (the Marquess of Normanby) had undertaken the task of presenting a Petition from a man who asked for the assistance, support, and countenance of their Lordships on behalf of his son, who had been condemned for a trifling charge of a political character, involving no offence against morality and no personal misconduct; and sympathy he was entitled to receive. He was punished because he differed in political opinion from the Government under which he lived, and because he carried letters from some friends of his addressed to friends of theirs who had joined in the overthrow of the ancient Government. From the very first the Italian Government ill-used him. They treated him, not like a gentleman, nor even like a human being. They then, properly enough, brought him to trial, and what was the result? A sentence certainly, but one which the most eminent lawyers in that country said was contrary to the law of the land. The sentence was ten years' imprisonment with hard labour. From the latter part of the sentence he was exempted, but he was still suffering the former.

What must their Lordships think of the position of a man so placed, who had already undergone one year's imprisonment, and had endured the greatest contumely and hard usage? What was now done would prevent any future Mr. Bishop from again meddling in Italian politics. Surely the Government would make a representation to the Government of Italy, and procure the remission of a punishment which was heavier than Mr. Bishop would have been liable to had the offence been committed in this country. If, after all their brag about promoting the cause of Italy, they could not obtain Mr. Bishop's release, the less the Government said about their influence the better.

EARL GREY said, he could not hear the offence of Mr. Bishop called a venial or trifling one, without entering his protest against such a view of the case. By the acknowledgment of the noble Marquess himself, Mr. Bishop had carried treasonable letters from the friends of the late dynasty to the King of Naples at Rome, in order to facilitate measures for carrying on the atrocious brigand war that was now desolating Southern Italy. Was that a venial offence? It seemed to him a very serious thing. Suppose that, after our own revolution of 1688, an Italian had been discovered carrying treasonable letters from the friends of the Stuarts in the Highlands to the Court of St. Germains, how would he have been treated? Would he have been likely to get off with ten years' imprisonment? Would he not have been tried for high treason? Would not the carrying of these letters have been deemed an overt act of treason; and if he had been found guilty, would he not have expiated his offence on the gallows? As to foreign intervention, though it was possible that our Government might have listened to a neighbouring Power, if it confined itself to a mere prayer for mercy, it was certain that the great English statesmen of that period would not have paid the slightest regard to any foreign claim to be heard as of right; and it was quite out of the question for our Government to interfere, as some noble Lords seemed to desire, with the Italian Government, as of right. Such an interference in the affairs of other countries as that which Mr. Bishop had committed, was at any time a very grave offence. He had great tolerance for even very outrageous acts on the part of the inhabitants of a country in resisting their own Government, if they believed it to be unrighteous; but when foreigners, who had nothing to do with the matter, took a part in intestine commotions, they only aggravated their bitterness and intensity. Mr. Bishop, on the score of his health, had claim to their Lordships' sympathy; and considering how bad a state of health he seemed to be in, and that he was little likely to be able to do any injury to Italy, he thought it would be a judicious and gracious act on the part of the Italian Government to pardon him on condition of his leaving the country; but this was entirely a question for the consideration of that Government. Under the circumstances, the sentence was a lenient one, and it afforded no fair ground of complaint on the part of Her Majesty's Government. He could not sit down without expressing the regret with which he had heard that and former speeches of the noble Marquess (the Marquess of Normanby). He could not but lament that there existed, in some quarters in that House, a sort of disposition to make the worst of the state of things in Italy. Surely it was impossible for any man who cared for freedom or for the interests of mankind to take other than a deep interest in the success of the great experiment now going on in that country. When their Lordships remembered for how many years Naples had groaned beneath a tyranny, the most odious and the most despicable that ever existed on the face of the earth, could they help being deeply anxious for the success of the efforts now being made to unite the different parts of Italy under one monarch and under a free Constitution? The success of the experiment was as important to the world at large as it was to the Italians themselves. Every one had an interest in the establishment of another great kingdom, strong enough to be really independent. It had always seemed to him a great security for the peace and well-being of Europe that there should be as many great, powerful, and well-constituted nations as possible, the majority of which would always be ready to check aggression on the part of any of their body. Was it not a little hard that at every opportunity the worst interpretation should be put by the noble Marquess on the measures of the Italian Government? For his own part, when he looked at the difficulties of the Italian Government, he was really astonished at the success which had already been attained by the new Italian kingdom. Let their

Lordships remember by what slow degrees good order and a settled administration were established in this country after the Revolution. The difficulties of the English Government for half a century—indeed, up to the Jacobite rising in 1745—were, however, as nothing compared with those of the present Government of Italy. In this country a free Constitution had existed for ages. No doubt, it had been grossly infringed by the Stuarts, but all the forms of a free Constitution remained intact, and above all there had been that system of local government by which the people had practically exercised the power of managing their own affairs. But in Italy there had been nothing of the kind. Italy had consisted of a number of States. Some of them had been governed in the most miserable manner. The people had enjoyed no training in the management of their own affairs; the administration had been for years sunk in the deepest corruption. Such being the case, could any one be surprised if for several years there should be great disorder and confusion in the Government, and that in many parts of the country serious crimes should be committed? But what did we see? There was a Parliament sitting for the whole of Italy, and carrying on the business of the country in a manner that commanded the admiration of Europe. Their Lordships saw the action of a regular Government in the improvement of the laws and the consolidation of an army, while the people were manifesting a degree of patriotism and independence that gave the greatest hopes for the future. Under such circumstances, must it not give great pain to every friend of liberty to hear the measures of the Italian Government, the conduct of the Italians, and the prospects of Italy, studiously represented in the worst light by the noble Marquess? He doubted whether the tone of the noble Marquess was really quite fair to Mr. Bishop himself; but, be that as it might, he could not without a protest hear it said that the offence committed by Mr. Bishop was a venial one.

The Earl of CARNARVON said, he was personally acquainted with the family of Mr. Bishop, who was a neighbour of his in the country, and he had more than once communicated with his noble Friend the Foreign Secretary on his case. In no sense whatever could he justify Mr. Bishop's conduct—on the contrary, he was very strongly of opinion that any stranger, and still more any Englishman, going into a country distracted by civil warfare, and mixing himself up in their quarrels by taking the side of one of the parties, must run the risk attaching to his conduct. He ought to have counted the cost; and if he found himself suffering a severe penalty, he had no one but himself to thank. He would go a step further, and say that when, the civil war being at an end, and victory having clearly declared itself in favour of one of the two contending parties, a stranger stepped in and mixed himself up with plots and conspiracies, by carrying letters of a treasonable character for the defeated party, and tending to subvert the Government *de facto*, whether *de jure* or not, he was guilty of a still more aggravated offence, and had himself still more to blame for the results. On the other hand, though an Englishman, acting in the manner he had described, forfeited, to a great extent, the protection of his own Government, he did not think he forfeited it altogether; or, on the other hand, that he alienated that amount of consideration which, on the ground of humanity or comity, the foreign Government might show him as the subject of a friendly ally. Under these circumstances, he thought it a duty for which the Government of his own country was accountable, to see that he was brought before a fair and impartial tribunal; and secondly, that the sentence pronounced upon him, if he was found guilty, was not one disproportionate to the circumstances of the case, or contrary to humanity itself. With regard to the trial in Mr. Bishop's case, he must frankly and honestly say, that he did not believe there had been any unfairness or injustice shown towards Mr. Bishop as the result of the action of the Government itself.

There might have been some disposition to strain the law, but he did not think that charge was imputable to the Government. But, on the other hand, looking to Mr. Bishop's state of health, and to the fact that he could do no mischief at all to the Italian Government, he thought it would have been more graceful, and more worthy on their part, to have borne in mind that he was a subject of the country which had, during the last three years, given to the Italian people such a marvellous contribution of sympathy and moral support, and to have passed a slight sentence—because, after all, ten years' imprisonment in Mr. Bishop's miserable state of health was almost equivalent to the punishment of death. He hoped his noble Friend the Foreign Secretary would be able to adopt this view of the case, and to press it upon the Italian Government, with all the weight which representations from him would naturally possess, both from his public position and from his own personal character, and that the result would be some mitigation of the penalty. He agreed with his noble Friend who had just spoken from the cross benches (Earl Grey) that in these matters somewhat more allowance ought to be made than persons were in the habit of doing for the difficulties under which the Italian Government was placed. It was true that the Italian, in common with almost every other continental Government, was affected with the vice of indifference to the legality of its measures. Foreign Governments seemed unable to take in the necessity for dealing with things and persons according to law and the constitution; they preferred to deal with the special case by providing a special remedy, whether that remedy were in their eyes legal or illegal. It was a vice prevailing not merely in Italy, but over the whole continental system from beginning to end. It ought, however, to be borne in mind that the Italian Government had to contend with the overwhelming difficulties inseparable in the nature of things from the fusing of three or four different races and languages, and of three or four different sets of sympathies and feelings; while the magnitude of that task was increased by the inherited difficulties with which they had to contend in the misgovernment bequeathed by their predecessors. He had been led into these observations by the remarks of his noble Friend on the cross benches; but his object in rising had mainly been to impress as strongly as he could upon his noble Friend the expediency of making representations to the Italian Government with the power and force with which he naturally could deal with such a matter.

Earl RUSSELL: My Lords, after what has just fallen from my noble Friend, I have no hesitation in stating to the House what is the course that I have taken in regard to Mr. Bishop. In the first place, I must say I feel sincere sympathy with that gentleman; he is a clergyman, I believe, of most respectable life, performing all his duties very satisfactorily, and having a son who was afflicted with a complaint of the spine, which, I believe, confined him on his back for some years. Afterwards, this son was able to go abroad for the sake of a milder climate; and it was an additional misfortune to Mr. Bishop, that when in Italy his son, instead of attending to his health or to those objects of recreation and interest which must attract any traveller journeying in Italy, took part in the troubles of that country, and made himself a violent partisan of the late King of Naples. Mr. Bishop, therefore, has been a most unfortunate person, and I do not know whether I should not count as an additional misfortune that the case of his son has been taken up by my noble Friend opposite. The Italian Government naturally enough say—while we are obliged to punish persons who are guilty of high treason, and who are constantly conspiring, we cannot show particular favour to Englishmen or Frenchmen, for then we should incur the reproach of Italians who may also be convicted, and who would accuse us of acting in a partial spirit. From the first, however, no exertions of mine have been wanting, and from an abstract of the proceedings which has been made by the Foreign Office I will give a few instances to show what the course of Her Majesty's Government has been. My noble Friend says that on the 11th of April 1862 there was a letter in *The Times* from Mr. Bishop himself, stating that he had been arrested on the 5th of April. On the 15th of April Sir James Hudson was instructed to urge his immediate trial, and in a few days afterwards that, if convicted, his life might be spared. Further correspondence ensued, and Her Majesty's Government again urged that he should have a speedy trial. To those representations—which were all at the time that could be properly urged—the Italian Government replied, excusing the delay on the ground that their tribunals were undergoing a great change, and that trial by jury was about to be introduced. On the 5th of September Mr. Bishop's case was brought on for trail, and on the following day he was found guilty of conspiracy, and sentenced to ten years' imprisonment, with forced labour. My noble Friend says that Mr. Bishop was convicted against evidence. I do beg your Lordships not to endeavour to make this House a Court of Review of proceedings in Italy. The Judge put three questions to the jury:—1st, Was Bishop guilty of conspiracy? 2nd, Was he guilty of endeavouring to induce Prince Torelli to enter into a conspiracy? 3rd, Was he guilty of outrageous language when he was arrested? All these three questions the jury found in the affirmative. That conviction was appealed against, and the case was heard before the regular Court of Appeal, which confirmed the original finding. After a prisoner has been convicted by a judge and jury, sentenced, and that sentence confirmed by a Court of Appeal, I do not think it is right that one of your Lordships should get up, and taking the place of counsel for the defence, declare that the foreign Court decided against evidence, and was not justified in the course it took. I had a letter a few days ago from a gentleman who has recently returned from Italy—I mean the Principal Librarian of the British Museum (Mr. Panizzi). He says, that although he was not in Naples at the time Mr. Bishop's case was heard, he attended political trials in Naples, and had been astonished at the calmness and dignity of the judges, the intelligence shown by the juries, and the fairness with which they listened to the evidence in each case. According to all that gentlemen heard, the case of Mr. Bishop was conducted with the same fairness, impartiality, and intelligence that had been displayed in the other cases. The evidence of such a person as Mr. Panizzi, just returned from Naples, ought surely to be taken into account when this House is invited to condemn the action of foreign tribunals. I think my noble Friend who spoke last (the Earl of Carnarvon) said that the sentence of ten years with forced labour passed upon Mr. Bishop was too severe. I believe that is the sentence which, by the Criminal Code of Naples, is affixed to the crime of treasonable conspiracy. It appears evident from the conduct of Mr. Bishop that he is not a person of very strong mind, and he was hardly a man who would be supposed to have taken up the part of a conspirator. Prince Torelli was a person who was known to hold liberal opinions; but it was supposed that he was discontented with the existing government, and that he might possibly be induced to conspire to overturn it. But it was evident to these crafty conspirators, who were engaged in an attempt to disturb the Government, that there would be great risk in attempting to get Prince Torelli to join in their conspiracy; because it was not unlikely, that so far from joining in their plot, he would denounce them to the Government. Therefore, what did they do? They went to Mr. Bishop, and got him to write a letter to Prince Torelli, asking him if he would join the conspirators. He wished to know whether Prince Torelli was inclined to commit treason or not? Bishop said it was a piece of innocent curiosity with which he wrote that letter; but it was evident to everybody else, except to the counsel of the prisoner, that there was a deep conspiracy, and that the conspirators, not liking to risk their own necks—to put their own necks into the noose, and subject themselves to what might be a capital conviction—went to this unfortunate Mr. Bishop, and got him to engage in this treasonable conspiracy, and expose himself to the risk to which they were not willing to expose themselves. Immediately we heard of the sentence, which was pronounced on the 6th of September, Sir James Hudson was instructed on the 22nd of September to request Mr. Bishop's immediate pardon, not on the ground that he was not guilty; but, that being a simple person, and not deeply implicated in the conspiracy, and being a person in an infirm state of health, anything like a sentence to the galleys for ten years would endanger his life; and I said that if such a case were brought before the Secretary of State for the Home Department in this country, the ground of danger to the prisoner's health alone would probably be thought sufficient to gain the remission of his sentence. The Italian Government replied, on the 4th of October, that they could not comply, but inquiry would be made into the state of of Mr. Bishop's health; that, meanwhile, hard labour should not be enforced; and, that during the pendency of the appeal, he should be treated with every possible leniency. This, I believe, was by the order of General Marmora. Sir James Hudson was requested to make another appeal to Signor Rattazzi, and endeavour to obtain a remission of the sentence; but Signor Rattazzi refused to listen to the appeal. On the 26th of December, Sir James Hudson addressed an official note requesting Mr. Bishop's pardon from the clemency of the Government; and pending the decision of the Government, his removal to a *maison de santé*. Mr. West was instructed on January 12, 1863, to request his release on account of his bodily infirmities, in which case his father would guarantee that he should leave Italy, and not return to it. On the 26th of January, Mr. West reported by telegraph that the King would not consent to Mr. Bishop's pardon, but had remitted the hard labour, and had commuted the service in the galleys to imprisonment in a fortress. In the beginning of the year, on the 3rd of February 1863, Mr. Bishop was transferred from Naples to the fortress of Gavi, at the foot of the Appenines. On the 14th of February, an Attaché to Her Majesty's Legation at Turin was sent to Gavi to see Mr. Bishop. The climate was stated to be too severe for him. Mr. West was, on the 23rd of February instructed to make a strong protest as to the treatment of Mr. Bishop as a political prisoner, and again to request his release in the strongest manner. The result was, that on the 28th of February last the Minister for Foreign Affairs informed Sir James Hudson that Bishop would be transferred to an infirmary at Alessandria; and, that on the first fitting occasion he would propose his pardon to the King. On the 5th of March, Sir James Hudson reported Mr. Bishop's removal to Alessandria; and since then we have heard nothing more about him. We have the Foreign Minister, however, declaring that on the first fitting occasion he would propose his pardon to the King. Now, my Lords, I ask, is this a case in which the noble Marquess can fairly represent me as having been indifferent to these applications on behalf of Mr. Bishop? Mr. Bishop had involved himself in the political troubles and conspiracies of Italy. Everybody knows that a man who engages in a treasonable conspiracy does so at his own risk; he perils his life for an object that he thinks worthy the sacrifice if he should fail. Mr. Bishop being found with these letters in his possession, he was duly brought to trial by the Italian Government, before a duly-constituted tribunal; he was convicted by the jury, and sentenced by the judge according to law, which sentence has been commuted; and we have since received the assurance from the Italian Government, that on the first fitting occasion they will propose that he shall be pardoned. I cannot help believing your Lordships will think that I have been a better friend to Mr. Bishop than the noble Marquess who has to-night brought forward his case. I must say I think that Her Majesty's Government have adopted the best course they could in reference to this matter. I said, on one occasion, to the Italian Minister, whom I knew very well—"If you would do me a personal favour, release Mr. Bishop." I repeat, therefore, I have been a better friend to him than the noble Marquess in bringing the case before your Lordships and the public, and so far rather committing the Italian Government by the course he has taken. The Italian Government have considerable dread of my noble Friend—he is a very formidable person to them; and he can hardly expect the Italian Government to release one of his friends because he is his friend; but, at all events, my good offices have not been withheld. My noble Friend has reverted to the time when we were both in Italy, living together as friends. That is a time to which I can always refer with pleasure. At the same time, my noble Friend says that the society in which I mixed was different from that with which he was familiar, mine being of the kind called "Liberal." That is very true. My noble Friend had a perfect right to have his own friends and political associates in Italy; but I thought the society I mixed with much more pleasant, because those Italians with whom I associated were full of knowledge in literature, full of all taste in regard to art, and therefore, setting aside their opinions, they made a very agreeable society, to which I was very happy to be admitted. I can remember, when they complained of the illegal things that were done by the Grand Duke, I said, "Why don't you send up a petition?" "Oh," they said, "but that is illegal. Not more than three persons are allowed to petition, and we should be punished. Besides which, it is a principle with us not to exceed the law in any way." There was nothing very treasonable in that. I certainly did understand, that if ever there should come a time of crisis for Italy—if the Grand Duke joined Austria against Italy—it was not likely their loyalty would stand that test, because, as they said, "We are for Italy above all." The Grand Duke did, unfortunately, decide for Austria and against Italy, and the result is known. A friend of mine, Signor Salvagnuoli, came to me when my noble Friend opposite (the Earl of Derby) was at the head of the Government, and asked me, "What if we endeavour to oppose Austria? Would the House of Commons be ready to assist us?" I said, "Not the least in the world. There's no chance of their assisting you at all." Upon which Signor Salvagnuoli replied, "Then, our only chance is to go to France." I replied to him in the words of an Italian sonnet, which warned them against using the sword of another nation to work out the freedom of their own; but, at the time, I had not the smallest doubt, that if Signor Salvagnuoli, Count Cavour, and other Italian patriots could obtain the assistance of France in their endeavours to overthrow the domination of Austria in Italy, they would gladly accept it. And I must say that I am not now prepared to blame either of those men for that—or rather to make it a reproach to their memory, for they have now both departed this life. If, as they believed, and as I believed (for I had witnessed the proceedings of the Governments of Italy at that time), these Governments, and especially that of Naples, were a disgrace to Europe, and a source of suffering and misfortune to the people under them, I am not surprised that these men should have availed themselves of any means within their reach for getting rid of them. With regard to the present state of Italy, I have nothing to add to what was so well said by my noble Friend on the cross bench (Earl Grey). The Italians are making a great experiment to carry on the Government of Italy, one and free. They are endeavouring to give effect to their constitution; and I say, may they prosper in that attempt! There was, as my noble Friend truly stated, a Revolution in this country, of which we are very proud, and by which we gained our liberties. Yet many people think that the conduct of our Government after the Revolution was not altogether without fault. Some people think that the execution at Glencoe was a harsh measure, and that unnecessary severities were exercised after the surrender of Limerick. Certainly, all the acts of our own Government at that period were not so scrupulously without fault or spot that some foreign Government might not have had much to say against it. I really think, my Lords, that the time has come when we ought to respect this Italian Government, and not attempt to interfere with the decisions of its tribunals, or the general conduct of its administration. The Italians are a nation of extraordinary quickness and talent, now engaged in building up a Government which shall give to every man freedom, and thereby open the way to prosperity and happiness. We should all rejoice in the prospect that lies before them, and not attempt, like my noble Friend opposite, to find out particular defects, and endeavour to cast blame on them for what is perhaps the inevitable consequence of the changes that have taken place.

THE MARQUESS OF NORMANBY then replied. As his noble Friend accused him of constantly depreciating the Italian Government, he would ask him whether he read the authentic and official reports of what took place in the Turin Chambers, because it was upon those documents that he founded his accusations against that Government. One of the King's Ministers boasted in the Turin Parliament that he had himself conspired in 1859. In the same Chambers it was stated, on the authority of a Parliamentary Commission, that in a year and a half 4,000 persons were killed in cold blood by the King's troops. Moreover, according to the declaration of a public man made in the Turin Parliament, there were now 18,000 political prisoners in Naples. Would his noble Friend call that an improvement? These were some of the things which made the rule of King Victor Emmanuel in Naples so different from that which everybody two years ago expected it would be. He was not to be deterred from telling the truth, and he must claim to exercise his privilege as a Member of that House whenever he thought that circumstances demanded it. He had lived longer in Italy than his noble Friend, and he ventured to say that in his opinion the independence of that country was as assured as its unity was impossible.

House adjourned at a quarter before
Eight o'clock, till To-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Monday, May 11, 1863.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Church Building and New Parishes Act Amendment [Bill 82], and *committed* to Select Committee; Sale of Mill Sites, &c. (Ireland)* [Bill 105]; Drainage and Improvement of Land (Ireland) [Bill 106]; Poor Removal (No. 2) [Mr. Herbert] [Bill 96].

Referred to Select Committee—Church Buildings and New Parishes Act Amendment [Bill 82].

Select Committee nominated—Partnership Law Amendment* [Bill 26].

Committee—Prison Ministers [Bill 24]; Customs and Inland Revenue [Bill 91] (*on Re-Committal*); Inland Revenue [Bill 97]; Marriages Registration (Ireland)* [Mr. Monsell] [Bill 39].

Report—Prison Ministers [Bill 24]; Customs and Inland Revenue [Bill 91]; Marriages Registration (Ireland)* [Mr. Monsell] [Bill 118].

Third Reading—Stock Certificates to Bearer* [Bill 114], and *passed.*

Withdrawn—Assurances Registration (Ireland) [Bill 46].

DIVISION OF THE NORTHERN CIRCUIT.

QUESTION.

MR. HADFIELD said, he would beg to ask Mr. Attorney General, Whether the Government intend to make any, and what, alteration in the existing Circuit arrangements; whether such arrangements will be completed before the next Summer Assizes, and will include a Winter Circuit, and in what places; and whether, on account of its extent and population, Yorkshire, like Lancashire, will have the privilege of Assizes in three towns, and, particularly, whether the Southern section of the County, comprising the Wapentake of Strafforth and Tickhill, will be allowed the privilege of an Assize Town?

THE ATTORNEY GENERAL said, in reply, that the alteration in the existing Circuit arrangements had been for some time under the consideration of the Government, and that some alteration should take place could not be doubted; but the difficulty was to determine upon the particular arrangements to be made. Various projects had been under consideration, and within the last few days a written statement had been received by the Lord Chancellor from the Lord Chief Justice and the two other chief Judges, containing important suggestions on the subject. These suggestions demanded the fullest consideration. Time had not been afforded for that consideration, and it was hardly likely that any arrangements would be completed before the next Summer Assizes. In this stage of the inquiry the other questions put by the hon. Gentleman were rather premature.

BOMBARDMENT OF BELGRADE.

QUESTION.

MR. DARBY GRIFFITH said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether a written protest against the bombardment of Belgrade was not made and signed by the English and European Consuls, on the 17th of June 1862, which does not appear in the Blue Book on that subject; and, if so, whether it will be laid upon the table of the House?

MR. LAYARD said, in reply, that a protest was sent to the Pasha commanding the fortress, but a copy of that protest was not sent to the Foreign Office. He had requested that a copy should be supplied to the Foreign Office, and he did not at present see any objection to lay it on the table of the House. Upon receiving it, however, he would communicate with his hon. Friend on the subject.

BRIGANDAGE IN SOUTHERN ITALY.

QUESTION.

MR. HENNESSY said, he wished to ask a question of the Under Secretary of State for Foreign Affairs. Three Despatches had been received from Mr. Odo Russell on a matter involving the relations of this Country with France, and also involving questions of personal honour. The first of those Despatches was to the effect that certain brigands had crossed the Papal frontier in French uniforms. The second Despatch from Mr. Russell stated that he had been mistaken—that no such event had taken place, and withdrawing the statement. The third Despatch, of which they only heard the other evening, was, it seemed, to the effect that the second Despatch was incorrect. It reiterated the first statement, and informed Her Majesty's Government that what he (Mr. Russell) had first stated was correct. The question he (Mr. Hennessy) therefore desired to put was, Whether that third Despatch, of so serious a nature, had been communicated to the French Government?

MR. LAYARD: The hon. Gentleman has given me no notice of his Question. Perhaps he will repeat it to-morrow.

GREECE—THRONE OF GREECE.

QUESTION.

MR. BAILLIE COCHRANE said, he would beg to ask, Whether any final decision has been come to respecting the Throne of Greece, and whether Prince William of Denmark has accepted it or not?

VISCOUNT PALMERSTON: There is no final decision, but I have reason to think that arrangements will be concluded to make Prince William King of Greece.

THE VOLUNTEER FORCE.

QUESTION.

SIR WILLIAM SCOTT said, he would beg to ask the Under Secretary of State for War, Whether the Act 44 *Geo.* III., c. 54, or any regulations for the conduct of the Volunteer Force, framed under the provisions of that or any other Act relating thereto, renders Volunteers amenable to a Military Court of Inquiry, or to Military Law; when they are not under arms, on duty, or in the uniform and accoutrements of the corps?

The Marquess of HARTINGTON said, in reply, that no Volunteers, except members of the permanent staff, were amenable to military law, unless when they were called out for actual service, nor was a Volunteer amenable to a military Court of Inquiry. It was within the power of Commanding Officers of Volunteer Corps, if they thought fit, to summon a Volunteer Court of Inquiry, which had only power to take evidence and report for the information of the Lord Lieutenant of the County.

GUNPOWDER IN EDINBURGH CASTLE.

QUESTION.

Mr. BLACK said, he would beg to ask the Under Secretary of State for War, What has been the average quantity of Gunpowder kept in the Castle of Edinburgh during the last twelve months, distinguishing the various forms in which it has been made up, and whether the quantity will not be diminished; and whether there will be any objection to furnish Copies of any Reports which may have been made on the subject of this magazine by Officers of the Royal Engineers during the last four years?

The Marquess of HARTINGTON said, in reply, that he had not all the information asked for by the hon. Member, but the quantity of powder now stored in Edinburgh Castle was 250 barrels, which was to be the maximum. The Lord Provost of Edinburgh had been made acquainted with the arrangements.

PRISON MINISTERS BILL—[Bill 24.]

COMMITTEE.

(*Progress May 7th.*)

Bill *considered* in Committee.

(In the Committee.)

Clause 3 (Additional Ministers in Prisons, and Regulation as to admission of Minister).

Mr. PACKE said, that as one of the oldest chairmen of Quarter Sessions in the House, he could not but deprecate the charge imposed by the Bill upon the county rate. He represented a county in which there was, perhaps, more religious animosity than in any other in England, and the effect of the Bill would be to produce the greatest discord among the magistrates, and great antagonism again between them and the county ratepayers. He did not share in the sentiments of the Protestant Alliance, that the measure would undermine the influence of the Church of England; but he could not understand why the Government, in introducing it, should not have made it a condition that a gaol should be established in some central part of the kingdom to which Roman Catholic prisoners should be committed, where the necessary provision should be made for their religious instruction. He begged to move the omission from the clause of the words which provided that the payment of those chaplains should be made out of the county rates.

Another Amendment proposed, in page 2, line 12, to leave out from the words "such sum," to the word "expenses," in line 15, inclusive.

Sir GEORGE GREY said, that the effect of the Amendment would be to take the payment out of the ordinary rule. At present the cost of the maintenance of prisoners was borne by the country, but the cost of the establishment was a local charge. If the Amendment were carried, an exception would be introduced to the general practice. As to the erection of a central prison, it would not get rid of the objection urged by the hon. Gentleman (Mr. Packe.) The cost of the establishment would still have to be borne by the different localities ratably in proportion to the number of Roman Catholic convicts sent by them to the central prison.

Mr. BENTINCK said, he apprehended that the object of his hon. Friend (Mr. Packe) was to secure that there should be no power of paying those clergymen out of the county rates. What he objected to, and what he understood his hon. Friend to object to, was that the ratepayers of this country should be called on to pay taxes in the imposition of which they had no voice. Had the Amendment which he himself proposed on a former occasion been adopted by the House, the heart and soul of the Bill would have been extinguished. The same result would follow from the adoption of the Amendment of his hon. Friend. He looked on the Bill as the result of a political cabal; and he believed it to be the stepping-stone to a great object which the Roman Catholic priests in this country had for years been endeavouring to accomplish—namely, that of putting themselves on an equality with the clergymen of the Church of England.

Sir GEORGE GREY said, he was ready to go to a division; but if the object of the Amendment was of as comprehensive a character as it had just been described to be, notice of it ought to have been given to the House.

Major HAMILTON said, he wished to ask the right hon. Gentleman whether there was any ambiguity in the manner in which the word "they" was used in the end of the clause, which might render it doubtful whether the prisoners and not the justices might not order the payment of the clergymen?

Sir GEORGE GREY replied, that he did not think there was the slightest possibility of any such interpretation being given to the word.

Colonel SYKES said, he also wished to ask whether any clergyman to whom the Bill would apply had asked for remuneration for attending a prisoner of his own persuasion? If not, the taxation proposed by the Bill was unasked for.

Sir HENRY WILLOUGHBY said, he desired to inquire whether the right hon. Baronet the Home Secretary had considered the question of having the money to be paid to those clergymen provided out of funds to be voted by Parliament?

Sir GEORGE GREY said, that if the payment were made in the manner referred to by the hon. Baronet, that would be the establishment of a new financial principle in connection with the county gaols of the country. With regard to the question of the gallant Colonel behind, he presumed that no such application had been made, since under the existing law the justices would have no power to grant any remuneration.

Mr. BLACK said, that in the case of the repeal of the annuity tax a great deal of opposition was raised to the penny rate, the object of which was to support members of the Established Church of Scotland; whereas if it had been for the maintenance of Roman Catholic priests, it would not have been in the power of all Edinburgh to extinguish it.

Mr. HENLEY said, he thought it was well worth the consideration of the right hon. Gentleman whether the small sums which would be required to carry out the provisions of the Bill might not be provided out of the Consolidated Fund. His hon. Friend, of course, could not move a clause to that effect, but it would have to be done by the Government, and it would certainly have great effect in preventing the heartburnings which would probably arise out of the operation of the Bill. He had supported it all through from motives of justice; but he thought it was wise to do everything to make it work as smoothly as possible. If the Government would give any hope of considering the point, he would recommend his hon. Friend to withdraw his Amendment.

Mr. SCOURFIELD said, he had opposed the Bill throughout, not on religious grounds, but on account of the administrative and social difficulties it would create. If it was desirable to pass the measure, it was desirable to carry it into effect by such means as would secure the result sought to be accomplished, and at the same time produce the smallest amount of irritation. He believed that the Bill as it then stood would in the majority of instances fail in securing the object for which it was framed; and, in the instances in which it might be successful, it would always encounter the greatest amount of opposition. The success of the measure did not depend upon the exigencies of the case, but on the particular reading of different bodies of magistrates; and if the subject had to be discussed by quarter sessions and boards of guardians, a great deal of irritation would be produced. It was a remark of M. Guizot, "There are some subjects on which publicity and discussion throw light, and some subjects on which publicity and discussion only throw fire;" and he (Mr. Scourfield) believed that the appointment of Roman Catholic priests to gaols under the Bill would be a subject of the latter class. He was sure that the Bill as at present framed would do the Roman Catholics more harm than it could possibly advantage them, and he should think that in those special cases where the appointment of Roman Catholic priests to gaols might be necessary they might contrive out of the existing elements to find a solution of the question; but he could conceive nothing more absurd than to make a man's spiritual welfare dependent upon the number of his own denomination in the same condition with himself. As a chairman of quarter sessions, he had always been anxious to prevent quarter sessions being made a debating society; but he was afraid that this subject must lead to irritating discussion. Majorities might sometimes in matters of action tyrannize over minorities; but in the matter of talking, minorities were very frequently still more tyrannical. His experience in that House did not encourage him to look with any pleasant anticipations to the effect of the measure on the deliberations of quarter sessions. He had never listened to a religious discussion in that House without going forth, not a wiser, but a sadder man. It was with a view of preventing these discussions in courts of quarter sessions that he supported the Amendment.

Mr. COLLINS said, that though he had supported the Bill, he could not but join with the hon. Member for Evesham (Sir H. Willoughby) and the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) in thinking it would be desirable that the payment of those clergymen should be made out of the Consolidated Fund. He wished to remind the right hon. Baronet that no Amendment had as yet been made in the Bill, consequently no Amendment of the nature proposed by the hon. Member for Leicestershire could be made upon the bringing up of the Report. If, therefore, the right hon. Baronet wished to postpone the consideration of the question until the Report, it would be necessary for him to make some verbal alteration at all events, in order to enable the matter to be discussed.

Sir GEORGE GREY said, it would be perfectly easy for any private Member to raise the question by moving that the expenses should be paid out of monies to be voted by Parliament; and if notice were given of such a Motion on the Report, he should be ready to give it his best consideration. Until the suggestion was before them in a definite shape, they were hardly in a position to consider it; but he would suggest to the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) that it would be very easy for him to frame an Amendment with the object he had in view. He, however, thought that such an Amendment would be very inconsistent with the provision which gave the magistrates at quarter sessions the power of appointing those ministers; so that if such an Amendment were agreed to, the Home Secretary would be called upon to provide remuneration for those ministers over whose appointment he would have no control.

Lord JOHN MANNERS said, that the difficulty suggested by the right hon. Baronet could be easily removed by providing that the appointment by the local authorities should be subject to the approval of the Home Secretary.

Mr. BENTINCK said, he confessed that he had heard with great pleasure the observations just made by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley). His right hon. Friend, however, must permit him to express the regret he felt on hearing him declare his intentions to support that most remarkable Bill. His right hon. Friend seemed now to be fully impressed with the difficulty of the case. The only ground upon which his right hon. Friend said he was prepared to support the Bill, was the ground of justice. Now, justice to Roman Catholic priests might be a very desirable object, but the ratepayers of England had also, he thought, some claim to justice. He should wish to know whether it was distinctly understood that an opportunity would be afforded by the right hon. Gentleman of raising the question of payment upon the Report?

Sir GEORGE GREY said, he should certainly be willing to facilitate any arrangement for the purpose; but as regarded the question as between a local rate and the annual Votes of Parliament, it was competent to any hon. Gentleman to raise that point at that time, and it was one that should be discussed in Committee, and not upon the Report?

Mr. BENTINCK said, the right hon. Gentleman did not seem to understand his (Mr. Bentinck's) object. What he wished to ascertain distinctly was, whether the right hon. Baronet would give them an opportunity of discussing the question upon the bringing-up of the Report?

Sir STAFFORD NORTHCOTE said, he understood, that if a Motion were made to that effect, the right hon. Baronet would oppose it [Sir George Grey assented], and that if the words proposed to be left out were omitted, it would not be competent for any hon. Member to move upon the Report that the payment should be made out of the public funds.

Mr. MARSH said, he was of opinion that it would be objectionable that the appointment of those chaplains should be made by one authority, and their payment by another. If, therefore, the ministers were to be appointed by the magistrates, they ought to be paid out of the local rates.

Major HAMILTON said, that that was

the reason why he objected to the Bill all along.

Sir BALDWIN LEIGHTON said, the greater portion of those who got into gaol were offenders not so much against real as against personal property, and the Government, by what they were now proposing to do, were adding unfairly to the burdens of real property.

Sir GEORGE GREY said, the Amendment which had been moved would, if carried, prevent payments being made from any source whatever. If the words were omitted, there would be no room for substituting general for local funds on the Report.

Mr. VANCE said, there would be some difficulty in adopting the proposition of the right hon. Gentleman the Member for Oxfordshire—namely, of paying the Roman Catholic priests appointed to those prisons out of the Consolidated Fund; because, in that case, the people of Ireland would have to contribute to the payment besides paying for the ministers who performed such duties in Ireland out of the local rates.

Lord HARRY VANE said, he thought there would be great difficulty in adopting the proposition of the right hon. Gentleman the Member for Oxfordshire. He was not inclined to press upon the ratepayers, but he would remind the Committee, that inasmuch as the appointment of a minister would only be made when there was a certain number of Roman Catholic prisoners in a gaol, it was not at all likely to furnish a subject of discussion amongst the local authorities, except in a few large towns.

Mr. NEWDEGATE said, many hon. Members, though supporting the Bill, confessed that the measure was likely to create much difficulty, inconvenience, and heartburnings throughout the local boards of the country. He believed that it would give rise to much unpleasant feeling amongst the people of England generally. If, however, those ministers were to be appointed by the local authorities, and paid for by the State, he should like to know how any proper control over them could be exercised? He concurred with his hon. Friend near him in thinking that it was most disagreeable to have those religious questions raised, but it was not the fault of the party with which he generally acted that they were brought forward. They, however, objected to remain silent when they were raised. He should certainly feel it his duty to vote against the payment of those ministers, in any shape, under the Bill. He objected to the Bill on two grounds; first, that it was an invasion of a constitutional principle; and secondly, an infliction of tyranny on the Roman Catholic prisoners.

Lord EDWARD HOWARD said, that he had been in hopes that the principle of the measure had been decided on the second reading, but from time to time hon. Members talked as if that question was still in abeyance. One hon. Gentleman had gone so far as to say that the Roman Catholic hierarchy were engaged in a sort of conspiracy against this country. The Roman Catholic priests were continually spoken of as being engaged in a plot with regard to the prison chaplains. The priests, no doubt, wished that Roman Catholic prisoners should be attended by a chaplain of their own creed, but it was not the priest alone who entertained that wish, for the Roman Catholic laity also had that desire. Seeing that there were Roman Catholic prisoners in the gaols, that they did not know there was any priest to look after them, that they could not have the attendance of a priest without preferring a special request, which course would not be adopted by those whose condition most required the assistance of a priest—believing, therefore, that great injustice was done to the Roman Catholic prisoners throughout the country, he wished it to be distinctly known that there was a reverend gentleman in those prisons who could administer to their spiritual wants. They wanted no external ceremony; they wished to reach the conscience alone, because he believed it was through the consciences of the prisoners that there was a chance of reforming them. That such was the case had been shown by what was already done in Ireland and England, in support of which he might refer to page 496 of the Rev. Mr. Kingsbury's book on Pentonville Prison, where it was stated that the period of imprisonment was the time to work upon the feelings of the prisoners, who were then in a subdued and softened state of mind; and if religious instruction was then communicated to them, they became enlightened. If the Roman Catholic prisoners were to be subjected to the control of the prison chaplain alone, who was not of their religion, but who had all the authority of a superior officer, he (Lord E. Howard) held that it was a hard position for them to be placed in. He could not suppose that the Committee would make any objection to the spiritual wants of these prisoners being supplied by the appointment of Roman Catholic priests.

Mr. PACKE said, he had no wish to utter a word against the Roman Catholic religion. The question before the Committee, raised by his Amendment, was whether the Roman Catholic chaplains should be paid out of the county rates.

Sir GEORGE GREY said he should like to know from the hon. Gentleman opposite (Mr. Packe), whether he meant to suggest any other source from which payment might be made in lieu of the county rates, in the event of his Amendment being carried?

Mr. PACKE said, it was for the Government, not for him, to say what proposal should be made in that event. If his Amendment were carried, he supposed that the right hon. Baronet or his Colleagues would insert other words in the place of those struck out.

Mr. HUMBERSTON said, the noble Lord (Lord E. Howard) was under a wrong impression when he said that Roman Catholic prisoners had no one to care for them. He could mention two or three cases in connection with a gaol which he was in the habit of visiting, in which acts of great kindness had been shown by Protestant chaplains to Roman Catholic prisoners. He had two very strong objections to the Bill. The first was, whether the House would consent to permit a subject of that kind to be raised by every bench of magistrates in every county and borough in the kingdom? Again, as to payment, if payment were to be made to Roman Catholic chaplains, he thought it ought to be made by the State. But he thought there was a prior question to be decided; and that was how the chaplains were to be appointed. At present the country had a high class of chaplains, who gave the whole of their time to the discharge of their duties. But if there were to be two or three or more, the salaries must be on a lower scale, and there would be a different class of men offering themselves for the office of chaplain; and in consequence of the inferior salaries they would have to supplement their income by other employment, the consequence of which would be that the duty of chaplain would be performed in a less satisfactory manner than at present.

Colonel CONOLLY thought it would be a simple act of justice that Roman Catholic prisoners should be attended by a minister of their own religion. The system worked well in Ireland, and he saw no reason why it should not prove equally advantageous in England.

Sir ANDREW AGNEW said, he objected to the payment of these salaries out of the county rates, but still more to their being charged upon the Consolidated Fund. On that understanding he should support the Amendment of the hon. Member for Leicestershire.

Sir STAFFORD NORTHCOTE said, there was this serious difficulty in the way of charging the payment of these chaplains on the Consolidated Fund. The control in these cases was sure to be in the hands of those who furnished the funds for payment. If, therefore, these chaplains were paid out of the Consolidated Fund, the magistrates would lose all control over them, which would create much greater evils than any which were likely to result from the Bill as it now stood.

Mr. NORRIS said, he would suggest that the question as to the mode of payment of the chaplain should stand over until the Bill was in a more advanced stage. Hon. Members who were in the habit of attending quarter sessions were aware that the Prisons Act provided a superannuation for ministers of the Established Church who performed the duties of chaplains in gaols; and he ventured to suggest, that as the Act stood, if the justices in pursuance of the Bill appointed a dissenting minister or a Roman Catholic to attend to prisoners as chaplains, they would have not one, but two or three persons, claiming compensation on their superannuation fund.

Sir FREDERICK HEYGATE said, he was glad to hear an Irish Member say the system proposed by the Bill worked well in Ireland. But the Committee should remember that the circumstances of the two countries were different. In Ireland gaol chaplains were appointed by the Church of Ireland, the Presbyterian Church, and the Roman Catholic Church, a large body of the population belonging to each of these three Churches. With regard to England the case was different; and appointing a Roman Catholic chaplain to a gaol in England would but be analogous to the appointment of a Wesleyan as gaol chaplain in Ireland, should there be in any gaol a small number of prisoners from the Wesleyan body.

Mr. BENTINCK said, he would ask leave, before the Committee went to a division, to say a word or two. The noble Lord (Lord E. Howard) rather implied that in discussing the question, there had been a want of becoming courtesy with regard to the feelings of the Roman Catholic hierarchy. Speaking for himself—and he thought he might also speak on this point for the House—he would say that there was no man in it who would willingly say a word against any man on account of his religious convictions. The noble Lord misunderstood the hon. Member for North Warwickshire when he understood him to say he had charged the Roman Catholic heirarchy with conspiring to obtain spiritual assistance for Roman Catholic prisoners. What he (Mr. Bentinck) understood him to say was this—in which he (Mr. Bentinck) joined him—that the Roman Catholic hierarchy were combining in a plot to obtain in this country a position of equality with the Protestant clergy. He (Mr. Bentinck) attached no blame to them for being engaged in that plot; but he held that it was the duty of the British House of Commons to take care that the plot should fail. Therefore, it was in no discourtesy towards the Roman Catholics that hon. Members opposed the Bill before the House. He would also ask the right hon. Gentleman to explain one point. He understood him to say that that was the time to decide whether the money should be levied on the county rate or on some other fund. The question before the Committee was, whether the money was to be raised by a levy on the county rate. If it should be decided that the payment was to be a charge on the Consolidated Fund, that would entirely alter the character of the Bill. It would then become a question of Imperial legislation, and there ought to be ample time given, in order that the proposed charge on the Consolidated Fund for that purpose should be understood through the length and breadth of the country.

Sir GEORGE GREY suggested that the object of the Amendment would be attained by the simple omission from the clause of the words "the justices may award him payment."

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 192; Noes 126: Majority 66.

AYES.

Acton, Sir J. D.
Agar-Ellis, hn. L. G. F.
Angerstein, W.
Atherton, Sir W.
Ayrton, A. S.
Bailey, C.
Baines, E.
Baring, H. B.
Baring, rt. hon. Sir F. T.
Baring, T.
Baring, T. G.
Barnes, T.
Baxter, W. E.
Bazley, T.
Beale, S.
Beamish, F. B.
Beaumont, W. B.
Beaumont, S. A.
Beecroft, G. S.
Bellew, R. M.
Beresford, D. W. P.
Berkeley, hon. C. P. F.
Blake, J.
Bonham-Carter, J.
Bouverie, hon. P. P.
Bowyer, Sir G.
Brady, Dr.
Bramston, T. W.
Browne, Lord J. T.
Bruce, Lord E.
Bruce, H. A.
Buchanan, W.
Buckley, General
Butt, I.
Buxton, C.
Calthorpe, hon. F. H. W. G.
Cardwell, rt. hon. E.
Castlerosse, Viscount
Cave, S.
Cavendish, hon. W.
Clifford, C. C.
Cobden, R.
Cochrane, A. D. R. W. B.
Coke, hon. Colonel
Colebrooke, Sir T. E.
Collins, T.
Conolly, T.
Corbally, M. E.
Cox, W.
Crawford, R. W.
Dalglish, R.
Davey, R.
Denman, hon. G.
Dering, Sir E. C.
Dillwyn, L. L.
Disraeli, rt. hon. B.
Douglas, Sir C.
Duff, M. E. G.
Dunkellin, Lord
Dunlop, A. M.
Egerton, hon. A. F.
Ellice, rt. hon. E. (Cov.)
Ennis, J.
Esmonde, J.
Evans, Sir De L.
Evans, T. W.
Ewart, W.
Ewart, J. C.
Fergusson, Sir J.
Fitzroy, Lord F. J.
Forster, W. O.
Fortescue, hon. F. D.
Fortescue, C. S.
French, Colonel
Gavin, Major
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W.
Glyn, G. C.
Glyn, G. G.
Gower, hon. F. L.
Greene, J.
Greenwood, J.
Gregory, W. H.
Gregson, S.
Grenfell, H. R.
Grey, rt. hon. Sir G.
Grosvenor, Earl
Gurdon, B.
Hadfield, G.
Hankey, T.
Hanmer, Sir J.
Hassard, M.
Headlam, rt. hon. T. E.
Henley, rt. hon. J. W.
Hennessy, J. P.
Herbert, rt. hon. H. A.
Hervey, Lord A.
Hibbert, J. T.
Holland, E.
Horsman, rt. hon. E.
Howard, hon. C. W. G.
Howard, Lord E.
Hubbard, J. G.
Hutt, rt. hon. W.
Ingham, R.
Jackson, W.
Jervoise, Sir J. C.
Johnstone, Sir J.
Jolliffe, right hon. Sir W. G. H.
Kingscote, Colonel
Lacon, Sir E.
Layard, A. H.
Lawson, W.
Leader, N. P.
Leatham, E. A.
Lennox, Lord H. G.
Levinge, Sir R.
Liddell, hon. H. G.
Locke, J.
Lowe, rt. hon. R.
Lygon, hon. F.
M'Cormick, W.
MacEvoy, E.
Maguire, J. F.
Manners, rt. hon. Ld. J.
Marjoribanks, D. C.
Martin, J.
Mildmay, H. F.
Mitford, W. T.
Monsell, rt. hon. W.
North, F.
Northcote, Sir S. H.
O'Brien, Sir P.
O'Conor Don, The
O'Ferrall, rt. hn. R. M.
O'Reilly, M. W.
Padmore, R.
Paget, C.
Paget, Lord A.
Pakington, rt. hn. Sir J.
Palmer, Sir R.
Palmerston, Viscount
Peel, rt. hon. Sir R.
Peel, rt. hon. F.
Pender, J.
Pilkington, J.
Portman, hon. W. H. B.
Potter, E.

Potts, G.
Price, R. G.
Pritchard, J.
Proby, Lord
Puller, C. W. G.
Ricardo, O.
Robartes, T. J. A.
Robertson, D.
Robertson, H.
Russell, F. W.
St. Aubyn, J.
Salomons, Mr. Ald.
Scott, Lord H.
Seymour, A.
Sheridan, R. B.
Sidney, T.
Smith, J. B.
Smith, J. A.
Smollett, P. B.
Somerville, rt. hon. Sir W. M.
Stacpoole, W.
Stanley, Lord
Stansfeld, J.
Steel, J.
Stirling, W.
Stuart, Colonel
Sullivan, M.
Talbot, C. R. M.
Trelawny, Sir J. S.
Vandeleur, Colonel
Vane, Lord H.
Verney, Sir H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Vyner, R. A.
Waldron, L.
Watkins, Colonel L.
Weguelin, T. M.
Western, S.
Wickham, H. W.
Williams, W.
Wood, rt. hon. Sir C.
Wrightson W. B.
Wyvill, M.

TELLERS.
Mr. Brand
Colonel White

NOES.

Adderley, rt. hon. C. B.
Agnew, Sir A.
Arbuthnott, hon. Gen.
Archdall, Captain M.
Aytoun, R. S.
Benyon, R.
Bernard, hon. Colonel
Black, A.
Blackburn, P.
Booth, Sir R. G.
Bridges, Sir B. W.
Bruce, Major C.
Buller, J. W.
Burrell, Sir P.
Butler, C. S.
Caird, J.
Cairns, Sir H. M'C.
Cartwright, Colonel
Cobbold, J. C.
Cole, hon. H.
Coningham, W.
Cubitt, G.
Cubitt, W.
Davie, Sir H. R. F.
Duncombe, hon. A.
Duncombe, hon. W. E.
Dundas, F.
Du Pre, C. G.
East, Sir J. B.
Edwards, Colonel
Egerton, Sir P. G.
Egerton, E. C.
Egerton, hon. W.
Ellice, E. (St. And.)
Enfield, Viscount
Ewing, H. E. Crum-
Farquhar, Sir M.
Finlay, A. S.
Foljambe, F. J. S.
Gard, R. S.
Gower, G. W. G. L.
Hamilton, Viscount
Hanbury, R.
Hardy, G.
Heygate, Sir F. W.
Hodgkinson, G.
Holford, R. S.
Holmesdale, Viscount
Howes, E.
Humberston, P. S.
Hunt, G. W.
Jolliffe, H. H.
Kekewich, S. T.
Kennard, R. W.
King, J. K.
Kinnaird, hon. A. F.
Knatchbull, W. F.
Knightley, R.
Langton, W. G.
Langton, W. H. G.
Lefroy, A.
Leighton, Sir B.
Leslie, W.
Lindsay, W. S.
Long, R. P.
Lyall, G.
Lysley, W. J.
Mackie, J.
Mainwaring, T.
Malcolm, J. W.
Manners, Lord G. J.
Miller, W.
Mills, J. R.
Mordaunt, Sir C.
Morgan, O.
Morris, D.
Morritt, W. J. S.
Mowbray, rt. hon. J. R.
Mundy, W.
Mure, D.
Murray, W.
Newdegate, C. N.
Nicol, W.
Norris, J. T.
North, Colonel
Onslow, G.
Pakenham, Colonel
Palk, Sir L.
Paull, H.
Pennant, hon. Col.
Peto, Sir S. M.
Phillips, G. L.
Powell, F. S.
Powys-Lybbe, P. L.
Repton, G. W. J.
Ridley, Sir M. W.
Sclater-Booth, G.
Scott, Sir W.
Scourfield, J. H.
Selwyn, C. J.
Seymer, H. K.
Shelley, Sir J. V.
Smith, Augustus
Smith, Abel
Smith, S. G.
Spooner, R.
Staniland, M.
Stewart, Sir M. R. S.
Sturt, H. G.
Sturt, Lt.-Col. N.
Sykes, Colonel W. H.
Thynne, Lord H.
Traill, G.
Trefusis, hon. C. H. R.
Vance, J.
Vansittart, W.
Verner, Sir W.
Walcott, Admiral
Walpole, rt. hon. S. H.
Watlington, J. W. P.
White, J.
Whitmore, H.
Willoughby, Sir H.
Wyndham, hon. P.
Wynn, Sir W. W.
Wynn, C. W. W.

TELLERS.
Mr. Packe
Mr. Bentinck

SIR LAWRENCE PALK said, he rose to move the Amendment of which he had given notice. He would remind the Committee that it was proposed to place upon the county rate a charge the nature and extent of which they had not fully considered. If the "minister" to be appointed under the Act was placed upon the same footing as the chaplain of a gaol or prison, in common justice he ought to be placed on the same footing in a pecuniary point of view. He must receive not only the same allowance, but the same amount of retiring pension. That change would eventually become a serious charge upon the counties. Now, he was one of those who thought it most unconstitutional to raise taxation from those who were wholly and entirely unrepresented. If such a course of proceeding were adopted, the House of Commons had better abrogate its functions altogether and delegate its powers to the magistrates in quarter sessions. He protested against the adoption of the principle, because he considered it unconstitutional. It might be said that it was a question of very small importance, and that probably the Bill would be a dead letter in almost every county. He believed that would be the case, for he did not think there was a county in England which would take advantage of the powers conferred by the Bill, except Lancashire. The measure would, however, if carried, cast upon the magistrates an amount of responsibility and an amount of odium which it was unfair to impose upon them. The House shrunk from that responsibility, and wanted to get rid of a disagreeable question by effecting a compromise which would prove to be worthless. As a county magistrate, he begged to protest against such a course of proceeding, and against making courts of quarter session the arena for polemical discussions. Perhaps his Amendment would hardly touch the grievance which he had shadowed forth, but it was the best suggestion which he was able to make. At present there was no organized body by which the opinions of the ratepayers could be elicited, but he thought it would be possible to ascertain the opinions of the ratepayers by means of the boards of guardians; and if they should consider it right and proper to adopt the provision made by the Bill, no one would rejoice more than himself. But he did think that if some protection was not given to the ratepayers, an amount of discord and disaffection would arise which it would be very unwise to create. Again, he did not see how it would be possible to limit the principle laid down by the Bill. If adopted, it must be extended still further, and larger demands would, from time to time, be made upon the ratepayers. He would say to those hon. Gentlemen who opposed him that when on their return to their different counties they were asked their reasons for their opposition, they would have to declare that it was right and proper to tax those who were unrepresented, and that they had not sufficient confidence in their constituents to intrust them with the power which he (Sir L. Palk) proposed to give them. To carry out the sentiments which he had expressed, he proposed to insert in the clause after "think fit" the words, "with the consent of the boards of guardians of any county wherein the said gaols, prisons, and houses of correction are situated."

SIR GEORGE GREY observed, that the effect of the Amendment, if adopted, would be to prevent the justices from paying any money without the consent of the boards of guardians. That principle, if sanctioned by the Committee, would not stop there, but would eventually become applicable to every discretionary payment made out of the rate, so that the county justices would be deprived of that administration of local funds which was now in their hands. Now, it might be right or it might be wrong to do that, but it would not be proper to bring about such a change by a short Amendment in this Bill.

MR. SCOURFIELD expressed a hope that the hon. Baronet would not press his Amendment to a division.

Amendment *negatived.*

SIR BALDWIN LEIGHTON said, he would then propose to add to the clause the following proviso:—

"That when the justices or other authorities of any borough or separate jurisdiction commit persons to a county prison, any expenses incurred under this Act shall be paid by the treasurers of such boroughs or separate jurisdictions in proportion to the population of such places and the county."

SIR GEORGE GREY said, he thought it would be much better to allow the matter to come under the general and ordinary arrangement of the law.

MR. HUMBERSTON said, he agreed with the right hon. Baronet. It would be impossible to divide the expense in these cases.

Amendment put, and *negatived.*

SIR ANDREW AGNEW said, he wished to express his belief that some misapprehension prevailed in the last division, many hon. Members having been frightened at the idea of the expense falling on the Consolidated Fund. He did not seek to raise any vexatious opposition to the Bill; but as he wished to take the opinion of the Committee on the principle involved in the clause, he would move its omission.

Question put, "That Clause 3, as amended, stand part of the Bill."

The Committee *divided:*—Ayes 166 Noes 71: Majority 95.

Clause *agreed to.*

Clause 4 *agreed to.*

Clause 5 (Qualified Repeal of portion of 4 *Geo.* 4, c. 64, s. 30).

MR. HIBBERT said, he wished to move the insertion of words to provide that in case the visits of any minister admitted to a gaol under the provisions of the Act should have been discontinued for the period of fourteen days, then the existing law, with reference to the duty of the chaplain of the Established Church to visit all the prisoners, should again come into force in respect of the prisoners to whom such other minister had been admitted.

SIR GEORGE GREY said, that the attendance contemplated by the Bill was a regular one, and therefore he saw no objection to the words proposed by the hon. Member.

Amendment *agreed to.*

SIR BALDWIN LEIGHTON said, he would suggest the introduction of the word "licensed," or the word "ordained," in reference to the ministers of dissenting denominations, so as to provide some security for the character and position of the ministers visiting a prison.

Sir GEORGE GREY said, that in framing the Bill the term used in the old Gaol Act had been adopted. He thought the justices would find no difficulty in dealing with the clause as it stood.

Mr. HUNT pointed out, that as a prisoner was not to be compelled to receive instruction from the minister of a denomination to which he did not belong, a prisoner might altogether escape religious instruction by saying that he was of no religious persuasion.

Sir GEORGE GREY said, he understood that the Church of England took credit for all prisoners who made no declaration of their faith.

Mr. HUNT said, that a Return relating to Shrewsbury Gaol showed that eleven prisoners had asserted that they were of no religion; and he maintained, that if the clause were passed as it stood, those eleven prisoners could claim to be excused from attending any religious service at all.

Sir GEORGE GREY said, the objection raised by the hon. Gentleman would be met by the insertion of the words, "any prisoner belonging to any church or religious persuasion," which would exclude prisoners belonging to no religious persuasion from the operation of the clause.

Sir LAWRENCE PALK said, that the matter was a serious one, as it affected the discipline of the prisoners. The right hon. Gentleman said that the Church of England claimed those who were of no church at all, and he hoped that that was correct; but the Bill would prevent her doing so. In his opinion, the Bill, which seemed to be the worst Bill the House ever passed, had one redeeming quality—it would be perfectly innocuous, because he did not believe that there was a single county that would carry out its provisions. In one or two cases it was possible there might be furious fights at the quarter sessions, and perhaps occasionally a chaplain might be appointed, to be discontinued at the next sessions; but in the majority of the counties and boroughs of England he was convinced that the Bill would be a dead letter. The principle of the Bill was so bad that it would render all prison discipline impossible. But there should be no ambiguity in regard to the matter which was under consideration.

Lord STANLEY said, he wished to point out that in all probability prisoners would enter themselves as of no religious persuasion, for the mere purpose of getting excused from attendance at chapel.

Sir GEORGE GREY said, that if the clause were amended as he proposed, the Bill would not affect them at all.

Sir STAFFORD NORTHCOTE said, that the right hon. Baronet's Amendment would not meet the case of a person representing himself as a Mormonite. Or, suppose there was a single prisoner of one dissenting denomination, and no minister was appointed to attend him, he might refuse the ministrations of the chaplain and get no religious instruction at all.

Sir GEORGE GREY said, the case was exactly met by what occurred with Roman Catholic prisoners, who objected to attending the regular chapel service. They were locked in their cells while the service was going on. In practice it was found that prisoners belonging to Protestant denominations did not object to attend the religious services in the chapel.

Mr. HUNT said, the words proposed by the right hon. Gentleman would meet his objections.

Mr. BLACK said, he wished to ask whether benevolent ladies who, following the example of Mrs. Fry, were in the habit of visiting prisoners in gaol, would still be allowed access to them. He was of opinion that a Mrs. Fry would do more good than half-a-dozen different chaplains, who, after the Bill had passed, might object to their particular preserves being poached upon.

Sir GEORGE GREY said, there was nothing in the Bill to prevent visiting justices continuing to authorize the admission of these ladies.

Colonel SYKES asked, whether it would be competent for county boards to engage chaplains for each of the ten denominations which had recently been enumerated.

Sir GEORGE GREY said, he saw no reason why they should not, if any gaol should happen to have 500 prisoners of each of these different denominations.

Mr. HENLEY said, he doubted whether the last words of the clause were necessary. It was competent as the law stood for the keeper or the visiting justices to exempt prisoners from attending chapel if they objected to it. The rule generally was that they were locked in their cells while the service was going on, and it was overloading the statute book to no purpose to insert the words.

Sir GEORGE GREY said, the object

was simply to make the law accord with the general practice.

Clause, as amended, *agreed to.*

SIR MORTON PETO said, he wished to propose a clause enacting that a salary should not be given to any chaplain appointed under the Bill, except to Roman Catholic chaplains. The Bill gave free access to all prisoners, and that was all Protestant Dissenters required. Whatever differences there might be in regard to ecclesiastical matters between Dissenters and the Church of England, there were no differences between their doctrinal views which would warrant the payment of separate chaplains.

SIR GEORGE GREY said, the clause was unnecessary. If a Protestant Dissenting minister volunteered his services to attend prisoners in gaol, no doubt the visiting justices would accept them.

Clause *negatived.*

On Motion that the Preamble be agreed to,

MR. HUNT inquired, whether in prisons, where ministers of other persuasions than that of the Church of England were appointed, it would be lawful for persons who might volunteer to visit the prisoners with a view to religious instruction to do so.

SIR GEORGE GREY said, the law in that respect would remain exactly on its present footing. The visiting justices might still allow the prisoners to be visited just as they were at present.

MR. HENLEY said, he wished to give notice that on the bringing up of the Report he would move that any persons appointed as chaplains under the Bill should have a list of the prisoners whom they were entitled to visit shown them by the gaoler, but should not have access to the prison books, or be at liberty to raise any question as to whether A or B was of any particular persuasion.

Preamble *agreed to.*

House *resumed.*

Bill *reported;* as amended, to be considered on *Thursday.*

CUSTOMS AND INLAND REVENUE BILL.

[BILL 91.]

COMMITTEE (ON RE-COMMITTAL).

Bill *considered* in Committee (on Re-Committal).

(In the Committee.)

Clause 2 (Provisions of former Acts to apply to this Act).

MR. BLACKBURN said, he wished to move an Amendment on Clause 2, the object of which was to relieve railway companies from certain grievances, one of which was that they were not assessed to the income tax by the local authorities, as other parties were, but by the special commissioners in London. He could not but complain of the rigorous way they were dealt with, and of the trouble and expense to which they were put in having to correspond with the Court of Commissioners in London. In his opinion, railway companies ought to be put upon the same footing as other companies as to assessment. Another grievance was, that railway companies were made responsible for the income tax of their servants. One man might be employed at certain wages, and another succeed him at different wages, but under any circumstances that might occur the companies were made liable for the recovery of the tax.

THE CHANCELLOR OF THE EXCHEQUER said, the noble Lord (Lord Robert Cecil) had given notice of an Amendment in the interest of the smallest class of taxpayers which involved exactly the converse of the objection which had been made by the hon. Gentleman to the assessment on railway companies, and showed that the trouble of corresponding with the special commissioners was not so great as he feared. For his own part, he thought that railway companies ought to be re-assessed year by year. That would not entail any inconvenience or expense to the companies, as special commissioners were sent down from London for the purpose. He believed the real objection of the hon. Member was to the course taken by the commissioners in deciding what were profits and what were not. The servants of railway companies were already placed on the same footing as other servants in respect of being placed under schedule E, which ought to include the servants of all incorporated and joint-stock companies. With regard to railway companies and their servants, the liability rested, so far as regarded engine drivers, upon the principle that the engine driver was so essentially and rapidly migratory, that it was practically impossible to touch him, unless through the company. It was true that £100 and £150 were the two sore places in the working of the income tax, and when he ventured to make to Parliament the proposal for easing that class of incomes, the engine drivers was one class that he had specially in view. He hoped, therefore, there would be no disposition to press for a change until they had had a year's experience of the working of what he might call the new system with regard to incomes between £100 and £200 a year.

Amendment, by leave, *withdrawn.*

Sir JAMES FERGUSSON said, he wished to call the attention of the right hon. Gentleman to the position of the local assessors, whose receipts in the shape of poundage had, owing to recent changes, been so greatly reduced as to render their case one of considerable hardship. Those officers were possessed of the requisite local knowledge for making the assessments, and had given no offence in the discharge of their duties. It was not desirable, therefore, that they should be driven to grow disgusted with their situation. With reference to the question of re-assessment, he had since he last addressed the House upon the subject ascertained that in one county of Scotland as much as £1,500 had been lost in consequence of there being no re-assessment under schedule A. In another county there actually was a re-assessment last year.

Mr. HUBBARD said, he desired to ask whether he was right in supposing that there was to be no re-assessment under schedule A that year.

The CHANCELLOR of the EXCHEQUER said, that there was no intention of making a re-assessment that year under schedules A and B. The rule had been to have a re-assessment under those schedules every three years, and he was so convinced of the trouble, vexation, and annoyance which would be caused by an annual re-assessment, that he would not recommend to the House a departure from that rule. He was not acquainted with the case referred to by the hon. Baronet. [Sir James Fergusson: It was Haddingtonshire.] As to the payment of assessors, all he could say was, that while it was of course desirable that they should receive a fair remuneration for the labour which they performed, it was undesirable to pay them in the years in which they had little or nothing to do for those in which they had duties to discharge.

Mr. COLLINS said, he fully agreed with the Chancellor of the Exchequer as to the trouble occasioned to the taxpayers by the re-assessment of a whole county, and hoped that no alteration would be made which would render re-assessments more frequent.

Sir JAMES FERGUSSON said, that in Scotland, where there was a valuation roll, the re-assessment was made without difficulty or trouble. He hoped that when a fresh assessment took place there would be no disposition to depart from the usual practice of assessing by local officers.

The CHANCELLOR of the EXCHEQUER said, he had no hesitation in giving that assurance; and if any change should be considered necessary, the fullest notice would be given.

Clause *agreed to.*

Lord ROBERT CECIL said, he rose to move the insertion of a clause altering the mode of appeal in the case of persons assessed under £150 per annum. He should not have troubled the Committee had not petitions in favour of his clause been presented from numbers of small tradesmen in the City of London, Westminster, Marylebone, Tower Hamlets, Bilston, Brierley Macclesfield, Nantwich, Crewe, Newcastle-on-Tyne, Birmingham, Manchester, Darlington, Sunderland, and many other places. The complaint of those Petitioners, who were persons having incomes of less than £150 per annum, was, that having been charged as if they possessed a sum which would bring them under the whole weight of the income tax, they had to go a considerable distance to defend themselves before the local Commissioners; while, if they had the same power as was possessed by other classes, they might appeal in writing to the special Commissioners, who, if they were not satisfied, would have to go to them instead of their going to the Commissioners. They also wished for that opportunity of appealing to the special Commissioners, because they, like their neighbours, were interested in keeping their affairs to themselves, and were as liable as their betters to be injured in their trade by any sudden and indiscreet revelations. It was on these grounds that he moved the clause of which he had given notice. He could not resume his seat without pressing upon the right hon. Gentleman the Chancellor of the Exchequer the suspicion which his words tended to refute, but which had been suggested to him from many quarters, that there was a great deal of hardship in the mode in which the income tax was levied. He had received complaints both from the borough which he represented and from other parts of the country of the severity with which the surveyors carried on the business of surcharging; and if such complaints were allowed to continue unnoticed and unredressed, they could not but produce a most injurious effect. It was very unwise to bring the income tax into so much disrepute by the disagreeable manner in which it was levied. In order to illustrate the feeling which prevailed concerning it, he would quote the following protest of seventeen taxpayers in the northern division of the county of Northampton, which was contained in a recent return which had been made on the Motion of the hon. Member for Northamptonshire (Mr. Hunt):—

> "We whose names are hereunto affixed beg to express our surprise at and condemnation of the arbitrary manner in which our returns made under the requirements of the Property and Income Tax Acts have been surcharged, whereby in many instances agricultural tenants have been necessitated either to pay tax on a much higher rental than they pay to their landlords (or than their land will bear), or to appeal against their assessment, at great loss of time, inconvenience, and expense. We are willing to allow all reasonable latitude to the officers having charge of the collection of the revenue of our Government, and to allow that it is right to guard against all attempts to defraud it, but submit that it is neither reasonable nor just to put the taxpayers of this part of the country to such great, and in many instances unnecessary, inconvenience as is involved in the present proceeding of the surveyor of taxes of this district."

He believed that the discontent thus manifested, instead of being exceptional, was very general. He moved the following clause:—

> "On and after the passing of this Act so much of section 130 of the Act passed in the fifth and sixth years of the reign of Her present Majesty, chap. 35, intituled 'An Act for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices until the 6th day of April 1845,' as relates to persons assessed to the income tax under £150 per year shall be and the same is hereby repealed; and every person so assessed or charged shall, if he think fit, appeal to the Commissioners for special purposes, upon giving notice thereof in writing to the inspector or surveyor within the time limited for notices of appeal, and thereupon every such appeal shall be heard and determined by two or more of the Commissioners for special purposes."

MR. W. WILLIAMS said, he had heard many complaints similar to those stated by the noble Lord, and he hoped the right hon. Gentleman would admit the clause, and so remove some of the difficulties attending the imposition of the tax. Under the existing system persons had to travel many miles to have their appeals attended to, and in consequence of the large number to be disposed of, they had sometimes to perform the journey twice. It was enough for people to have to pay the tax without being put to unnecessary inconvenience in obtaining just treatment.

MR. HUNT observed, that the clause would remove two hardships of which taxpayers now complained—that of having to expose their affairs publicly before their nearest neighbours, and that of having to travel a considerable distance to attend the court. In his own county considerable discontent existed as to the existing system, especially on the part of small freeholders who did not come within the income tax. He would suggest that much inconvenience would also be obviated if the Chancellor of the Exchequer would direct the assessors to ask in their papers whether or not property was mortgaged, and would consent, that when there was a new assessment, the first collection should be under the old one.

MR. BENTINCK said, he could confirm the statement made by the noble Lord with reference to the discontent which existed in Norfolk on occount of the manner in which the tax was levied.

MR. COLLINS said, he could corroborate the statement of the hon. Member for Northamptonshire (Mr. Hunt), that great inconvenience would be saved if the question were distinctly put whether or not a property was mortgaged.

THE CHANCELLOR OF THE EXCHEQUER said, it was the desire of the Government not to multiply re-assessments, but to go on for two years at a time, at some loss to the revenue, rather than subject people to unnecessary inconvenience. He was anxious that all who had complaints against the revenue officers should bring them forward, in order that they might be inquired into. The taxpayers happily possessed the power of keeping the ministers in order by calling upon their repretatives to bring their grievances before the House. With regard to the particular point under discussion, he came to a conclusion very different from that of the noble Lord and his hon. Friend (Mr. Williams). Some hon. Gentlemen seemed to think that it was in the power of the Government to levy the income tax in such a way as to be perfectly agreeable. That was quite a mistake. The process of extracting money from the pockets of the ratepayers was much more analogous to the operations of the dentist on the mouths of his patients than to any proceedings which could be carried on in an agreeable manner. That would sound like heresy to hon. Members who held, that as soon as all taxation was direct, it would become easy and pleasant, That was a view to which he could never attach himself. Long experience showed that vigilance was necessary on the part of the revenue officers, because the bulk of men were endeavouring to escape from the payment of taxes. They must not forget the disclosures which were frequently made, as in the case of the people in Cannon Street, who some years back made returns to the income tax exactly one tenth of the amount of those which they laid before a jury when claiming compensation. He felt bound to say that definite complaints against revenue officers were exceedingly rare. All that could be done by judgment, prudence, and moderation on the part of the officers of Inland Revenue ought to be done. Those gentlemen always laboured in that sense, and would not be honest if they did not; and he believed that the spirit in which the officers of the revenue endeavoured to act was a spirit of moderation and forbearance as well as vigilance. With regard to the particular proposal of the noble Lord, he would observe, that notwithstanding that the sum of £150 was mentioned in the clause, the Committee, as the limit of the income tax was carried down to £100, were now really concerned only with the case of persons having incomes under £100 a year. He felt some difficulty in meeting statements in regard to points of detail connected with the special working of a tax, when the parties never thought fit to lay those statements before him. He heard of them for the first time on a proposal being brought forward in that House, and thus no opportunity was afforded him of discussing them with the officers of the Board of Inland Revenue. He felt great difficulty in committing himself, by a conversation in that House, to any alleged facts or proceedings. At the same time, he was sure the noble Lord would feel that it was not desirable to press upon the Committee such a change as he proposed in what, from the first, had been a standing rule in the administration of the income tax, until an opportunity was afforded of fully investigating the statements on which the proposal was founded. With regard to persons claiming exemption on the ground of having less than £100 a year, he apprehended that they were probably under some misapprehension as to the kind of relief they would obtain in any case from being allowed to appeal to special commissioners. The principal point of complaint was, that they had to travel many miles to exhibit the state of their affairs to the local commissioners. He quite admitted that the travelling was a serious inconvenience to persons of small means, but that would not be avoided by the adoption of the noble Lord's clause, for it would not be possible for special commissioners to hold a meeting in every village; and they could not be carried nearer to the doors of the people than the spots where the local commissioners at present sat. The noble Lord truly said that many of those persons were very anxious that there should be secrecy as to the state of their affairs; but he wished to point out the distinction between the case of people claiming total exemption and that of persons endeavouring to ascertain in discussions with the commissioners the precise amount they were to pay. A man paying the income tax might have £100 or £100,000 a year, and it might be of the utmost importance to him that it should remain hidden from the world on which of those two sums he paid, or that the point between them at which his income stood should not be known. The case of a man who claimed exemption was totally different; and if his income was less than £100 a year, the commissioners did not inquire whether it was £90, £80, or £70. With regard to the fact of exemption there could be no secrecy. The tax gatherer, in collecting the income tax, called at the doors of A, B, and C, and not at the door of D. Consequently, it became known that D did not pay income tax, and therefore no secrecy existed as to the only fact within the cognizance of the commissioners—namely, that D had less than £100 a year.

Lord ROBERT CECIL said, all he wished was to call the attention of the right hon. Gentleman to the grievances which he believed the Bill would inflict upon certain classes of the public in the hope that they would be taken into the right hon. Gentleman's consideration. It was not the mere disclosure of his income that a man disliked, but what he disliked was to be compelled to make that disclosure before a number of persons who were sitting around him in order to secure his liability to as high an income tax as they could exact upon the evidence which was forced from him. Now, a man naturally did not like the world to know his circumstances when he was going down in the world. There were many little details in connection with his affairs which it might be important for such a man to keep from the public eye. The grievance of such a person might not, however, be so great as that of individuals whose transactions were on a much more extensive and important scale. The right hon. Gentleman said that the question of £150 a year, as the point at which exemption ceased, was no longer in existence. Now he (Lord Robert Cecil) had looked most attentively into the two Acts on the subject; and, as far as his judgment went, the Bill of the right hon. Gentleman incorporated the clause of the Act in which £150 a year was made the lowest point for taxation Consequently, some confusion upon the matter would, he thought, arise. Passing from that point to a much narrower question, he wished to explain the reason why he could not lay before the right hon. Gentleman those specific cases of hardship to which he had referred in general terms. When a man was going down in the world, he naturally felt the hardship the greater, and the injustice or over-zeal of the surveyor pressed upon him with peculiar severity. That was the very time at which least of all he wished to have his circumstances published to the world; that was a time when he felt it was all-important to his interests to have his affairs kept as secret as possible. Under such circumstances, he (Lord Robert Cecil) should never think of divulging the details of his case. He therefore hoped that the right hon. Gentleman would not draw from the mere absence of details, or the facts not specifically mentioned, the conclusion that there were no grounds for the complaint, or that the officers were working the Act as quietly and as gently as possible. He believed that the taxpayer was perpetually trying to escape from the hands of the surveyor, and that such cases caused a reaction on the part of the surveyor, who, in the excess of his zeal to counteract such a system, allowed himself sometimes to be betrayed into acts of hardship and injustice.

Mr. COLLINS said, he thought his noble Friend was under some misapprehension. The Income Tax commissioners did not hold an open court. Three commissioners, or two at all events, sat in a small room with their clerk and surveyor, and those gentlemen were sworn to secrecy. As far as the commissioners were concerned, they did not take much interest in small incomes, and there was no reason why the recipients of those incomes should not state freely their complaints. The surveyors had very difficult duties to discharge, but they readily paid attention to suggestions by the commissioners. The proper check was in the hands of the commissioners, who had only to intimate with firmness their opinion when they found the surveyors acted harshly, as he had known them sometimes do in assessing profits under Schedule D. He thought, however, that, upon the whole, the tax was levied with as little trouble and as much care as money could possibly be extracted from any one.

Mr. DOULTON said, he was sure the class of persons who had small incomes would feel very much obliged to the noble Lord for calling attention to the subject. He was glad to hear the assurance which had been given by the Chancellor of the Exchequer, and was convinced that if the pain was reduced to a minimum, the object of the noble Lord would be realized.

Mr. SCOURFIELD asked whether any encouragement was given to those officers who collected the tax without harshness, and whether any discouragement was given to those who added unnecessarily to the irritation of the persons assessed.

The CHANCELLOR of the EXCHEQUER said, that those officers who made unjust charges were placed in an unfavourable position with regard to promotion. The hon. Member for Northampton had suggested that a column should be inserted in the Schedule in order that reductions claimed in respect of mortgages might be specified. Now, he asked the House to consider what would be the consequence of calling upon those who possessed property to declare the amount of their mortgages. He thought such an arrangement would not be regarded with approval.

Mr. JACKSON said, that his experience as a Commissioner convinced him that instead of the surveyors too strictly discharging their duty they were too lax in that respect. He never knew an instance of a person being really charged too much, and the mistake not rectified.

Mr. HENLEY said, he was not sorry that his noble Friend had called the attention of the Chancellor of the Exchequer to the subject. He could not say that he was hopeful of any of the difficulties to which he had referred being amended; but the right hon. Gentleman had promised to turn his powerful and acute intellect to the matter; and as he could split hairs better than 19-20ths of the House of Commons, he might devise some mode, in consultation with the officers of Inland Revenue, by which some of the irritation produced by those blisters might be lessened. If the right hon. Gentleman succeeded, he should give him unusual credit for it, but his own opinion was that the irritation was incidental to the tax itself. As the right hon. Gentleman had said, the greatest difficulties occurred in cases of exemption; but when persons claimed exemption, they ought not to grudge a reasonable amount of trouble to secure it. He had never seen anything unfair, harsh, or capricious in the conduct of the surveyors, but it was easy for any one to send a letter by post, calling attention to any particular case, when the wrong would probably be remedied. The surveyors were sure to be hated by every one, and he thought they went out of their way to relieve the public as far as possible from a good deal of trouble in connection with this odious tax. The commissioners had to find out whether the butcher, the baker, or candlestick-maker had an income of £98 or £100 a year. A Chancery suit was nothing to it. They had to find out how much profit was made out of a sack of flour, or when a beast was killed how the profit was affected by the weather and by the state of the markets, to say nothing of that blessed item bad debts. Or, perhaps, these wretched commissioners had to discover how much profit a schoolmaster with nine children made out of his boys, by an inquiry into how many pounds of meat were consumed by the boys, some of whom had large appetites, some small appetites, and some no appetites at all, and how many maid servants were necessary for the boys and how many for the nine children. All these questions had to be discussed, and he was bound from his experience to bear testimony to the ability and forbearance with which the revenue officers carried on their work and assisted the commissioners in arriving at a decision.

Clause *withdrawn.*

House *resumed.*

Bill *reported,* without Amendment; to be read 3° *To-morrow.*

INLAND REVENUE BILL—[Bill 97.]

COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Clubs to be licensed for the selling of excisable Liquors to their Members) *struck out.*

Clauses 2 to 8 were *agreed to.*

Clause 9 (Lower Rates of Duty on Stage Carriages licensed to carry not more than Eight Persons).

Mr. AYRTON said, he would move to leave out "one halfpenny" in line 26, and to insert "one farthing," and to add to the end of the clause the following words:—

> "And for and in respect of every mile which any stage carriage licensed to carry more than eight passengers at one time shall be licensed to travel, the duty of one halfpenny."

Since he had had a seat in that House he never knew a clearer case of justice than that which he had to submit to the judgment of the Committee, and to the notice of the right hon. Gentleman the Chancellor of the Exchequer. Continual attempts had been made, ever since the introduction of railways, to obtain a fair and uniform duty on passengers travelling by stage coaches and railways. The difficulty was to say in what manner these taxes should be levied consistently with equality. In 1837, when a charge of one-third of a penny was paid by railways, and a farthing by stage coach passengers, a Committee was appointed to consider the subject. They reported that great inequality existed, the travelling by animal power being heavily burdened, while travelling by steam-motive power was lightly taxed by comparison. They recommended the abolition of all the taxes on public conveyances at the earliest possible period. That Report produced no result, and in 1839 the subject was brought under the notice of the House, but the state of the revenue did not admit of a change. Lord Monteagle, when Chancellor of the Exchequer, admitted that there was an inequality in the rate of taxation, which it behoved Parliament to consider. The late Sir Robert Peel admitted that the owners of the older description of vehicles were suffering from the introduction of railways, and that it would be unfair on the part of the Legislature to give them an unequal share of taxation to contend against. In 1842 the Chancellor of the Exchequer of that day introduced a Bill to carry the principle that had been laid down, and the taxes on stage carriages and railways were re-adjusted. Stage carriages were charged 1½*d.* per mile and railways 5 per cent on the gross income derived from passengers. That was thought to be a fair settlement of the question; but since then the equality had been again disturbed by the general Act which compelled railway companies to send one train a day to convey passengers at 1*d*. per mile. In 1855 the subject was again brought before the House in connection with a transaction which occurred in the north of England, where the owners of stage carriages had made a private arrangement to reduce their own rate of taxation. General Wyndham in that year moved a Resolution, that, in the opinion of the House, the law relating to stage carriages ought to be modified. The Chancellor of the Exchequer of that day, Sir George Lewis, said, that if he had to submit a supplementary Budget, the question of the mileage duty would be entitled to a prominent place in it; that if a favourable opportunity arose for the re-consideration of that class of duties, he was quite alive to the objections which had been urged against them; and the right hon. Gentleman added, that these duties ought to be remitted whenever the state of the revenue allowed of their removal. The right hon. Gentleman (Mr. Disraeli) concurred in the opinion, and the noble Lord at the head of the Government, who closed the debate, said, that seeing that the Government had the authority of the House for taking the matter into consideration with a view to the modification of the duties, he was not disposed to oppose the Motion. The consequence was, that the Government fixed the duty at 1*d*., and there it had since remained. Before the Committee, which sat two years ago, of which the late Sir George Lewis was a member, and of which he had the honour to be Chairman, attention was called to the mileage duties, and it was shown that there were altogether different rates upon the different railways. Some had a larger amount of cheap traffic than others; and whenever passengers were carried at a less rate than 1*d*. per passenger per mile, they claimed exemption from duty in respect of these earnings; and that exemption, although it was perfectly illegal, was allowed by the Government, in order to keep itself in harmony with the companies. The only deduction which could properly be made was in respect of what were called Parliamentary trains running once a day in each direction. The result was that the duty, instead of being 5 per cent as originally imposed, was reduced to less than 3½ per cent on the large railways, and even, in some cases, to 1 per cent. What was the case of the omnibus proprietors? Since the establishment of a great concern in London, publishing its accounts, and carrying on business as a joint stock company, the most accurate data had been procurable. From these it appeared that the omnibus company was in receipt of £582,000 annually, out of which it paid a tax of £52,000 a year, being nearly 10 per cent on its gross earnings. Those persons who had stage carriages throughout the country were still more aggrieved; but although they might grumble, being isolated individuals, they had no opportunity of making known their case to the public. It was only now, when the circumstances of the country enabled the Chancellor of the Exchequer to bring in a Budget not provoking much discussion or opposition, that he felt it his duty to enter into special questions of grievance or injustice connected with finance, and to some extent, he might therefore say, that he brought forward the subject at the invitation of the right hon. Gentleman. The Resolutions affecting the railway companies seemed rather to have fallen behind, as the Chancellor of the Exchequer stated that he was waiting for detailed statistical information. When those accounts were received, he would see that the charge on the railway companies was really taken at 3 per cent, while the charge on stage carriages might be taken as ranging at about 10 per cent. He had never heard but one reason suggested for the inequality to which he referred, and that, although specious, was unsound. It was said that railways were the owners of the road, while omnibuses ran upon the public roads. But, because the railway companies had made a complex machine of an iron road, and a steam engine, which they said was more economical than horses upon a common road, that was not a matter with which Parliament had anything to do. As well might a different duty be levied upon longcloth manufactured by handloom to that which was levied upon the produce of great and expensive machinery. The proper test of taxation was the gross earnings. The railways had obtained a large exemption from duty upon the plea that they conveyed passengers cheaply, at the rate of 1*d*. per mile. But he had a long list of omnibus fares which did not exceed that rate; and if the omnibus proprietors possessed the same influence as was enjoyed by the railway companies, they would be wholly exempt from taxation. The duty, no doubt, in its origin was a sumptuary tax paid by the richer classes, and as such was a legitimate source of revenue But the incidence of the tax had changed, for it was not the rich who rode in omnibuses, but to a great extent the working classes, who were thus conveyed from the districts where they lived to the places where they worked. The amount involved was not such as to indispose the Committee to deal with the question. The Chancellor of the Exchequer had made some rather weak appeals, that his surplus should be regarded as a sacred fund, but he had had already to re-consider his propositions upon one or two points. It was true that upon those points greater influence had been brought to bear than he could boast of; but the right hon. Gentleman, the other evening, made an appeal to the justice and firmness of the House, which had so powerful an effect that all considerations of party were abandoned, and all concurred in condemning that with which every one was satisfied before. He hoped that upon that occasion the right hon. Gentleman could see that there was a necessity for dealing with the grievance, and would yield to the appeal made to him. The effect of his Amendment would be to reduce the duty paid by stage carriages by one-half, and accordingly he moved to reduce the sums inserted in the clause in that proportion.

Amendment proposed, in page 4, line 26, to leave out the words "one halfpenny," and insert the words "one farthing."

General BUCKLEY said, he had hoped, from a conversation that he had had with the right hon. Gentleman, that he would agree to some remission of the tax. He had laid before the Chancellor of the Exchequer the case of a coach which, in the county which he represented, travelled forty miles a day, and afforded the only public conveyance which the inhabitants of the villages through which it passed possessed. That coach paid £52 a year in taxes; and as the gain was very small, he trusted the right hon. Gentleman would not be indisposed to make some remission in favour of that class of vehicles, in order that they might not be obliged to stop running.

The CHANCELLOR of the EXCHEQUER said, when appeals such as were made by the hon. and gallant Member were presented to his notice, he was naturally desirous of meeting them as far as lay in his power. There were, no doubt, many taxes which it was desirable should be remitted; and, certainly, it would be a happy state of things if, as far as locomotion was concerned, there were no taxes at all. But it was his duty, in the office he held, to measure his acts by his necessities, and he would endeavour to state those necessities to the Committee. It must not be supposed that the question raised by the hon. Gentleman was limited by the terms in which it was couched. He could not look at the duties upon locomotion with regard to one portion only. The first effect of the Motion of the hon. Gentleman, if carried, would be to deprive the revenue of £70,000 a year, and the Government were not prepared, under existing circumstances, to acquiesce in that proposal. But the duty upon stage carriages was only one portion of the revenue derived from locomotion, which amounted to £775,000 a year. The railways paid £387,000 a year; stage carriages paid £144,000; hackney carriages, £104,000; and post-horse licences, £138,000. With regard to the duty on hackney carriages, the case, no doubt, was peculiar. Some years ago Parliament compelled hackney carriages to reduce their fares, but omnibuses still charged what they pleased. During the Exhibition period there was a great augmentation of traffic, and the consequence was the omnibus fares were raised. The hon. Member had omitted to point out, that owing to the peculiar nature of the control which the omnibus proprietors had over the traffic, the immediate consequence of an increased demand was increased fares. Therefore, if the House considered the case of stage carriages they must also consider the hackney carriages and the post-horse licences. The railway companies would also fairly be entitled to raise a question for themselves as they were in immediate competition with stage carriages all over the country. The four branches of revenue were associated together, and it was impossible to open one for the purpose of reduction—first, because of its direct effect upon the revenue; and next, because its indirect effect would be to give rise to fresh demands in other quarters. The hon. Member had stated that his arguments in favour of maintaining the surplus were very feeble; and, as inroads had already been made upon that surplus, the hon. Member tranquilly inferred that further inroads might be made upon it without detriment to any one. The surplus which he had proposed to maintain was about £530,000, and he had stated on the part of his Colleagues their intention steadily to resist all invasion whatever of that surplus. But he did not presume to place revenue arising from proposals which he intended to make, and which had never received the approval of Parliament, on the same footing with revenue arising from established sources. The surplus stood at about £400,000; and he trusted that the Committee would not think, with the hon. Member, that his arguments for its maintenance were weak. He did not speak of the revenue from locomotion as a revenue which ought at all times, and under all circumstances, to be retained. But he thought that the intention of the country was not to fritter away public revenue at the present moment by minute remissions in favour of this or that class, but rather to husband its resources with a view to the attainment of objects in which the whole public had an interest. These taxes upon locomotion were taxes with regard to which every reasonable and enlightened man would say that the more they could be reduced the better. But how stood the case? The statement of the hon Member on the subject, though able, was not quite fair and impartial. He said that stage carriages were subject to a payment of 10 per cent, while railways only paid about 3 per cent; and he added that it was not a legitimate argument to justify the distinction by any reference to the peculiar circumstance that railways found their own roads and stage carriages ran on roads provided for them. By an ingenious artifice, the hon. Member mixed up together bodies of stage carriages, which were very differently circumstanced indeed. The country stage carriages, for which the hon. and gallant Member near him (General Buckley) had pleaded, helped to make their own roads, since they paid turnpike tolls. But the country carriages were by no means the chief clients of the hon. Member (Mr. Ayrton). His London clients, in their published statements, objected to the partial reduction proposed to be given in the Bill in the case of smaller carriages. They declared, that if the reduction were carried out, many large vehicles paying £3 3*s.* a year and a penny a mile, would be replaced by smaller ones, paying a licence duty of 10*s.* yearly and a halfpenny per mile. Well, it was rather hard that in the exceptionally favourable condition which the London omnibus proprietors enjoyed, having their roads made for them, they should object to the relief proposed to be given, upon no exceptional or arbitrary principles, to smaller carriages, which did help to make their roads. It was commonly said that misfortune tended to soften the heart and make us compassionate towards brethren in affliction; but the clients of the hon. Member seemed in this respect to be rather in the rear of the average of mankind. He would, however, grapple with the real argument of the hon. Gentleman by saying, that the comparison between the percentage upon railways and that upon stage carriages in London, must obviously be unjust, because the tax upon stage carriages fell upon rolling stock alone, while that on railways fell on rolling stock and on roads. The hon. Member contended that the road was no part of the instrument by which the passenger was carried. It seemed to him (the Chancellor of the Exchequer) an astonishing doctrine, for they did not travel in the air. To justify the comparison of the hon. Member, a proportion of tax ought to be imposed in respect of the roads traversed by stage carriages, for probably three-fourths of the expenses of railway companies had been incurred in laying down their permanent way, and only one-fourth in providing the rolling stock. The hon. Gentleman also said, that the remission of duty made to railway companies was illegal, and he complained that railway companies, being influential and powerful bodies, obtained a degree of favour which their competitors did not. The hon. Member was wrong in that statement; for if he referred to the Act of 1844, he would find that these exemptions were made in favour of the low-priced trains, and were not limited to a single train a day—the Parliamentary train.

He wished to call the attention of the Committee to what had been done at various times in regard to these duties. Down to 1839 the rate of duty on carriages conveying above fifteen persons was 3*d.* a mile. Since that time the size of stage carriages had been greatly increased, while the amount of the tax upon them had been greatly reduced. From 1839 to 1842 the duty was 2½*d.* per mile. From 1842 to 1855 it was 1½*d.* In the latter year, Parliament considered the incidence of the tax upon railways and stage carriages respectively, and remitted one-third of the tax upon omnibuses. The hon.

Member for the Tower Hamlets argued, that as railway trains travelled at less than a penny a mile, omnibuses ought to go free; but when a train travelled at a penny a mile, it did so from station to station, and a passenger, by counting the number of miles he wanted to go, was able to tell the amount of his fare. That was not the case with an omnibus, because, though for the whole journey the rate might be under a penny per mile, the vehicle did not travel from station to station at that rate. For instance, a passenger entering an omnibus at Charing Cross and travelling only as far as Regent Street certainly would not be carried for the rate of a penny a mile.

MR. AYRTON: Neither would he be carried for such a distance in any railway train at the rate of a penny a mile, because there is an Act which provides that railways need not take anything under a four-mile fare.

THE CHANCELLOR OF THE EXCHEQUER said, he was showing that the principle of distances was a test in the case of railway fares, whereas the distance the passenger was carried was not a test in the case of omnibuses, and that therefore the cases were different. The hon. Gentleman had spoken of the low earnings of the London General Omnibus Company; but he ought to have entered into some explanation with the view of showing how far the low profits of that company were to be accounted for by the expenses which it had gone to in driving competitors off the line, because it was a matter of notoriety that the drivers and conductors of independent proprietors made frequent complaints against the managers and drivers of the London General Omnibus Company for driving them off the road. He observed that the hon. Member for the Tower Hamlets shook his head at that statement, which showed that the hon. Gentleman did not read the police reports in the newspapers. However it was, competitors to the London General Omnibus Company disappeared after a short time. That was a matter of which the House of Commons could take no notice, but it was one which ought to engage the hon. Gentleman's attention when he made an appeal for the company on the ground of their low earnings.

The point, however, to which he (the Chancellor of the Exchequer) wished specially to call the attention of the Committee was the general position of the finances of the country. If the Committee thought it right to go on without a surplus—if the Committee thought the claim now made was the only claim on the surplus which existed—let them support the hon. Gentleman. But as there were abundance of other claimants, with good cases, calling for reduction, and as the claim now put forward directly menaced a very considerable sum, and indirectly menaced a considerably larger sum, the matter deserved their serious attention, inasmuch as it involved the maintenance of that moderate revenue which was necessary for the public service. Still, the Government had looked into the case of the proprietors of omnibuses, and had endeavoured to relieve them as far it was possible to do so without detriment to the revenue of the country. No doubt the greatest pressure in respect of the charges on those vehicles was felt in the case of lines where there was but small traffic, such as those from small railway stations, and where the omnibuses were also taxed for the road they travelled on. The Government had endeavoured to meet that case by a considerable remission of taxation. At present, a licence of three guineas and a mileage of 1*d.* per mile were charged under all circumstances, no matter what the size of the vehicle or how small the traffic. Besides, the licence must be paid for the whole year, though the traffic might be only for a portion of the year. In the first place the Government had drawn the distinction between small carriages—carriages carrying not more than eight passengers—and large ones; and it was to be remembered that omnibuses used in the North and in London carried from twenty to forty passengers. They reduced the licence on small carriages from three guineas to 10*s.*; and they were further justified in doing that because they believed that the present high rate of licence duty in respect of these small vehicles had the effect of checking enterprise. Then they reduced the mileage from 1*d.* to ½*d.* per mile in the case of that class of vehicles to which he was referring; and the 10*s.* licence might be divided into fractions, according to the portion of the year for which it was paid. He did not think that these reductions would result in any loss to the revenue. He calculated that an increased traffic would recoupe the revenue on the reductions. In respect of large carriages they had endeavoured to do justice also. For the future it would not be necessary for that class of carriage to pay the whole three guineas before obtaining a licence. The licence year would expire on the 31st of October instead of the 30th of September, and licences might always be had at any period of the year for the period of the licence year then unexpired. In some parts of the country the season closed at the end of September, and the Bill therefore provided that licences might be taken out for any of the four quarters of the year. He had said that he expected an increase of traffic from the remission in the case of the taxes on small omnibuses in rural districts; but he hoped no hon. Member would argue from that admission that an increase might also be expected if similar remissions were made to the London General Omnibus Company. In the former case the pressure of expenses confined the traffic; but in London the omnibus traffic was a large and increasing one. For these reasons he could not consent, by agreeing to the Motion of the hon. and learned Gentleman, to weaken those financial arrangements which he thought the House had allowed to be reasonable—looking to the actual and possible wants of the country—to the necessity of maintaining the solidity of our finances, and to the general condition of the world, which could not be separated from financial considerations.

Lord FERMOY said, that long as he had been in the House, he never remembered a Chancellor of the Exchequer giving up a tax without a struggle, nor had he ever heard a Chancellor of the Exchequer admit that the relief proposed by any private Member was exactly the relief which ought to be given. A great deal of the speech of the right hon. Gentleman had been devoted to the praise of what the right hon. Gentleman proposed to do for carriages in the rural districts; but the proposal of the hon. and learned Gentleman would not only relieve the rural carriages a great deal more, but would relieve those in towns altogether. If the right hon. Member justified his taxes on town omnibuses in excess of railways, because they had not to find their own roads, surely he ought to hand over the excess for the benefit of those who did supply the roads. But the truth was the right hon. Gentleman had made up his mind to stick by his Budget —as far as he could. He did not wish to say a word in favour of additional taxation on railways, but omnibus proprietors could scarcely help complaining of the manner in which they were treated in comparison with railways. In London they were exposed to competition with railways. The opening of the Metropolitan Railway, for instance, had reduced the earnings of four omnibuses starting from the neighbourhood of the terminus from £2,960 in 1862 to £786 in 1863. The loss must fall, after all, on the public, for the omnibuses, if they were unfairly burdened, would be worse horsed and worse managed altogether. He hoped that the right hon. Gentleman would accede to the proposal of his hon. and learned Friend.

Mr. BENTINCK said, he was glad to find that the right hon. Gentleman had shown some little consideration for the rural districts, as opposed to the metropolitan, and he regarded it as a rather remarkable concession. He did not wish to take any part in the combat between the right hon. Gentleman and the hon. Member for the Tower Hamlets, but he was very much struck with a remark that had fallen from the right hon. Gentleman, to the effect that, in his opinion, taxes on locomotion ought to be low. Now, if there was any one point to which taxation might be directed, without prejudice to anybody, and with benefit to the community at large, he (Mr. Bentinck) thought it was on locomotion. Locomotion was one of two things. It was either a matter of luxury, or a matter of business. It was agreed on all hands that luxuries of all kinds ought to be taxed. If a tax on locomotion for purposes of business, without detriment to that business, could be levied, it was desirable that it should be done with the least possible inconvenience. It might be said that excursion trains ought not to be taxed. Now, he believed they were the source of nine-tenths of the accidents which occurred, and he doubted whether they really tended to promote the health of those who profited by them. He did not think that going 120 miles at a cheap rate, was the best way of disposing of a man's time; and believed that it might be spent in a much better way. He did not think that there could be any better tax generally speaking than that on railway travelling.

Mr. CONINGHAM said, he entirely differed from the hon. Gentleman who had just sat down, for he regarded cheap locomotion as one of the greatest boons that could be conferred upon the public. He had always been in favour of low fares and speedy communication between all parts of the Empire; and he therefore trusted that the opinion expressed by the Chancellor of the Exchequer foreshadowed at no distant day the liberation of locomotion from all taxation. With respect to any rise of fares in the metropolis, that might be traced to the high licensing duties, and he was of opinion, that if there was an entire free trade in omnibuses, high fares would be avoided.

Mr. AYRTON said, his proposition applied to the stage coaches in the country as well as to the omnibuses in the City. The Chancellor of the Exchequer would have it that the tax in question was a tax upon coaches and the rolling stock of railways; but in that he was opposed to all financiers, who regarded it in this light, that it was a tax upon passengers—a point which had been admitted by all the right hon. Gentleman's predecessors in office, and by the late Sir Robert Peel. It had nothing whatever to do with the tax whether passengers were carried by one mode of conveyance or by another. The Chancellor of the Exchequer did not tell the Committee that the omnibus proprietors besides that tax paid £18,000 a year for the roads; and if they paid less tolls, it was because the inhabitants generally preferred to pay a house tax for that purpose. But the right hon. Gentleman thought himself entitled to levy a heavier tax on the omnibus proprietors on that account. It was a fact, that the omnibus proprietors were not able to make a fair profit by their business at present; and surely, when the railway below the road was exempted from taxation, it was not just that the omnibus running above should be heavily taxed. The Chancellor of the Exchequer had given an imperfect denial to his statement that those railway exemptions were illegal. But the law required that the exemptions should take effect only when the railway company ran a train at a penny a mile, allowed a certain weight of luggage to be carried free, and the train stopped at every station. But excursion trains, as they were carried on, were not exempt by law; and he would say more, the Government were aware that they were not exempt; and more than that, the exemption was given in order to make matters work smoothly between the railway companies and the Board of Trade. The consequence was the railway companies were not paying their full share of taxation, while the burden was borne by other parties. The Chancellor of the Exchequer had indeed thrown out an indefinite hope that the tax would be done away with. But why were they to be amused with those sensation propositions? The Chancellor of the Exchequer stated, that if he yielded in that case, he would be obliged to remit £700,000; but his (Mr. Ayrton's) demand was limited to £70,000, which would be recouped by the increase in the number of omnibuses. If the House took off a duty which was so excessive as nearly to sink the traffic, it would be sure to give a new impulse to it by the remission. That was a well established fact, and one which had been often dwelt on by the Chancellor of the Exchequer himself. But now the right hon. Gentleman said, if the tax were taken off, nothing would be recouped. The right hon. Gentleman made this distinction, that the train carried its passengers from station to station, while the door of the omnibus was always open and one might get out of it when he pleased. But what difference did that make. The omnibus conveyed passengers at a penny a mile, and the railway company professed to do the same; but while the railway company charged for part of a mile as for the whole, the omnibus charged for part of the distance in the same way. In short, it was a case of the simplest justice; but the right hon. Gentleman was frightened about his surplus. The Chancellor of the Exchequer looked upon his surplus just as a mother after several miscarriages looked upon her production. It was the most extraordinary creature, the most lovable creature in the world; everything would injure it, it was to be cherished as the most admirable thing in nature. He hoped the right hon. Gentleman would give some assurance that he would take the matter into his consideration, or, if not, that the Committee would give such practical suggestions, with a view to the removal of those inequalities, as would induce him to do so.

The CHANCELLOR of the EXCHEQUER said, he would not follow the hon. Gentleman again into the general question, but would merely point one error into which he had fallen in the repetition of his vague assertions. The hon. Gentleman had asserted that the exemption granted by the Government to certain railway trains was illegal. The hon. Gentleman had read the 6th section of the Act, but had stopped there. If he had read the 8th section, he would find that a discretionary power was given to the Executive to dispense with any of the conditions required with regard to the conveyance of passengers by any such cheap trains as aforesaid. [MR. AYRTON: Yes, Parliamentary trains.] The words were, "by any such cheap trains."

Question put, "That the words 'one halfpenny' stand part of the Clause."

The Committee *divided:* — Ayes 81; Noes 35: Majority 46.

Clause *agreed to.*

Clauses 10 to 20, inclusive, were likewise *agreed to.*

Clause 21 (In certain cases excisable liquors may be sold under a Publican's occasional licence after sunset).

MR. AYRTON said, he wished to ask an explanation of the changes which were contained in the clause.

THE CHANCELLOR OF THE EXCHEQUER said, that when the occasional licences to publicans for a certain temporary purpose were passed, a good deal of jealousy had been expressed; indeed, the hon. and learned Gentleman himself was one of the principal organs of that jealousy, and the consequence was, that the clause had been made a good deal too restrictive. Very possibly he might have to propose some further relaxation before the measure got through Parliament. The clause removed restrictions on the sale of liquors after sunset and before sunrise, but only on the occasions specified—for instance, on the occasion of any public dinner or ball—and it enacted that under an occasional licence liquors might be sold during such hours before or after sunrise or sunset as should be allowed and specified in that behalf in the consents to be given by the justices of the peace for the granting of such occasional licence. It had been mentioned to him that in some other cases the restriction to sunset was rather too severe. For example, a cricket match was carried on within a few minutes of sunset, and it would be hard to require absolutely the cessation of the sale of liquors at the moment the sun set. In such a case he proposed that a little discretion and some small margin should be given. With regard to Clause 22, it was intended to remedy an error into which he had been led from over-confidence in the judgment and too great a readiness to acquiesce in the proposition of the hon. and learned Gentleman (Mr. Ayrton). Before the Act 25 & 26 *Vict.* passed, publicans were permitted, without an Excise licence, to sell liquors at fairs and races. The hon. and learned Gentleman took away that privilege from the publicans without the knowledge of the Chancellor of the Exchequer, and it became unlawful to sell liquors during fairs and races without a licence. The object of Clause 22 was to restore to publicans the privilege they before enjoyed with respect to fairs and races.

MR. AYRTON said, the effort had been to get the Chancellor of the Exchequer to consider moral questions in connection with Excise licences. He had heard that a good deal of debauchery had been repressed by the change to which the right hon. Gentleman had referred. Now, he wished to point out to the right hon. Gentleman that in the Act relating to public-houses in Scotland the matter had been carefully considered in reference to the question of occasional licences; and he trusted that if the right hon. Gentleman meant to enlarge those licences, as he was now doing, he would also alter the law by which they were to be issued.

MR. HUNT observed, that the conditions under which occasional licences could be obtained were rather oppressive to the publican, it being sometimes very difficult to procure the consent of two justices residing in the same district as the person seeking for the licence, as was required. He would suggest that it would be sufficient if a licence were signed by one magistrate living within seven miles of the place for which the licence was required.

THE CHANCELLOR OF THE EXCHEQUER said, he concurred with the hon. Gentleman who had last spoken in thinking that an unnecessary amount of restraint was imposed on those publicans who, as a condition of obtaining a licence to supply certain articles on a particular occasion, were compelled to travel over the country to find two justices both acting in their district of petty sessions. He would therefore be disposed to accede to such an Amendment as had been suggested if the hon. Member moved it, or he would propose it himself on bringing up the Report. He had not received any complaints of the abuse of occasional licences. A letter had been published complaining of a great amount of drunkenness on some public occasion in the West of England; but, on careful investigation, it appeared that the gathering, which was a large one, had been conducted in an unusually satisfactory manner, and that the cases of drunkenness were remarkably few.

Mr. FINLAY said, he hoped Scotland would be excluded from the operation of the clause.

The CHANCELLOR of the EXCHEQUER said, he thought that Scotland was already without the operation of the enactment

Clause *agreed to.*

Remaining Clauses *agreed to.*

House *resumed.*

Bill *reported;* as amended, to be considered on *Monday* next.

ASSURANCES REGISTRATION (IRELAND) BILL—[Bill 46.]—BILL WITHDRAWN.

Order for Committee read.

The SOLICITOR GENERAL said, that the measure had been introduced in the first instance owing to the action of the Law Society in Ireland, in 1860. Last year, he might add, the Law Society had taken up the subject, with the Report of Colonel Leech before them, and had, through a Committee, made a Report, adopted by the council of the Society, to the effect that the proposals of Colonel Leech generally were satisfactory, and that certain improvements in reference to the system of registration were required. After some years of gestation the Government introduced a Bill corresponding in all points with the recommendations of the Law Society of Ireland. During the previous year that society petitioned that the measure should be referred to a Select Committee, and that Session the Bill was reintroduced. The second reading was postponed, in order that the House might have the advice and assistance of the right hon. and learned Member opposite (Mr. Whiteside) in its discussion. That right hon. and learned Gentleman in a long and able speech severely criticised the Bill, but did not end by moving its rejection. He did not then reply to the right hon. and learned Gentleman because the hour was late, and the objections taken to the measure were, moreover, such as could be better dealt with in Committee; and the second reading was agreed to. Since then, however, the Law Society of Ireland had met to reconsider the question; and although the Bill had originally been introduced at their urgent recommendation, they now turned round and said it must receive their strenuous opposition, and that no measure on that subject was necessary. One circumstance that had weighed with the Government in taking up the question was the fact that there had been a very great accumulation of arrears in the Registry Office. But, strange to say, the officers of that department, who could not in the last twenty years work off those arrears, had very lately summoned up such an extraordinary amount of energy that they had all now disappeared. Under all those circumstances, Her Majesty's Government could not hope to obtain the assistance and support which would be necessary to secure the passing of the Bill, and therefore they did not think it expedient to proceed any further with it. He begged to move that the Order for going into Committee upon it be discharged.

Mr. WHITESIDE said, he congratulated the Government upon the discretion they showed in withdrawing the measure, the details of which, as they stood, were so impracticable and full of inconsistencies that they never could have been approved by those who knew anything of the local affairs of Ireland. The Committee of the Law Society of Ireland had given their sanction to it, but the general body of solicitors had since met and overruled the opinion of that smaller body. His hon. and learned Friend had given excellent reasons for not proceeding with the Bill; and if he had only exhibited similar energy in supporting it when it was last under discussion, he might possibly have succeeded in carrying it. The press of business thrown on the Registry Office by the Incumbered Estates Court having lately slackened, the officers had been enabled to clear off the arrears which had been referred to.

Mr. BUTT said, some of the clauses in the Bill he should have opposed, while others, if passed, would have effected great improvements in the law. It was absolutely necessary that legislation in regard to some points connected with the registration of assurances should take place during the Session, in order that certain questions should be settled. He regretted that the Bill should be withdrawn.

Colonel FRENCH said, he must protest against measures seriously affecting the landowners of Ireland being proposed and withdrawn at the instigation of a body of solicitors.

Mr. HASSARD said, he believed the Bill had fallen through because there was no information before the House upon which legislation could be based. He trusted, however, the subject would not be dropped altogether by the Government.

Order *discharged:*—Bill *withdrawn.*

CHURCH BUILDING AND NEW PARISHES ACTS AMENDMENT BILL.

[BILL 82]. SECOND READING.

Order for Second Reading read.

THE SOLICITOR GENERAL, in moving the second reading, said, that as he intended to accede to a Motion on the paper for referring the Bill to a Select Committee, he would not trouble the House with many observations on the present occasion. The Bill aimed at the entire repeal of nineteen Acts of Parliament, and the partial repeal of seven more. Its object was to consolidate and reduce into a coherent and consistent system the material provisions of those Acts. Of course, some Amendment and alteration had been necessary; but the Bill was essentially one for the consolidation of the existing law, with only such modification as was requisite for producing harmony and consistency. The Bill had been prepared for him by a gentleman who perhaps had as much knowledge as any one living on the subject—namely, Mr. Stevens; and in revising it, it had been his desire to avoid any innovation, one way or another, with reference to the important and much disputed question of church rates. Accordingly, all the clauses in the present Church Building Acts which could be said to contain any positive or affirmative legislation on the subject were proposed to be left exactly as they stood in the old Acts. The Bill also steered clear of some questions connected with the working of portions of the acts consolidated, which had led to recent litigation in the courts of law, and as to the effect of which different opinions might be entertained. It would not have been proper, in preparing the Bill, to seek to alter the law; but it would be competent in the Select Committee, or afterwards for any hon. Member, to make any proposal that he might deem expedient.

LORD JOHN MANNERS said, the hon. and learned Gentleman had exercised a wise discretion in resolving to refer the Bill to a Select Committee. So far from opposing the second reading, he thought every friend of the Church and of common sense was indebted to the hon. and learned Gentleman for preparing that elaborate Bill for the consideration of the House. He had some observations to make upon certain clauses, especially those relating to the subject of pew rents, but would reserve them till a future occasion.

MR. REMINGTON MILLS said, he had to complain of the omission from the Bill of the 18th clause in Sir Robert Peel's Act, which contained a provision against the levying of church rates for the support of district churches. It was understood when the Acts authorizing the constitution of new districts were passed that no church rates were to be levied for the support of the churches to be erected under them. Doubts had lately been expressed by Dr. Lushington, the Dean of the Arches, whether, as the law stood, such rates might not be imposed; and it was therefore most important that no provision should be omitted from the Bill which would carry out the understanding upon which the House had acted in legislating for the constitution of these new districts.

MR. HADFIELD said, he could bear witness to the existence of the understanding to which his hon. Friend had referred. Unless he received an assurance that a provision would be inserted in the Bill to carry out that understanding, he should move an instruction to the Committee upon the subject.

SIR GEORGE GREY said, that it was no doubt understood that church rates should not be leviable for the support of these district churches. The question was one for the Select Committee, and no instruction would be necessary.

Motion *agreed to*:—Bill read 2°.

THE SOLICITOR GENERAL, in moving that it should be referred to a Select Committee, explained that the insertion of the clause from Sir Robert Peel's Act would not have met the views of the hon. Member for Wycombe, because it was upon the words of that clause that the doubts of the learned Judge referred to had arisen.

MR. F. S. POWELL said, he was glad that the hon. and learned Solicitor General had acceded to the wish of several hon. Members to send the matter before a Select Committee, which was the only competent tribunal to deal with it; but he hoped that the question of church rates and pew rents would not be discussed by the Committee.

MR. HENRY SEYMOUR said, he had hoped to have seen a complete consolidation of the Church Building Acts during the Session, but at the same time he thanked the Government for having directed their attention to the subject, and expressed a hope that the labours of the Select Committee would not be thrown away.

SIR FRANCIS CROSSLEY said, it was not satisfactory that after a pledge had been given in 1856 that the districts which had been referred to should not be liable for church rates, that question should be referred to a Committee.

Bill *committed* to a Select Committee.

And on May 13, Committee *nominated:*—

Mr. Solicitor General, Mr. Cardwell, Lord John Manners, Mr. Walpole, Mr. Puller, Mr. Henry Seymour, Mr. Gathorne Hardy, Sir William Heathcote, Mr. Walter, Mr. Remington Mills, Mr. Mowbray, Mr. Locke, Mr. Hunt, Mr. Francis Sharpe Powell, and Mr. Serjeant Pigott:—Five to be the quorum.

DRAINAGE AND IMPROVEMENT OF LAND (IRELAND) BILL.

[BILL 106.] SECOND READING.

Order for Second Reading read.

Mr. PEEL moved the second reading of the Bill.

Mr. HASSARD said, he thought it desirable that the Bill should not be read a second time without some explanation of its object.

Mr. PEEL said, that the object of the measure was to provide for the arterial drainage of Ireland through the instrumentality of drainage boards representing the proprietors of lands; and power was given to enable the drainage boards to obtain advances of money for the purpose from the Commissioners of Works in Ireland.

Lord NAAS said, he thought the Bill a great improvement on the measure brought in by the hon. and gallant Member for Limerick county, and it was likely that under the provisions of the Bill works of great public utility would be undertaken.

Bill read 2°, and *committed* for *Monday* next.

POOR REMOVAL (No. 2) BILL [Mr. Herbert.]

[BILL 96.] SECOND READING.

Order for Second Reading read.

Mr. HERBERT moved the second reading of the Bill; the object of which was to assimilate the law in Ireland, with respect to English and Scotch paupers, to the English law in respect to Irish paupers.

Mr. C. P. VILLIERS said, he had no objection to the principle of the Bill, but in Committee he should propose one or two Amendments, as it was his intention to propose similar Amendments in the English law, in order to prevent certain irregularities in the removal of Irish paupers to Ireland.

Bill read 2°, and *committed* for *Monday* next.

Sir Francis Crossley

PARTNERSHIP LAW AMENDMENT BILL.

Select Committee on the Partnership Law Amendment Bill [*appointed* Mar. 25] *nominated:*—

Mr. Scholefield, Mr. Thomas Baring, Mr. Buchanan, Mr. Cave, Mr. William Forster, Mr. George, Mr. Milner Gibson, Mr. George Grenfell Glyn, Mr. Kirkman Hodgson, Mr. Malins, Mr. Moffatt, Mr. Murray, Mr. Potter, Mr. Vance, and Mr. Weguelin:—Power to send for persons, papers, and records; Five to be the quorum.

House adjourned at Twelve o'clock.

HOUSE OF LORDS,

Tuesday, May 12, 1863.

MINUTES.]—Public Bills—*First Reading*—Stock Certificates to Bearer * (No. 100).

Committee—Elections during Recess * (No. 84).

Report—Elections during Recess * (No 84).

Third Reading—Cayman Islands * (No. 88), and *passed;* London, &c. Dioceses * (No. 95).

THE VOLUNTEER FORCE—THE NEW REGULATIONS.—QUESTION.

Viscount HARDINGE wished to ask the noble Earl the Secretary for War when it would be convenient to lay on the table of the House the new Regulations proposed with respect to the Volunteer Force which had been promised by the noble Earl's lamented predecessor?

Earl DE GREY and RIPON said, there appeared to be some misunderstanding as to the Regulations to which the noble Viscount alluded. The late Sir George Lewis had not promised to lay the Regulations before Parliament: what he said was, that the nature of those Regulations would be explained when the second reading of the Bill was moved in another place, which it was hoped would be in the course of this week. It was impossible to lay regulations on the table until it was known what would be the nature of the engagements to which Parliament was prepared to agree; but if the clauses of the measure should be adopted, there would be no objection to lay the Regulations on the table of either House. His noble Friend the Under Secretary for War, in moving the second reading of the Bill, would state the arrangements he proposed to adopt, provided the main conditions of the Bill were agreed to. Of course, the regulations would only relate to the terms of efficiency prescribed as a condition for participating in the Government allowance, not to the general conduct of the force.

LONDON (CITY) TRAFFIC REGULATION BILL.—COMMITTEE.

Order for Committee read.

LORD CHELMSFORD, in moving that the House go into Committee on this Bill, said, that although it was a private Bill, its promoters felt that it dealt with a subject of such great importance that it was desirable it should be brought under the notice of their Lordships. He would briefly, therefore, state the special object for which it had been introduced. Their Lordships were no doubt aware that the traffic passing through the City had of late years increased enormously, and that the dimensions which it had attained were, at particular points, productive of considerable public inconvenience. The present measure had been introduced with a view to enable the City authorities to adopt such regulations in the shape of by-laws as they might consider necessary for the purpose of mitigating the evil which now admittedly existed. Some few years ago the corporation caused Cannon Street to be widened, in the hope that a large portion of the traffic passing east and west through the City might be diverted into that channel. That expectation had not, however, been realized, as, for some reason or another, Cannon Street did not appear to be a favourite line for public vehicles. It was ascertained that one day last year, between the hours of half past twelve and half-past one o'clock, the number of omnibuses passing along Cheapside and the Poultry was 291, while, during the same time, only two passed along Cannon Street. He might mention another fact to show the great pressure of traffic along the principal City thoroughfare. It was found that between ten and eleven o'clock in the morning of a particular day, the number of vehicles of all sorts that passed by Bow Church was 1,255, and in the afternoon, between four and five o'clock, the number was 1,252; while it appeared that the number of vehicles entering the City daily was 57,765. The Bill would enable the City authorities to regulate that enormous traffic, and he hoped that it would meet the approval of their Lordships. It was proposed that the by-laws to be framed by the Lord Mayor and Aldermen should not come into operation until a month after they had received the approval of one of Her Majesty's Secretaries of State. The noble and learned Lord then *moved*, That the House do now go into a Committee on the said Bill.

LORD REDESDALE said, that on this Bill being brought before him as Chairman of Committees, he found that its provisions were of a very novel and stringent character; it was a large power to give any municipal body, to allow them to determine what particular route should be taken by waggons, omnibuses, and other public vehicles in their passage through the City. He admitted, at the same time, that some such measure was necessary, in order to get rid of the obstructions to traffic which now so frequently occurred along the main thoroughfares of the City. He had not thought proper, under those circumstances, to offer any opposition to the Bill; but he thought that as it was, to some extent, a measure of a public character, it ought to be brought under the consideration of the House generally before it was adopted. He had also thought it desirable to cause a provision to be introduced into the Bill to the effect that its operation should be limited to a period of seven years—believing that if it were at first made permanent, and it should afterwards be found desirable to withdraw those powers, there might be found some difficulty in taking them away from so powerful a body as the City.

LORD CRANWORTH said, it was proposed that the contemplated by-laws should receive the sanction of the Secretary of State; it appeared to him that it was also desirable that the Secretary of State should have the power of calling on the City authorities to adopt such additional regulations as he might think necessary.

LORD CHELMSFORD said, he did not think there could be any occasion for that. That City would, of course, be anxious to pass such by-laws as would best answer the end in view. Moreover, the Secretary of State would not know what were the requirements of the traffic through the City.

THE EARL OF DERBY said, he wished to call the attention of the Government to another point of some importance, although he did not know whether it came within their jurisdiction or that of the police authorities. He alluded to the nuisance that was caused by the practice of driving a number of empty cabs backwards and forwards along the streets at a walking pace. A few days since he had counted in Pall Mall as many as twelve or thirteen empty cabs moving slowly along, and in some cases two of them traversed the thoroughfare side by side—the drivers conversing leisurely and agreeably with each other—but with little consideration for the convenience of passengers.

Earl GRANVILLE said, he should cause inquiry to be made into the subject, and endeavour to see whether any effectual means could be adopted to abate the nuisance referred to by the noble Earl.

Motion *agreed to;* House in Committee; Amendment made: The Report thereof to be received on *Friday* next.

HARBOUR OF HOWTH.

The Marquess of CLANRICARDE, in moving for a Copy of a Memorial presented to the Treasury last February relating to the Harbour of Howth; and of the answer, if any, that has been given to the Memorialists; and of any Minute of the Lords of the Treasury thereupon, said, that the harbour was constructed a good many years ago at a cost of £360,000; but it had gradually silted up, and now required to be repaired. A memorial had been presented to the Government requesting that a small portion of the funds which were at the disposal of the Treasury should be laid out on the harbour. That application was made so long ago as February; but no answer had yet been received, although the fishing season was rapidly approaching, when the delay might prove dangerous.

Earl GRANVILLE said, the object of the memorialists required an Act of Parliament, and orders had already been given to have a Bill prepared. It would be laid on the table shortly.

Motion *agreed to:* Return ordered to be laid before the House.

House adjourned at a quarter before
Six o'clock, to Friday next,
half past Ten o'clock.

* * *

HOUSE OF COMMONS,

Tuesday, May 12, 1863.

MINUTES.] — Select Committee — Holyheae Harbour, *Debate resumed*—Select Committed *appointed* (*List of the Committee*).

Public Bills—*Ordered*—Weights and Measures*.

First Reading—Leases and Sales of Settled Estates Act Amendment* [Bill 119].

Second Reading—Savings Banks Acts Amendment [Sir Henry Willoughby]* [Bill 80]; Pier and Harbour Orders Confirmation* [Bill 109].

Referred to Select Committee—Pier and Harbour Orders Confirmation, as to Orders 4 & 5*.

Third Reading—Customs and Inland Revenue* [Bill 91], and *passed;* Security from Violence [Bill 111], and passed.

The Earl of Derby

THE CASE OF FLOGGING ON BOARD THE "MAJESTIC."

Mr. HADFIELD said, he rose to ask the Secretary to the Admiralty, If his attention has been called to an article which appeared in the *Liverpool Mercury* newspaper, respecting the flogging of one of the crew of Her Majesty's ship *Majestic*; whether the particulars therein stated are correct; whether the punishment was inflicted in the presence of a surgeon; and if he will lay a Copy of the Proceedings of the Court Martial before the House?

Lord CLARENCE PAGET: My attention, Sir, has been called to the vile and wicked libel inserted in the *Liverpool Mercury*, affecting, or endeavouring to affect, the character of one of the most distinguished officers in Her Majesty's navy, Captain Inglefield. The libel is too loathsome to repeat *in extenso* to this House; but I must give the substance of it. It is stated that a man was allowed by Captain Inglefield to be flogged until he fainted, that the captain smiled at his sufferings, and that after the punishment he was placed in the cockpit, where the darkness and the foul air added to his sufferings. It is needless for me to make to the House any statement as to the character of Captain Inglefield. He is an officer well known for his services and his bravery. He has been three times in search of Sir John Franklin to the North Pole, and he is also known to be one of the most humane and kind-hearted officers in the navy. But the House will be glad to hear what was the feeling of those who had the honour, and who have still the honour, of serving under this officer on this occasion. When the ship's company of the *Majestic* read this malicious libel in the *Liverpool Mercury*, they came aft on the quarter-deck to their captain, and asked permission to be allowed to contradict the calumny. They instructed the petty officers of the ship to prepare a letter, and the petty officers wrote to the *Liverpool Mercury* in the name of their fellow-seamen. I must, at the same time, state that the publication of this letter was an irregularity which has been very properly blamed by the Admiralty, because we permit no correspondence of any kind with newspapers. But the provocation was so great, and the ship's company was so anxious and eager that this vile calumny should be contradicted, that they pressed Captain Inglefield, and he allowed the letter to be published. As the letter has been published, perhaps the House will give me leave to read it, in order to show what the crew of the *Majestic* feel on the subject—

"Gentlemen,—With surprise and indignation we read in your columns of to-day a version of the punishment on board Her Majesty's steamship *Majestic*, on the 27th instant, of a man for mutinous conduct; and we, on behalf of the ship's company, beg to state it to be untrue. Instead of the order for the boatswain and his mates to punish the man being given in a stern manner, it was more one of regret. It was also stated that the captain was seen to smile during the punishment, instead of which it was particularly noticed by us that he scarcely took his eyes from the deck during the whole time; the man also did not faint, but appeared quite the contrary. It is customary for men sentenced to any term of imprisonment to be placed under a sentry's charge in the fore cockpit, to prevent desertion, which place is well ventilated, and large lamps burning day and night make it nearly as light as on the upper deck in daytime; also, most of the officers' cabins are on the same deck. We must also remark that the offence, instead of being of a trifling nature, was one of a very gross nature, particularly on two occasions to the commanding officer, an act which no true British tars are capable of. The offences are always committed by those who are pests to society both ashore and afloat. This man had been for former offences sentenced to cells on board and gaol ashore, but nothing would reclaim him. It is with a spontaneous feeling that we write you these facts to clear our captain of the imputation, whom we all honour for his general kindness combined with strict discipline—a fact which is proved by many of us volunteering to remain here year after year when the ship is paid down, when we could go to other ships; many of us having been here several years without committing any breach of discipline. It should also be remembered that none have the power to mitigate the sentence of a court martial but the Admiralty. Hoping you will insert this in your next copies, we beg to remain, gentlemen, yours, &c."

The letter is signed by thirty-five petty officers of the *Majestic*. And now I have only further to state that Captain Inglefield was carrying out the sentence of a court martial, by order of the Admiralty, upon a man for gross insubordination in striking his superior officer while on duty, and for gross insolence. I trust and believe that the House will join with me in a feeling of indignation that any newspaper could think fit to publish so grievous and so gross a libel upon a distinguished officer, without having had any proof whatever, save an anonymous letter. I have only further to add, that the man who wrote the letter wrote it under another man's name, forged that name, confessed his guilt, and that his case is under judicial investigation. With regard to the latter part of the question, I have to state that there was, agreeably with the regulations of the service, a surgeon present, and that it is contrary to custom, and not in accordance with the Naval Discipline Act, to give the Minutes of any court martial until a certain period—never less than three months—after it has delivered judgment.

EDUCATION—THE REVISED CODE.

QUESTION.

SIR STAFFORD NORTHCOTE said, that by the Revised Code it was provided that no School should be entitled to receive Capitation Grants unless it was under a Master who was duly certificated and duly paid; and it was defined by the Code that a Master should be considered as duly paid if he had a salary equal to three times the amount of the Augmentation Grant to which he would have been entitled under the old Code. There was also a provision that he had a first charge upon the Capitation Grant to the amount of that Augmentation Grant; and there was a further provision in the Code that the Pupil Teachers should have a second charge upon the Capitation Grant. It was very important that Managers and Masters of Schools should know exactly how these articles were construed; therefore, he would beg to ask the Vice President of the Committee of Council on Education, Whether, in the opinion of the Committee of Council on Education, the Managers of a School who have made an agreement with the Master to pay him a salary equal to three times the amount of his Augmentation Grant, as prescribed by Article 51 (*b*) of the Code of 1862, are bound to make provision for that salary out of private subscriptions, or whether they will satisfy the requirements of the Code by providing for two-thirds of it by private subscriptions, and trusting for the other third to the Capitation Grant; whether, in the event of the Capitation Grant proving insufficient to meet the Master's charge to the extent of one-third of his salary, the Committee of Council will make good the deficiency; and whether they will consider the School in which such a deficiency has been made good still entitled to receive Annual Grants; and whether the rules which apply in these respects to the case of Masters apply also, and in like manner, to the case of Pupil Teachers?

MR. LOWE said, in reply, that the first Question of the hon. Baronet was, whether, supposing the managers of a school agreed with a master to pay him a certain salary, and provided two-thirds of that salary; leaving him to receive the other one-third from a Capitation Grant—which grant might never be made at all—that arrangement would be a sufficient compliance with the contract under the regulations of the Privy Council. His answer was that it would not. It was not a compliance with an absolute contract to refer the person with whom it was made to a conditional arrangement such as that on which the Capitation Grant depended. The hon. Baronet's second Question was, whether in the event of the Capitation Grant proving insufficient to meet the master's charge to the extent of one-third of his salary, the Committee of Council would make good the deficiency. His reply was that they would not. They did not undertake, and never had undertaken, to do so. The third Question was, whether the rules which applied in these respects to the case of certificated masters, applied also and in like manner to the case of pupil teachers. His reply was in the negative. In the case of certificated masters the Committee of Council only said, that in respect of the examination and attendance of the children, a certain charge on the grant might be received. In the case of pupil teachers, the Committee undertook that the teacher should have a second charge, but with this remarkable difference, that in the event of the amount being insufficient, the Committee would make up the difference out of their own funds. This Minute had been drawn up to protect teachers against masters; but in certain quarters an opinion seemed to have grown up that it might be possible by collusion, to pay first the master, and next the teacher, and so oblige the Privy Council to make up any difference which might exist between the funds in hand and the amount required for those payments. He hoped no attempt of that kind would prove successful.

BRIGANDAGE IN ITALY.—QUESTION.

Mr. HENNESSY: I gave notice to the hon. Gentleman the Under Secretary of Foreign Affairs, that I should ask him a question to-day, and he requested me to ask it of the noble Lord at the head of the Government. It is, Whether a certain despatch received from Mr. Odo Russell, of which mention was made the other evening, and in which it is alleged Mr. Odo Russell contradicts a statement made in another despatch which has been laid on the table,—whether that despatch so referred to has been communicated to the French Government? Perhaps I may be allowed to state, that from my own personal knowledge and what I have heard of Mr. Odo Russell, I believe him to be not only an able diplomatist, but a gentleman of the highest honour.

Viscount PALMERSTON: Sir, I really cannot see that any object can be served by bringing into discussion what Mr. Odo Russell said and what General Montebello said, except it is with a view of establishing bad relations between Mr. Odo Russell and the French officers at Rome. Mr. Odo Russell merely stated what he had heard—namely, that certain brigands, 260 in number, had found their way from Rome to the Neapolitan territory, clothed in French uniforms—in blue coats and red trousers, such as are worn by the French troops—for the purpose of deceiving the Italian patrols on the frontiers. He communicated what he heard to General Montebello, and General Montebello denied the fact. Mr. Russell spoke from information which he had received, and General Montebello spoke from information which had been communicated to him. The only important part of the statement was, that 260 men had actually crossed from Rome into the Neapolitan territory. As to their having French uniforms, that is no reflection on the French authorities. It was not alleged that those uniforms had been given to those men by the French authorities. On the contrary, Mr. Russell stated, in his despatch of the 14th of January, that he had communicated to General Montebello what he had been told the practice which prevailed was—namely, that cast-off uniforms were bought by the committee of the Jews in the Ghetto; that these old clothes were sent to certain convents on the frontiers of Rome; that the brigands went there one by one; that arms had been sent to these convents concealed in herring casks; and that, being armed and equipped, the brigands were sent on from these convents. In his despatch Mr. Odo Russell states that General Montebello said that might have been the case previously, but he had taken steps to prevent anything of the kind from occurring in future. The General gave his word of honour that no armed man could pass from the Roman territory to the Neapolitan territory from that time. If anything of the kind has passed since—and I am afraid it has—it only shows that the agents whom General

Montebello has employed have not been as watchful as he had expected they would be. But this I say, that at the present time Rome being governed by a French garrison, and the Pope being only a puppet in their hands, it rests with the French garrison to prevent these transactions, to prevent the committee which I believe is sitting—if I am asked on what authority I make that statement, I can only say that, from information, I believe it—to prevent that committee from continuing the organized system of sending bands, either armed before they set out, or armed after they get there, to commit outrages in the Italian territory. We have been told—on information which I hope is not correct—that a great expedition is contemplated to take place during this month of May.

LORD JOHN MANNERS: Sir, I wish to ask the noble Lord a Question which naturally arises from the statement which he has just made to the House, and in which he has not replied to the Question put to him by my hon. Friend the Member for the King's County in reference to something that was said here a few nights ago by the hon. Gentleman the Under Secretary for Foreign Affairs, on the authority of a despatch which was not on the table. As I understand it, the rule is, that when a Minister quotes a despatch, that document is to be laid on the table of the House. It now appears the noble Lord has quoted from further despatches, and on the information he has received he has not hesitated to make a most serious charge against the Sovereign of a country with which this country is in friendly relations. I wish to ask the noble Lord, whether he is prepared to lay the despatch on the table?

VISCOUNT PALMERSTON: It is altogether a new doctrine to me to be told that a Minister, making a statement from information which has come to his knowledge, is bound to lay on the table of the House the document from which that information is derived. I admit no such principle. It is perfectly true that when a Minister reads a paper he is bound to lay it on the table. I made no charge against the Roman Government except that charge which, unfortunately, cannot be denied—that the authority of the Pope is null, that it is overridden by 20,000 French troops. In that state of things, whether the fault rests with the French Government or the Roman Government—I believe it rests with both—I say both are chargeable with the responsibility of the acts committed by bands sallying forth from Rome to commit outrages in the Neapolitan territory.

LORD JOHN MANNERS: I do not wish to enter into any argument with the noble Lord, but I beg to repeat a Question which he has not answered. Will the noble Lord lay on the table the despatch from which the hon. Gentleman the Under Secretary made his statement?

VISCOUNT PALMERSTON: I will look into the despatch and see if there is anything in it that should prevent us from laying it on the table.

IONIAN ISLANDS—REMOVAL OF JUDGES.

PAPERS MOVED FOR.

MR. ROEBUCK said, he rose to move an Address for Copy of Memorials presented by Sir George Marcoras and Sir Typaldo Xydras on the 16th day of September 1862 to his Excellency Major General Sir Henry Storks, Her Majesty's Lord High Commissioner in the Ionian Islands, and Copies or Extracts of Correspondence relating thereto. He should think it a grievous thing if the Secretary of State should refuse to accede to a Motion for placing on the table the Memorials of those two gentlemen. He believed that the noble Duke at the head of the Colonial Office fancied that there was something in the Return of which he ought to be afraid, and had therefore refused to produce it. It would soon be seen whether that was the case. By the constitution of the Ionian Islands, as the House was probably aware, the judicial and administrative officers went out of office every five years. These two gentlemen, for whose Memorials he was about to move, went out in their turn in the year 1862; but though they had served England for a period of about forty or fifty years with the utmost ability and loyalty, were not re-appointed, without a single precedent being shown or reason given for so unusual a course on the part of the Executive. They were Judges and Members of the Supreme Council, and throughout all their lives they had acted with honour and honesty to the English Government. The course which had been taken towards them was not only unjust to them, but it was impolitic as regarded England. He was glad to see the Chancellor of the Exchequer in his place, because once on a time the right hon. Gentleman made an excursion to Barataria. Sancho Panza did the same thing once, but he proved himself a clever administrator, and there he (Mr. Roebuck) would stop. These two gentlemen, whose names he found some difficulty in pronouncing—one of them, he believed, was called Sir George Marcoras and the other Sir Typaldo Xydras—had been passed over, as he had said, without any notice and without any cause. They had therefore presented Memorials to the Lord High Commissioner complaining of the way in which they had been treated. He had the Memorial of one of them in his hand, but, unfortunately, it was not in the hands of all hon. Members. If it had been, he would have had no difficulty in the matter, for the case was so plain that even the ingenuity of the Under Secretary for the Colonies would have been at a loss to answer it. Sir George Marcoras began public life in Cephalonia in 1826, where he attracted the attention of Sir Charles Napier, at whose request he took part in public life, and acquitted himself entirely to the satisfaction of that great man. As time went on, he was employed by various Lord High Commissioners, and in every case gave satisfaction. At length he arrived at the summit of his profession, and became Member of the Supreme Council of Corfu, and one of the Judges of the land. He was not complaining of the illegality of the manner in which these two gentlemen had been treated. James II., when he dismissed the Judges who gave judgment in favour of the seven bishops, did what he had a perfect right to do by law—but he lost his throne in consequence. The two gentlemen to whom he referred, as he had before stated, had passed about forty or fifty years in the service of the British Crown, and had ever shown themselves loyal and honourable. Notwithstanding the valuable services they had thus rendered, at the end of the five years, when, according to the constitution of the islands, all the judicial functionaries vacated their offices, they were suddenly passed over by Sir Henry Storks, and were not re-appointed to the offices which they had held for so long a time in a manner honourable to themselves and serviceable to this country. Sir Henry Storks, who had thus acted, was a rude, ill-conditioned soldier. ["Oh, oh!"] Hon. Gentlemen had better not drive him a great deal further, or things might be stated which would prove to the letter what he had said. The Seven Ionian Islands had been given to England by the Treaty of 1815, to hold as a sort of deposit for the protection of Europe. It was thought necessary that England should hold them, but it was also requested that England should govern them with justice and honour. To do that, one thing was necessary. We might grant to a people powers which they might not be capable of exercising, but there were things connected with good government which did not belong to the people, but to the Government. We gave them a constitution—and there we were wrong; but we had not dealt fairly by them in the administration of justice—and there we were wrong again. The inhabitants of those islands could not govern themselves as an independent constitutional country; but it behoved England to govern them as England ought to govern her dependencies. England had not done that. The noble Duke at the head of the Colonial Office had indulged in dark insinuations concerning these gentlemen, but he (Mr. Roebuck) asserted that there was nothing against their character; and if anybody said there was, he challenged them to come forward and prove their charge. They had passed their long lives in honour and in doing service to England, and the treatment they had received was a bad return to make to them. The indepencence of the Judges was of the essence of good government. He did not confine himself to constitutional Governments, but wherever civilized men had banded themselves together for the purposes of government, the independence of the Judges had been found to be imperatively necessary. These two gentlemen were made Judges on the supposition that at the end of five years they might be dismissed, but no instance could be cited of a Judge of the Supreme Court being dismissed on his quinquennium, as it was called. That was what he wanted to be answered. It was true that four Judges of inferior courts had been dismissed by Sir Thomas Maitland, but the Colonial Secretary of the day thought that so great a breach of good government that he desired their immediate restoration. They were restored accordingly; one of them retained his office until death, another retired from old age, and the other two were still actually in service. [An hon. MEMBER: They must be old now.] The same Lord High Commissioner dismissed a member of the Supreme Council, because he kept a mistress, following the example set him by the Lord High Commissioner himself, but the Colonial Secretary ordered his immediate restoration. The man was restored, but unfortunately he had died from vexation in the mean time. That was the sort of thing which happened in Barataria, but the place was so small that the great eye of England passed over them. We might send a great man out there, and he might "play fantastic tricks before high Heaven," but the world did not note them. And yet men lived there, died there, were miserable there, and were ill-governed by the Colonial Office. He wanted a distinct answer to the question, Why had these two gentlemen been passed over? Let not the Under Secretary indulge in dark insinuation against these gentlemen. They had not mingled with politics; they had done their duty simply as Judges. He remarked the hon. Gentleman's manner as he said this, but he defied him or anybody else to prove that they had mixed in politics, or that they had lent themselves to the enemies of England. Some people, he knew, had indulged in the hope that the Ionian Islands might be handed over to Greece; but he warned the Goverment, that though they could withdraw from the protectorate, they had no power to hand the islands over to Greece. They had power to dishonour England by ill-governing the Colonies, but they could do nothing to alter the fate of a Colony by attaching her to any other Power. He wanted to know why the Memorials of those gentlemen, who considered themselves ill-used by Sir Henry Storks and the noble Duke at the head of the Colonial Office, were not laid on the table of the House. Their Memorials were most proper in form, most admirable in the terms in which they were drawn up. No objection could be made to them on that head. Why, then, should not those Memorials be produced, so that the Members of that House and the world generally might be able to form some opinion as to the reasons for their dismissal? The noble Duke who was at the head of the Colonial Department of Her Majesty believed, no doubt, that his judgment was infallible. He (Mr. Roebuck) should think that experience would have taught the noble Duke the errors of his ways. Experience, it was said, makes fools wise; he did not think so—it makes wise men wiser, but fools are ever what they have been. No application to that noble Duke would induce him either to re-consider his judgment or to give any reason for it. Perhaps in that he was wise. But those gentlemen, who were English subjects, wanted to know why they were thus ill-treated because there happened to be a man over them who mistook obstinacy for firmness, and who believed that what he had once decided should for them at least be irrevocable. In this country, unfortunately, great men were picked up by chance. "Some are born great, some achieve greatness, and some have greatness thrust upon them." What was the case in that particular instance with the noble Duke? One thing, however, he was sure of, that the great name of England could be left with safety in charge of the House of Commons, which would not see that great name sullied by any act of injustice, no matter how weak or how small the person upon whom it was inflicted. They were in that House to overlook all those great men, and to do justice between the Queen and her dependencies. He would now appeal to the right hon. Gentleman (Mr. Gladstone), who had acted a certain part in those islands, and who had done a great deal, as he had said, to make the Supreme Council independent, and he would ask how their independence could be maintained if, upon mere caprice and without reason given, two of its Judges should be thus dismissed. He would state one fact more. They were two English Judges in that court, and neither they nor any other persons who by the Constitution of the country ought to have been consulted were consulted; and the Judges who were put aside discovered their suppression first from the *Gazette*, and not from any information that was communicated to them. In short, they had made a breach in the independence of the judicial bench, and they had done what they could to make the Ionian people feel that English Government was a curse, not a blessing. He begged to move—

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to direct that there be laid before the House, Copy of Memorials presented by Sir George Marcoras and Sir Typaldo Xydras, on the 16th day of September 1862, to His Excellency Major General Sir Henry Storks, Her Majesty's Lord High Commissioner in the Ionian Islands."

MR. CHICHESTER FORTESCUE said, there would be no difficulty about the production of the papers moved for; the Memorials would be at once laid upon the table, and also the correspondence to which the Memorials had given rise. They had been already moved for in another place, and they would be laid before both Houses without delay. But though the Motion was, in fact, unopposed, he could not feel himself exonerated from the duty of saying a few words, by way of comment, on the observations of the hon. and learned Gentleman. He did not intend, however, to subject his noble Friend at the head of the Colonial Office to the indignity of defending him from the aspersions thrown upon him in language not usually heard in that House. If any reasons had been given which would justify the use of terms very unusual from one Gentleman to another, and still more unusual when the person assailed was absent, it might have been necessary for him to go into the matter. But the world would, of course, perceive that the sole reason which the hon. and learned Gentleman had for applying those epithets to his noble Friend was, that the noble Duke chose to differ in opinion from the hon. and learned Gentleman. The hon. and learned Gentleman had dealt very largely in what might be called righteous indignation on this subject. Righteous indignation was a very good thing, but in some minds it was apt to create the food upon which it lived, and first to imagine the unrighteousness and then give vent to the indignation. The hon. and learned Gentleman had disposed of this case *more suo.* He formed a syllogism which he presented to the House in this wise:—Any Government in any part of the world which ever removed a Judge was deserving of condemnation: the Government of the Ionian Islands had removed a Judge; therefore, that Government and the Secretary of State for the Colonies were deserving of the condemnation of the House. But the matter, though in one sense simple, was not simple in the sense in which the hon. and learned Gentleman had spoken. It required to be dealt with, not upon broad and sweeping principles, but with a knowledge of the constitution and the state of affairs in the country where it had taken place. That the case was to be judged solely by the laws and constitution of the Ionian Islands, and not by the laws and constitution of Great Britain, was a consideration which lay at the very root of the matter. His hon. and learned Friend had not gone so far as absolutely to deny the written law of the Ionian Islands as it might be found in the library of the House, but he made very light of it. Now, there could be no doubt that the absolute irremovability of the Judges by the Executive was a principle unknown to the laws, constitution, and practices of the Ionian Islands. The people of these islands had ideas different from ours. They felt, and had reason to know by experience, that the principal danger to the independence of their Judges arose not from the Executive, but from other quarters. There were dangers from the popular Assembly, on which the Judges were as much dependent as on the Executive, their salaries being subject to the revision of that body. There were dangers from the long possession of office by gentlemen themselves, and by their relations and adherents. All these things constituted, in the Ionian Islands, the real danger to the independence of the Bench; and if there was not always an actual danger, there was often a suspicion of danger in the minds of the community. The words of the Charter of 1817 plainly and clearly laid it down that all appointments of every kind should terminate every five years, with the termination of the Parliament, and the Judges were expressly included, for they were coupled in the same sentence with the Ministerial officers of other departments. But then it was said that that provision was a mere dead letter—an antiquated piece of law which it was monstrous to revive. So far from that, it was a real living portion of the Ionian Constitution, one which the Ionians themselves had kept in existence within their charter until that day, and one which had been frequently acted upon by the Senate, with the approbation of the Lord High Commissioner. In 1838, Sir H. Douglas the Lord High Commissioner of the day, had brought that particular provision of the charter under the notice of the Home Government, but it was thought, that taking into account the peculiar position of the Ionian Islands, it was not desirable that it should undergo alteration. Again, in 1842, Mr. Stuart Mackenzie submitted a Bill to the Ionian Assembly with the view of converting the commissions of the Judges into commissions for life; but that Bill had met with so violent an opposition that the Lord High Commissioner was obliged to withdraw it, while his conduct in proposing it had been censured by the Secretary of State, Lord Derby. In 1848, he might add, when the most sweeping changes were made in the Constitution of the Ionian Islands, none took place in respect to the provision in question. It was evident that all this was not the result of accident, but was in accordance with the wishes of the Ionian people. As to the practice, it was true that cases of non-re-appointment of members of the Supreme Court at the end of five years had been rare; still such cases had existed, and there was one which was exactly parallel to the present. He could not admit the existence of any difference in principle between the case of members of the Supreme Council and the other Judges in the Ionian Islands. In the highest judicial offices of all it was evident that the changes could be few, in consequence of the smallness of their number—two only—and of the small number of men capable of filling them; but in respect to other judgeships changes had been frequent. In 1852 there were four cases of non-re-appointment and substitution; in 1850 there were eleven. [Mr. ROEBUCK: Those were removals.] Those cases were not removals, but non-re-appointments and substitutions. If the hon. and learned Gentleman would look to the list furnished by Sir Henry Ward to the Duke of Newcastle some years since, and published in the Parliamentary papers, he would find that Sir H. Ward distinguished between the numerous cases of removal to another post, and the cases of non-re-appointment and substitution of another Judge. The Judges of whom he spoke were not Judges of petty courts of no consequence in the islands, but Judges who transacted all the ordinary judicial business of the islands. In 1834 Lord Nugent, then Lord High Commissioner, reported to the Secretary of State, Mr. Spring Rice, that it was thought advisable by the Senate to leave out the names of two Judges of the Supreme Council of Justice, and to appoint two other gentlemen in their place, and that course was taken, not on account of any charges or insinuations of judicial malversation, but for reasons of public policy which seemed sufficient to the body who had the right and the power of judging on the question—the Senate of the Ionian Islands. Their decision was approved by the Lord High Commissioner and the Secretary of State. The question of the legality of such a step was not allowed to sleep, and having been referred by the Secretary of State to the Law Officers of the Crown, Sir John Dodson and the late Lord Campbell, they pronounced the course pursued to be perfectly legal and constitutional. Such as he had described being the law and practice of the constitution, the Senate had deemed it right to act as they had done in the present instance. There was no doubt that they were acting within both the letter and the spirit of the constitution when, in 1862, upon the formation of a new government, they came to a determination that two members of the Supreme Council should be allowed to retire on their pensions. That course was approved by the Lord High Commissioner, and sanctioned by the Home Government. But it was contended that the fact, that under the pension law annual contributions were made from the salaries of the Judges was in itself a proof that the provision of the constitution to which he referred was meant to be set aside; but that law, which laid down that there should be a pension at the end of twelve years, and that at the end of three years more, the close of a quinquennium, it should be increased, and be further increased at the end of twenty and twenty-five years, on the very face of it took into account the provision affecting the tenure of office. It was, however, urged, that if the two gentlemen to whom the Motion related had been allowed to remain in office ten months longer, they would have been entitled to a higher rate of pension, of which it was a hardship to deprive them. Now, while he was happy to say that those gentlemen, who had served the Ionian Islands long and well and against whose characters he made no charge, were in the enjoyment of the pensions which they had earned, and which, judged by the standard in the Ionian Islands, were of very large amount, he thought that to allow them to remain a certain time longer in office in order to entitle them to an increase of pension would be to set a very bad precedent. And how, let him ask, had the action of the Senate and the Lord High Commissioner in the matter been received in the Ionian Islands? In this country it had been received with severe criticism in a very limited quarter, and had called forth the righteous indignation of the hon. and learned Gentleman; but in the islands it had been received with universal satisfaction by all, save, as was but natural, by the persons concerned and their friends. The newspapers there had not a word to say against the proceedings; while the two Judges themselves had never appealed to public opinion to pronounce in their favour through their own press—a press which for years past had turned liberty into licence, and which always rejoiced when an opportunity offered of finding fault.

Strictly speaking, he had said enough to satisfy the House that there was no sufficient reason for its interference in the matter; but surprise might, perhaps, be felt that the principle of the irremovability of the Judges, except for great and proved judicial misconduct, to which so much value was attached in this country, had been received with so little favour in the

Ionian Islands. If hon. Gentlemen reflected a little upon the nature of the constitution of those islands, their surprise would be diminished. If the Judges were to be independent, they must be independent not only of the Executive but also of the Legislature. At present they were entirely dependent for their salaries upon the vote of the popular Assembly, which revised them every two years, without the concurrence of the other House of Parliament. It had been the opinion of every Lord High Commissioner, including Sir H. Storks himself, as would be seen from the papers when they were produced, and of every Secretary of State who had considered the subject, that the two changes must go together; and that if the Judges were to be made absolutely independent of the Executive power, it was absolutely necessary that they should be made equally independent of the popular Assembly. It was that consideration which made the Ionians object to the alteration of the existing system. The hon. and learned Gentleman stated, and he challenged contradiction, that those two Judges had been absolutely unconnected with politics. No assertion could be more entirely opposed to the real facts of the case. On the contrary, these gentlemen had, indirectly at least, through a host of relations and dependents filling every department in the State and having seats in the Legislative Assemby, been notoriously, closely, and intimately connected with politics in the Ionian Islands. Until of late years, the Government of the protectorate was carried on by a party very much resembling that which was known by the name of the "family compact" in Canada. The Government was carried on through a small party who were called the friends of the protectorate, and, as its friends, had at their disposal all the good things of the Ionian world. The great changes which took place in 1848, in many respects imperfect and unsatisfactory as they were, struck a blow at this system, and the party to which he was referring — he said nothing against the private character of any of its members — including these gentlemen, had ever since been, more or less openly or covertly, the enemies of the existing system. He did not find fault with any one, either English or Ionian, who desired to remedy the evils which existed under the constitution by entering upon a constitutional course, and substituting realities for what were, in many respects, only mischievous semblances; but the party to which he referred only wished to alter the existing state of things by re-action and retrogression. That had been, to a great extent, the action of a party to a great degree existing within the Government itself; so that the Government constantly found that the real centre and source of opposition to its policy arose from the heart of its own ranks. Sir Henry Storks, of whom the hon. and learned Gentleman had spoken in a way in which he was ashamed to hear, had, from the first, set his face against this system. He had governed the Ionian Islands in a fair, manly, and upright spirit, and had done his best to free England and the protectorate from every suspicion of underhanded manœuvring. He had established a system of competitive examination for entrance to appointments, which had effected a complete administrative revolution. He had put an end to all interference with the elections, had thrown himself upon public opinion, and had endeavoured to show that he was governing the Ionians in their own interests, and through legal, constitutional, and generous methods. Last year it became necessary for him to make up his mind whether he should go on in the same good course, and crown the work which he had undertaken, or whether he should shrink from a task which was certain to subject him to great obloquy, and to lead to his being vigorously attacked by those who had an insufficient knowledge of the subject in this country. It became the duty of the Senate, in conjunction with Sir Henry Storks, to remodel the Government of the Ionian Islands. The long, almost unprecedented tenure of office by these gentlemen—considering how notorious was their indirect connection with political pacts—considering that in the public departments the habit had long prevailed of filling up all the offices with the relations, friends, and dependents of these three gentlemen; that the inevitable tendency of such a state of things was to excite suspicions, whether well founded or not, in the minds of the public—considering that the party in question were undermining the constitution they pretended to respect, and paving the way for something in the nature of a *coup d'état*—and considering, further, that this opportunity, occurring at the end of every five years, was one provided by the constitution itself to carry out the changes required by public policy, and not necessarily as a punishment for judicial corruption or malversation, the Senate and Sir Henry Storks made up their minds to allow these three gentlemen to retire, and they appointed in their stead three of the best men whom it was possible to select. The noble Lord at the head of the Colonial Department, and the noble Lord at the head of the Government, thought it would require very strong grounds to justify interference on their part with the Ionian Executive, especially as the Senate and the Lord High Commissioner had been acting within the spirit of the constitution. And, for his own part, he conscientiously believed, that if Sir Henry Storks—who had been handled so roughly by the hon. and learned Gentleman, but whose character, he was convinced, had suffered no stain—were destined to be the last Lord High Commissioner of the Ionian Islands, his firmness, uprightness, fair and honest dealing, and his sincere wish to promote the real interests of the Republic, would do credit to the protecting Power which appointed and which maintained him.

GENERAL PEEL said, he was perfectly aware that it would be improper for any one to allow himself to be influenced by private friendship in the consideration of a matter that related to the performance of a public duty; but as the discussion had taken place in the absence of the individual whose conduct had been impugned, he should not be doing justice to his own feelings, in reference to the Lord High Commissioner of the Ionian Islands, if he did not express his opinion, founded on an intimate knowledge of the character of Sir Henry Storks, that he was the last man likely to be guilty of an unconstitutional or arbitrary act. While holding the position of Secretary of State for War he (General Peel) was brought into constant and confidential communication with that officer, who had been appointed Secretary for Military Correspondence by his predecessor in office; and such was his opinion of his zeal and ability, that when applied to by his right hon. Friend (Sir Edward Bulwer-Lytton), he could not avoid expressing his opinion that he was eminently qualified to fill the high position then about to be bestowed upon him. There was no opportunity of judging at the War Office of the politics of any gentleman, because they all performed their duties without reference to politics; but his private knowledge of Sir Henry Storks enabled him to say that they did not agree in political opinions. He believed the gallant officer belonged to the more "advanced" class of politicians—but what that meant he was sure he did not know. His right hon. Friend was entitled to credit for having appointed him to fill the office of Lord High Commissioner, on account of his personal qualifications, and not from any political or private reason. Since Sir Henry Storks left this country he had naturally paid great attention to his Government, and he was bound to say that no man, placed in a most difficult position, had ever performed his duties with greater advantage to the public or greater credit to himself. It was perfectly notorious that to govern the Ionians was an arduous task, for part of the population was always dissatisfied. They were described as two parties—one in and the other out of office; the one that was out of office being always opposed to the Government, though that was by no means exclusively an Ionian peculiarity. The difficulties of the Lord High Commissioner's position, however, were greatly increased by the course which this country had taken. After the celebrated despatch by Earl Russell on the 27th of October 1860, in which he laid down that people were the best judges in their own affairs, and that Her Majesty's Government turned their eyes with pleasure to the gratifying prospect of a people building up the edifice of their liberties and consolidating the work of their independence amid the sympathies and good wishes of Europe, how could they be surprised that the Ionians should feel anxious to gratify the noble Lord with a similar spectacle? He, for one, did not find fault with them, but at the same time hon. Members should recollect the position of the Lord High Commissioner. So long as the Protectorate endured, it was clearly the duty of the Lord High Commissioner to maintain the authority of the Government which he represented, in spite of the anomalous position in which that protecting Power was placed by the declarations of its own Foreign Secretary. Could any reasonable man, under these circumstances, say it was possible to draw any comparison between the case of the Ionian Islands and this country, or to lay down a rule which would be applicable to both? No one who read the constitution of the Ionian Islands could say that the step which had been taken in the case of these three gentlemen was illegal. He was not going to defend the motives either of the Senate or of Sir Henry Storks, for he did not know what they were. He only asked hon. Members to believe from him that Sir Henry Storks was the last man who would be guilty of an unconstitutional, illegal, or even of a harsh act. If, moreover, Sir Henry Storks, before making other appointments, had submitted his intentions to the Home Government, and had received their approval, clearly the responsibility rested no longer upon him, but upon Her Majesty's Ministers.

LORD STANLEY said, he agreed with every word which had fallen from his right hon. and gallant Friend regarding the talent and capacity of Sir Henry Storks. It was quite right that in doubtful cases a witness to character should be called, and a better witness to character than his right hon. and gallant Friend could not be found in the House. But he thought the matter ought not to be looked at solely as one affecting the Lord High Commissioner of the Ionian Islands personally. He wanted to ascertain for what reason something, which on the face of it looked like a very serious wrong, had been inflicted upon two gentlemen who, for all the House knew, were totally guiltless of misconduct. The hon. Gentleman the Under Secretary for the Colonies occupied by far the greater part of his speech in proving, what nobody had attempted to deny, that the removal of these gentlemen had been legal. His hon. and learned Friend below the gangway (Mr. Roebuck) had not said a word to show that the step was illegal. No doubt, according to the constitution of the Ionian Islands, all civil offices without exception were voidable after a term of five years, and the re-appointment of the officials after the expiration of that period was optional with the Government. But hon. Gentlemen opposite seemed to contend, that because an Act did not transgress the letter of the law, no objection could be taken to it in a constitutional point of view. He would put an analogous case. In this country those who were called the permanent civil servants of the Crown held their offices absolutely at the pleasure of the political heads of the department, and there was nothing, as far as the law was concerned, to prevent any Secretary of State coming into a department from making a clean sweep of those employed in it, and putting in his own friends. But, however legal such a step might be, was it not evident that any person taking it would commit a monstrous violation of the well-understood constitutional rule? What was the test by which the proceedings in the Ionian Islands was to be tried? Surely this—was it according to precedent or the established practice of the country? The hon. Gentleman opposite, with all the advantage of the archives of the Colonial Office, had only been able to point out a single case in half a century in which a similar removal had taken place; and that case, if he recollected right, was one with which political reasons had nothing whatever to do. He did not think the hon. Gentleman had made matters much better when he had argued in favour of the unlimited right of removal of these Judges. The hon. Gentleman said, that in a small community, broken up into political parties, personal prejudices and animosities ran so high that it was absolutely necessary—to do what? To protect those persons holding official stations, who might be the innocent victims of such prejudices? No, but to hand them over without protection or hope of redress to the mercy of a dominant political party. Was that the tenure on which Judges in any country ought to hold their offices? The hon. Gentleman seemed to refer the removal of these Judges to political causes, and said that their removal was very popular with the press of the Ionian Islands. It might, however, happen that it was popular with that portion of the press which had been for years declaiming against British power in the Ionian Islands. It might be right or wise that the British protectorate over the Ionian Islands should, under certain circumstances, be abandoned. Upon that point he expressed no opinion; but if the abandonment were decided upon, the Government ought to be especially careful not to surrender as victims to popular opinion those whose unpopularity might have been caused by the supposition that they had been on the side of the protecting Power. It was stated, as an excuse for Sir Henry Storks, that the Senate were primarily responsible for this act, and stress had been laid on the independence of that body; but would the right hon. Gentleman the Chancellor of the Exchequer, who knew the condition of these islands as well as any man, say that the Senate would have ventured on such a step unless they had known beforehand that they would have the sanction of the Lord High Commissioner? If the Colonial Office could exercise any control in such a matter, the present case appeared to him to be one in which it would be very fittingly brought to bear. All that his hon. and learned

Friend (Mr. Roebuck) or himself asserted was, that these gentlemen were placed, by the act of the Ionian Government, in a position most unfair to them and prejudicial to the public service. No charge or imputation had been brought against them. They had been dismissed without cause or explanation; and if it were contended that no disgrace had been inflicted on them, and that their term of office had expired, the answer was that their removal might be legal and not contrary to the letter of the constitution, but that, as a matter of fact, they had been subject to an act of arbitrary authority, for which only one precedent could be found in half a century. Such a proceeding did, therefore, cast an imputation on them, and he thought they had a right to ask, as in the case of a naval or military officer when he demanded a court martial, whether there was anything against them or not. If any charge could be brought against these gentlemen affecting their characters, simple removal was scarcely a sufficient penalty. If, on the other hand, no allegation could be made against them—and this was, he believed, the fact—he was bound to say that, from whatever motives or ideas of public policy, a very rare and exceptional act of injustice had been committed, and a precedent set which was liable to be grievously abused.

MR. EVANS said, that having the honour of being acquainted with the gentlemen in question, he must express the great disappointment with which he had listened to the account which the Under Secretary for the Colonies had given of the matter. No doubt, the Judges were removable in the Ionian Islands, but the hon. Gentleman had failed to show that these gentlemen had given any cause for their removal. He thought it very likely that these gentlemen, as his hon. Friend suggested, had taken a part in the politics of the island, and that they had assisted the Government. It was, however, rather hard, that because they had been unable to accommodate themselves to the new system of things in the island, they should therefore be removed. The Secretary to the Senate, who had been a most faithful servant to his country, had been removed under precisely similar circumstances to the two Judges. He thought that some sufficient reason ought to be given for the removal of these gentlemen. They were men of long services and high character, and he certainly thought they had not had justice done to them. When it was said that their removal was perfectly legal, he might reply that so would be the removal by the Crown of all the magistrates throughout this country; but unless some good reason were given for such a step, it would hardly be considered proper or constitutional.

MR. BAILLIE COCHRANE said, that some curious points had suggested themselves in the course of the discussion. The hon. Under Secretary for the Colonies had laid great stress on the pensions afforded to these gentlemen; but in what position were the Ionian Islands to guarantee those pensions? He thought they were hardly treated in this way. After the despatch of Earl Russell, which had been referred to by the late Secretary for War (General Peel), there was great agitation in the Ionian Islands in favour of annexation to Greece, and these two gentlemen expressed opinions more or less in accordance with it; but that agitation arose from the despatch of Earl Russell, and therefore Her Majesty's Government were responsible for such agitation. There was, however, another point to be mentioned. He yesterday asked the noble Lord at the head of the Government whether it had been arranged that Prince William of Denmark would accept the throne of Greece, but he answered very vaguely. He (Mr. B. Cochrane), however, could almost undertake to say—at least, that was the nature of the information he had received from those best qualified to form an opinion—that Prince William would not accept the throne; and he wanted to know, if that were the case, how Her Majesty's Government would be able to maintain and carry on the Government of the Ionian Islands, after they had expressed such strong opinions as to their annexation to Greece? The fact was, that the question of the Ionian Islands was becoming one of the greatest importance. He believed that Sir Henry Storks was a most distinguished officer, and a right-minded man, but he agreed with the noble Lord that these two gentlemen had been placed in a false position.

MR. HENLEY said, that as he took a considerable interest in the Ionian Islands, he had listened attentively to the debate, and what he had gathered was that no one doubted the power not to re-appoint these gentlemen. The hon. and learned Gentleman (Mr. Roebuck) had laid that down distinctly, and the only question was one of discretion. Then, as to the practice, it appeared that there had been only one instance of the removal of a high judicial functionary in forty-five years. The records of the Colonial Office might show what reason existed for that removal, but the Under Secretary for the Colonies had not condescended to tell the House what it was. He had tried to gather why these two judicial functionaries had not been re-appointed according to the almost universal practice, and he understood the Under Secretary to say, because there existed in the Ionian Islands something like a family compact—though what that meant he (Mr. Henley) did not know. Because these gentlemen were the friends of this family compact, which was working inconveniently to the Government, these Judges were not to be re-appointed. The plain English was that these judicial functionaries were not re-appointed, because they were supposed to have something to do with the political opinions of those who were not in accord with the Government. He did not think that that was very sound ground for exercising a discretion in the re-appointment of persons in a community so graphically described by the hon. Gentleman when he said it was quite clear the Judges were corrupted either by the popular or by the executive body. The hon. Gentleman said they were liable to be placed under a double fire, either of being pressed upon by the Houses of Parliament, who would not pay them, or by the Executive, who would not re-appoint them. If that were so, he did not think it was very fair to turn them out when no judicial act of misconduct was alleged against them, and only because they were supposed to be members of some compact not quite agreeable to the present state of things, and rather favourable to adhesion to this country. It seemed an odd reason for dismissing Judges, and their non-re-appointment after so many years really did amount to dismissal.

THE CHANCELLOR OF THE EXCHEQUER said, he had listened to the discussion with some regret, because he thought that the House was necessarily, from an insufficient acquaintance with the state of society, politics, and constitution in the Ionian Islands, in a position of extreme difficulty for comprehending its own relation to the matter before it. The hon. and learned Member for Sheffield, in his speech, proceeded on the principle of the Ionian Islands being a Colony which was governed from Downing Street. The Ionians, by the law of Europe, were an independent State, and it was extreme rashness to say that it was a gross error to give them a constitution. We gave a solemn pledge, in the face of Europe, to give them a constitution; and having given them the pledge, we gave in the name of a constitution what in reality was a most corrupt despotism. Of late years efforts had been made to convert it into a constitution, and efforts had been made by Sir Henry Storks, under great difficulties, imposed by the nature of the amended constitution, to govern in the spirit of a constitution. It might sound ridiculous to say that the Ionian State had a Government of its own. He granted that for a length of time that Government had been almost entirely nominal. But of late years a series of Acts and measures had been passed, the whole aim of which was to give reality to the action both of Ionian opinion and Ionian authority. Therefore, the hon. and learned Gentleman laid down a basis which could only mislead the House when he asked them to discuss this question as if it were a colonial one. He would state how the matter stood, and he would ask hon. Gentlemen to observe the condition of things in this country and as they existed in the Ionian Islands. Much had been said as to the length of service and as to the judicial character of the persons who had not been re-appointed. In England, if a man who had served for twenty or thirty years was removed from office without sufficient cause, every one would call out that the grievance was aggravated by the length of service. But in the Ionian Islands the general rule was, that all persons quitted office at the end of five years. In the Ionian Islands, civil office was almost the only mode of rising in life for the more intelligent portion of the community. The protectorate had the disadvantage of closing to the Ionians many careers which would otherwise have been open to them. There was no career for them in military service, in representing their country abroad, or in filling many of the highest offices of the executive Government. But he must say that the corrupting influence of England, ever since the time we undertook the protectorate, must be kept in view, in order to estimate matters rightly. The Ionian Government had been carried on by a compact between a certain portion of the Ionians and the earliest representatives of British power, by which the former were to be friends to the British protectorate, and were to have a monopoly of office in return. The monopoly raised many candidates, and the candidates were satisfied with quinquennial dismissal. Therefore, in the Ionian Islands office was no reason why the holders should continue to retain it, but was a *primâ facie* reason why they should quit it. With regard to the judicial character of the office, in this country judicial office was happily separated by a broad line from other civil offices. It was not so separated in the Ionian Islands. There the Judges were looked upon in the main like other officers, not so much with a view to the duties to be done, as with a view to the benefits and emoluments to the holders. There could not be a more remarkable instance than when Sir Henry Ward, finding what the law was, gave the first impetus to the constitutional system. He thought it right to govern upon constitutional principles, and those principles required that patronage should be distributed not so much in regard to the duties to be performed as in respect of the several claims put forth in proportion to the population. He believed that Ithaca, or at any rate Santa Maura, was one of the smallest islands. [An hon. MEMBER: It is nearly the largest.] He spoke of the population. The Government of the islands did not consider the number of the Judges ought to be according to the space of the islands, but they said that some of the islands had a larger share of the judicial offices of the country than, according to the population, they were entitled to; and thereupon the Senate, in Sir Henry Ward's time, allowed some of the Judges to drop out of office in order that they might dispense the patronage among other applicants. Now, could there be a clearer proof of the practice which prevailed? It was impossible to comprehend the politics of the country unless they made themselves acquainted with all classes of people there. He had spent many months in the islands for the purpose of obtaining information, and he could assure hon. Gentlemen that they had gained very little insight into the character of the Ionians if they had not made themselves acquainted with all classes. He knew the channel through which the noble Lord (Lord Stanley) had derived his information. But he would venture to warn hon. Members against placing reliance upon the testimony of this or that individual. A spirit of deceit prevailed among the upper classes of the islanders. It was hardly possible to bring home anything to anybody; and when they were endeavouring to find out who had done this or who had done that, it was like a game of blind man's buff, where the unfortunate man with the handkerchief folded over his eyes tried to get hold of some one, and every one with his eyes open was endeavouring to escape. The only view of Ionian politics, to be sound, was to be acquired, not from this or that person, or from a dominant clique, but from the endeavour honestly and impartially to collect from every quarter the sentiments of the people. The right hon. and gallant Gentleman (General Peel) had described the condition of the Ionian Islands as that of a place where a certain number of people who were in office approved the measures of the Government, and a certain other number, out of office, disapproved all the measures which were proposed. When the right hon. and gallant Gentleman gave that description, he thought he need not have travelled so far to find the original of his picture. But, in point of fact, the picture, though fairly drawn as a picture of this country, was not fairly drawn as respects the Ionian Islands. There was a party who called themselves the friends of England. It was the fate of many institutions to be ruined by its friends, and it had been the fate of England to receive the greatest wounds to its character and reputation from its friends in the Ionian Islands. They were friends to England on condition of England withholding from the people the entire reality of free Government, and continuing to them a perpetuity of office. That party held office until 1848, undisturbed, and since the change made in 1848 they had felt some discomfort at the prospect of losing office. That was one party, and they called themselves the Friends of the protectorate. The next party consisted of the demagogues of the country, always trumpeting forth union with Greece; and he must say that it was not easy to determine which of the two parties had the smallest claim to the favour, confidence, or approval of their countrymen or of that House. There was very little to choose between them. Besides these parties there were in the islands gentlemen of high character and constitutional principles, which would secure for them regard if they were Members of that House. Such were the different parties; but the party described as the Party of the Protectorate, had, in fact, been the greatest enemies to the protectorate; because they were only friends to it on condition that all office was to be continued in their hands; and whenever they saw a disposition on the part of the authorities to establish in reality a constitutional *régime*, that moment they joined hands with the demagogues, and roused the people against the Government. Judges in the Ionian Islands, as he had before said, were not separate from party, but were supposed to enter into the transactions of party just as much as other persons in those islands. He could speak highly of Sir Giorgio Marcoras as a man of honour, integrity, and accomplishments; but Sir Giorgio Marcoras did not conceal his connection with the party of the Friends of the Protectorate. He did not mean to say that the practice of the abandonment of office was so uniform or so frequent in the case of Judges as in that of other functionaries; but it would be a great error to suppose that certain broad distinctions between the two classes of cases were acknowledged to exist in the Ionian Islands, as in England. The question had been brought before the House in reference to the dismissal of the President of the Senate. [Mr. ROEBUCK: I did not refer to him.] That showed the superior knowledge of the hon. Member for Derbyshire (Mr. Evans). The hon. and learned Gentleman had only referred to the case of Sir Giorgio Marcoras and Sir Typaldo Xydras. Speaking of the President of the Senate, he would take upon himself to say that his non-re-appointment as President was not only a righteous but a wise act, and the only course which it was possible for the administrators of the Government, whether Ionian or British, to take, to establish themselves in the confidence of the Ionian people. He was satisfied that for that act alone Sir Henry Storks deserved the favour, and not the disapproval of that House. With respect to that gentleman, he felt that he was under no reserve at all, but of the other two gentlemen who had been referred to, he was not prepared to say anything.

He had been arguing the question as if it was to be decided on its merits, but he submitted that it was not to be decided on its merits. The Ionian authorities were not amenable to that House, which had no power in the matter but the power of calling the Duke of Newcastle and Sir Henry Storks to account. The noble Lord the member for King's Lynn (Lord Stanley) thought that the Ionian Senate would not have ventured on the proceeding without being assured of the concurrence of Sir Henry Storks. That was possible, but the Senate was an independent authority, and was not the servant of Sir Henry Storks. It was the head of the Ionian State, and was at once a legislative and executive body. It was invested by the Constitution with the power of appointing to all offices, and the members of that body were ready to justify themselves for having adopted a step which they deemed to be necessary, in order to persuade the Ionian people that Great Britain was in earnest in the intention of giving them a constitutional government. Let them place themselves in the position of the Ionian authorities. England was discredited in Europe on account of the way in which affairs had been administered in the Ionian Islands. In Paris, Brussels, and every foreign capital the unanimous cry was that the fair fame of England was not adequately represented in the government of those islands. Now, it was well known that a certain party had been fomenting every sort of opposition at the risk of throwing the country into disturbance, because their monoply was in danger, and it was natural that the people of the islands should say that they could not believe England to be sincere as long as the heads of that party were allowed to be in possession of the monopoly of offices, continually chopping and changing them about among themselves. The Senate determined to convince the people of the reality of their intention to establish honest, constitutional, and free government, as far as they could under the laws in force, and they felt it their duty not to re-appoint those gentlemen to office, but appointed others in their place. What was the situation of Sir Henry Storks? He had no power to require the Senate to re-appoint, and all he could have done was to put a veto on the appointments made by the Senate. Now, he did not hesitate to say, that if Sir Henry Storks had made use of his veto, he would have deserved to be condemned for his conduct in that House, because as to character, efficiency, public standing, reputation, and command of the confidence of the Ionian people, there could be no comparison between the three gentlemen who had held the offices referred to in the course of that debate and the three gentlemen who had been appointed in their place. It was not a case on the merits of which the House could form a judgment, because they were not realy cognizant of them. Sir Henry Storks had strictly confined himself to the discharge of his constitutional functions. He had acted in conjunction with the Senate, and the House could not condemn him without condemning the Senate also. In his opinion, there were no grounds to warrant such a condemnation.

MR. CONINGHAM said, he had listened with unbounded astonishment to the very unsatisfactory speech just delivered by the Chancellor of the Exchequer, who, in his opinion, had granted the whole case, for he distinctly admitted that these Judges had been superseded for having dabbled in politics. After having told them that this country was to give lessons to other countries in constitutional practice, such was the lesson they were to teach. He thought the hon. and learned Gentleman (Mr. Roebuck) deserved credit for having brought the matter before the House, and that nothing could be more unsatisfactory than the explanation given by the Under Secretary for the Colonies, and more astounding than the defence set up by the Chancellor of the Exchequer.

MR. ROEBUCK said, that amid the cloud of words with which the Chancellor of the Exchequer had overshadowed the subject, one thing came out clearly, and that was that the real ground of objection to the gentleman whose case he had brought forward was that they were friends of England. He could perfectly understand that coming from the right hon. Gentleman, because he recollected his doings in the Ionian Islands, and was able to explain them only by supposing that he was not a friend of England. It was said that England had no power in the matter and that the Senate had done it all. Now, he had in his pocket at that moment a letter from Corfu, written by a gentleman living in that country, of the highest possible character, and not attached to any of the parties the right hon. Gentleman had described, who was an Englishman and an English lawyer, and he told him distinctly that the Senate was the mere tool of the Lord High Commissioner, and that the President of the Senate called in the morning before the sittings took place to take his orders like a footman, and that he took his orders from the Lord High Commissioner; and so far from having an opinion of their own, the Senate only obeyed the commands of the Lord High Commissioner. But the right hon. Gentleman told him he knew nothing of the Ionian Islands. Thank God, he had not had the experience of the right hon. Gentleman, but he knew this, that they might ask people to govern themselves constitutionally who had not the capacity of so doing. But there were certain rules that were applicable to the good government of any people, and one of these rules was that they should have an independent judicature. If they had not that, they had no means of securing the pure administration of justice. He listened to the Under Secretary for the Colonies with great care, and what he did was to raise up fabrics in order to dissolve them. He (Mr. Roebuck) admitted that the thing was legal, and he gave an illustration. He said that James II., when he discharged the Judges who had given judgment in favour of the seven Bishops did that which was perfectly legal, but he lost his crown. And so on that occasion they did that which was quite legal, but they did that which was unjust to the men who were dismissed, and impolitic as regarded England. And he had heard no answer to that. He should not occupy the time of the House about the language used respecting Sir Henry Storks and the Duke of Newcastle. Were they not servants of this country? They had brought this country into contempt and disgrace, and the conduct they had pursued was not to the honour of England. He had only moved for the memorials. The Under Secretary talked about certain correspondence. If there were any correspondence, he hoped he would add it. He had been told that there was no answer, and he should be glad to learn that there had been, as then they would not have added arrogance to their other faults. He must say, that if the conduct of the Colonial administration was illustrated by this case, it was high time that they should reform it altogether.

Resolution, as amended, *agreed to.*

Address for,

"Copy of Memorials presented by Sir George Marcoras and Sir Typaldo Xydras, on the 16th day of September 1862, to His Excellency Major General Sir Henry Storks, Her Majesty's Lord High Commissioner in the Ionian Islands, and Copies or Extracts of Correspondence relating thereto." [*Parl. P.* No. 329.]

EAST INDIA (WASTE LANDS).

RESOLUTION.

MR. HENRY SEYMOUR said, he rose to move a Resolution declaring the expediency of promoting the settlement of waste lands, and the redemption of a portion of the land tax of India. The question involved in his Motion was really the turning point between the old and new systems of finance in India. When the noble Lord the Member for King's Lynn was Secretary of State for India, he wrote a despatch to the Government of that country to inaugurate a new system, similar to that followed in European countries. But in the following year the present Secretary for India wrote other despatches, reverting to the old system, and declaring his opinion that it ought to be unaltered. The noble Lord in his despatch encouraged the settlement of Europeans in that country. The present Secretary for India in words indeed admitted the expediency of such a course; but in deeds he placed the greatest obstacles in the way of the settlement of Europeans in that country, and he had thereby diminished the products which otherwise would have been sent to this country, and had prevented the transfer of English capital to that country. In primitive countries, where there was little accumulated wealth, the Government was usually supported by a heavy charge on the soil. Such was the case in India, not that the rulers of that country disclaimed other modes of taxation; far from it. Personal property was taxed from very early times, and he remembered the right hon. Gentleman bringing forward, when defending the income tax in India, the law of Menu, to show that even the income tax was included in the old Hindoo law. In this country also, up to the time of William III., the land tax furnished the principal portion of the revenue; but on the rise of commerce the land tax assumed less and less importance in our financial system, until at last it almost disappeared. And in almost all the civilized countries of the world the same result was going on. In all prosperous countries the land tax was comparatively insignificant, while in poor countries, such as Turkey and China, it was esteemed of great importance. Our Colonies in America and Australia never thought of having recourse to a land tax, because new communities, having the laws proper to civilized States, possessed credit which enabled them to obtain advances from the accumulated capital of this country for the purpose of developing their own resources. He maintained that India was in precisely the same relation towards this country that the American and Australian Colonies were, and that it would be easy gradually to extinguish the land tax in India. The latter country had an advantage which our Colonies did not possess, of a numerous and industrious native population. The heavy rent-charge upon the soil was a check to the accumulation of capital, and consequently to the prosperity of India, rendering land an unmarketable security. Thus, at Calcutta the rate of interest did not exceed 5 per cent, but up the country it ranged from 12 to 20 per cent. The Government, however, had borrowed money at 3½ and 4 per cent, which was an unnatural state of things in such a country, and not a matter for congratulation. In Naples under the Bourbons money was very low in the public funds, but the reason was that the Bourbons discouraged those enterprises which would have caused money to be laid out in developing the rich resources of Southern Italy. In 1849 Earl Russell introduced into Parliament a plan for enfranchising the church lands, leaving them subject to a heavy rent charge. The Bill went to the House of Lords, and was referred by them to a Select Committee; but the land agents and others who were examined showed that the effect of that rent charge would be to make the land unmarketable as a security, and therefore to depreciate its value. The plan was consequently abandoned. India was suffering from such a rent charge, varying from 25 to 60 per cent, and the results were the same as were foreseen in the case of this country. The land tax of India produced £21,500,000; while the Customs only brought in £2,400,000, the total revenue being £43,000,000, or an average of about 2*s.* 6*d.* per head of the population. In our Australian Colonies, with a population of 1,300,000, the amount of taxation was between £4 and £5 per head. The expenditure on the army and navy was calculated at £13,000,000; law and justice, £2,500,000; the interest on the debt, £3,500,000; and the public works at £2,500,000. He submitted that the land tax was excessive in amount, and that it was more than was sanctioned by the Hindoo law. The old Hindoo law said the land tax might amount to 8 or 10, or even 15 per cent, and in case of invasion it might be justifiable to levy even 50 or 60 per cent. The heavy tax dried up all the other sources of revenue, checked improvements, and necessitated an enormous expenditure upon public works, which, as at present conducted, was an evil to the country. Nor did he believe that the revenue would suffer by a change of system. Mr. Laing had made a calculation between Bengal, where the land tax was permanently settled, and Madras, where it was at a very high rate, and settled from year to year. In Bengal, where the settlement was seventy years old, the tax produced 2*s.*

per head, while in Madras it produced 3*s.* 7*d.*; but then the produce from other taxes was in Bengal 2*s.* 9*d.* per head, while in Madras it was only 1*s.* 9*d.* That proved that a diminution in the land tax would not necessarily injure the revenue. If the redemption of the land tax were allowed, there would be no need of a large military expenditure in India, owing to the increased contentment of the people, and a revolution in Indian finance would be the consequence. The general opinion of our able Indian administrators was, that they had not gained the hearts of the people, but that nothing would accomplish that object so effectually as by giving them the possession of the soil. To such advice as that no Minister responsible for the lives of his countrymen in India, and for the large amount of British capital invested there, ought to turn a deaf ear. The attention of Indian officers was called to that subject by the Colonization Commission of 1857 and 1858, and in that very year the first step in this direction was taken by the Lieutenant Governor of Bengal, Mr. Halliday, who in a remarkable Minute showed that the light had dawned upon him, and that there was no just ground for treating India exceptionally from any other portion of the British Empire. Mr. Halliday's Minute alluded to the feeling of insecurity which attached to the present system in India, and recommended that the lands should be sold at an upset price on conditions similar to those which had worked so well in Ceylon. Mr. Halliday also undertook, on his own responsibility, to order the sale of lands in fee simple in Darjeeling; but the Government soon put a stop to the extension of this system. On the other side of India Mr. Rogers, who held a high position in the Bombay service, in a remarkable Minute which was duly forwarded to England, insisted on the importance of selling to the peasantry the soil they cultivated, a thing that might be regarded as the *summum bonum* of a ryot's ambition; and that would be sure to bring into circulation great masses of wealth at present hidden in the ground or worn in the shape of ornaments. Mr. Rogers also contended that it would not entail much loss on the revenue. He (Mr. H. Seymour) could multiply extracts showing the great benefit that would arise from the redemption of the land tax. In India there were two great social evils. One was female infanticide, which was due to the expense occasioned to families if they allowed their daughters to grow up and be married. The other was the habit of hoarding. Mr. Rogers thought that the proposed reform would tend greatly to diminish the former practice, far more rapidly than could be hoped by any probable spread of popular enlightenment. As to the other custom, the natives had now but two modes of saving money—keeping it in hoards or laying it out in the purchase of jewels for their women. India and Ireland were, in fact, the only countries in which the practice of hoarding still prevailed; and neither was in a very satisfactory state. It was one of the most remarkable achievements of the Emperor of the French that he had prevailed on the people to bring out their hoards and invest their money in small amounts in Government securities; and if the Indian Government could in the same way induce the Indian people to bring out their hidden treasure and invest it in the soil, they would do more than anything else to strengthen our empire in India, and to promote the welfare of that country. While he was at the Board of Control in 1857, several gentlemen interested in the growth of cotton applied to him to bring the subject under the consideration of the Government. The result of the efforts then made was, that an official despatch was sent out from this country; but it contained so many "ifs" that it was at once seen in India public opinion here was one way and the opinion of the Court of Directors another; and nothing was done. But, soon after, the noble Lord the Member for King's Lynn was appointed Secretary of State for India, to the great satisfaction, he believed, of every friend of that country. It was his conviction that in the few months during which the noble Lord filled the office he did more for the real good of India than any Indian minister that had preceded or succeeded him, no matter how long his tenure of office. He wrote a despatch which would prove to be the initiative of the new system of finance which must be adopted in India. The noble Lord, on assuming office, possessed the great advantage of having travelled in the country, and become acquainted with the wants of the people from personal inspection. He came to his work with a matured judgment, and he did not hesitate to adopt a very important step. The Indian Council clung to the land tax; but when the noble Lord prepared his despatch, they seemed not to have a word to say against his argument, though it would appear they had given utterance to their opinions on the subject since the right hon. Gentleman (Sir C. Wood) assumed office. When the noble Lord wrote his despatch, the Sepoy war was just over; but the American war did not commence for eighteen months after. The price of Surat cotton at Liverpool was from 3½*d*. to 4*d*. per lb., and the price of New Orleans cotton at Liverpool 7*d*. In the opening paragraph of the despatch the noble Lord said there had been many applications from individuals and companies to grow cotton in India. Suppose the policy then inaugurated by the noble Lord had been continued from that time, what might not have been the result? Should they not have had cotton at a much cheaper price than that at which it was selling? The noble Lord gave instructions for grants in perpetuity in cases in which there had been grants on rent charge. He described how easily the new process of a redemption of the land tax could be carried out in certain parts of India, where the Zemindar might pay into the Treasury an amount which would produce the same sum as his rent. He pointed out the political advantages of a system which, by attaching the Zemindars to the government of the country, would counterbalance any inconveniences of detail. The noble Lord and the present Secretary of State were of one mind in thinking that there ought to be a permanent settlement; but the noble Lord would effect it by permitting a redemption of the land tax, while the right hon. Gentleman would bring it about by a Government valuation, which might be asked for during a period of half a century before there was a proper adjustment. The Indian Government, seeing that the noble Lord was in earnest, treated his despatch in a very different manner from that in which they had dealt with the court of directors. Scarcely a week elapsed before they sent out circulars requesting information to every part of India, and by the following autumn they were in a position to answer the Home Government. The Government of Madras were not favourable to the plan, but they stated that in their Presidency there were 11,000,000 acres of land not irrigated, and 2,000,000 of irrigated land, which was assessed to an amount of £1,500,000 sterling. Why should not that land be devoted to the most useful purposes? He did not accept the dictum of the Government of Madras. He believed, if the opinions of the persons holding official positions at that place had been given, they would be found to be more favourable than those which appeared in the papers laid before the House. Coming to Bombay, they found a series of able opinions all entirely coinciding with the views of the noble Lord opposite (Lord Stanley). There was Mr. Rogers, who declared the measure to be the most beneficial which had ever been proposed since our connection with India had commenced—beneficial to the Government as highly as to the rulers. Mr. Seaton Kerr endorsed the opinion of Mr. West; Mr. Turquand expressed similar sentiments. Mr. Fawcett quoted the words of Sir Charles Metcalfe, that it would conduce to the stability of our rule and the welfare of our Indian subjects. Captain Anderson, the head of the revenue survey in Bombay, wrote strongly in favour of it; and he was the person whose opinion Lord Elphinstone said he would take in preference to any other in India. Lord Elphinstone, whom the Government of the Earl of Derby and the former Government of the noble Viscount had selected to be Governor General of India, in case anything happened to Earl Canning, recommended it as the true policy to encourage the redemption of the land tax on every ground, financial, agricultural, and political. Coming to the North West Provinces, he found Mr. Hume, another gentleman of great experience whose attention the question had engaged for many years, giving a similar opinion. Almost every collector in these parts of India gave his opinion in favour of the redemption of the land tax. The Lieutenant Governor of the North West Provinces, said of it, that if practicable, no more politic measure could be carried out. A similar opinion was given by the financial commissioners of the Punjab, and by the Governor of the Punjab; there was, in fact, a remarkable concurrence of opinion on the subject. In November 1860 Mr. Fergusson, the Secretary of the British Land Association, made various suggestions with the same view. After that a whole year passed away in India, and nothing was done. At last, in October 1861, Earl Canning issued his celebrated Regulations, so much criticised by the Government at home. Earl Canning said that he had found a general concurrence of opinion among all the officers whom he had consulted as to the great benefit which would accrue both to England and India from the measure. He allowed settlers to receive waste lands in the shortest possible time, and in order to prevent jobbing he fixed a certain limit, and required that a certain portion of the price should be paid down in ready money. He allowed, too, the redemption of the land tax on certain terms. These Regulations of Lord Canning were received both in India and England with great acclamation, and for nine months they were supposed to be the law of the land. Land was bought and sold under them, and passed through various hands, nobody ever supposing that it was the intention of the Secretary of State not to confirm them. The right hon. Gentleman received a deputation from the Manchester Chamber of Commerce in the spring which congratulated him on the liberality of the policy. The right hon. Gentleman never let out that he meant to veto the Regulations; he received their congratulations, shook hands warmly with them on parting, and expressed his pleasure that at last there was a subject on which they could congratulate him. Almost immediately after receiving that deputation the right hon. Gentleman sent out his despatch, which certainly was not so able a one as that of the noble Lord opposite. It was very confused and illogical, and seemed more like the production of some gentleman who had been connected with the old East India Company than of the right hon. Gentleman himself. The only way in which the right hon. Gentleman treated the question, was by describing the evils which would flow from the adoption of the system prescribed by the noble Lord's despatch. The first paragraph which he seized upon was that in which the operation of the despatch was limited. He said he was glad to find that the rights of the natives were not to be violated. Those who had had much to do with India knew that that was the very plea which had been used for the last half century by the directors of the East India Company, first to keep Europeans out of India altogether, and then to keep the land tenure from them. The right hon. Gentleman then cancelled at once the despatch of the noble Lord opposite by saying that under no circumstances would he allow the redemption of the land tax, and he went on to use words which must have been put into his mouth by one of the eminent gentlemen of former days, Mr. Ross Donnelly Mangles, or some other old East Indian, to the effect that the land tax was the pillar of the Indian Government; and so on. He repeated all that had been said and written on the subject fifty years ago, and in fact signified his intention to keep to the old Oriential despotic system. The right hon. Gentleman spoke of the deplorable occurrences that had recently taken place in New Zealand. But if the Government were to mismanage their affairs in India as they had done in New Zealand, the same results would follow. Then the Secretary of State laid it down that it should be entirely at the discretion of the local authorities to fix a price on the land. But what principle had been laid down in the despatch of the noble Lord (Lord Stanley) and in the proclamation of the late Earl Canning? Why, that it was most important to have the question of price so regulated that a person in London might know how much he should have to pay for land upon his arrival in India. He should like to know whether it was the custom at the India Office, as it was under the noble Lord opposite, to give every information that might be required to persons intending to proceed to India. The right hon. Gentleman also said it was an outrageous proposition to talk of dividing the assessed and unassessed lands of India into two portions; and he argued most unfairly against Earl Canning's Regulations. He (Mr. H. Seymour) asked how it was, except through some mismanagement on the part of the Government, that there were any waste lands in the neighbourhood of the canals? The object of the late Secretary of State was to make the European settlers independent of the local authorities, whilst the right hon. Baronet sought to restore the old system. There was another very important point to which he would draw attention, and it was this. The Secretary of State insisted that every piece of land should be set up to auction, whether there was more than one applicant or not; Earl Canning's poclamation provided that auction should take place only when there was more than one applicant. His hon. Friend the Member for Salisbury, in an able pamphlet which he had written upon the question of land in Australia, said the auction of land was the curse of the country, and that the only object of such a system appeared to be to prevent the poor man from getting land, and to throw it into the hands of speculators and landsharks. Mr. Fergusson, secretary to the Landowners' Association, in a pamphlet which he had written, expressed himself in this way:—That no man would waste his time, his labour, and his money in seeking for land which, under the auction system, might be taken from him by a speculator; and that while, under Earl Canning's Rules, hundreds of thousands of acres had been applied for, under Sir Charles Wood's Rules there had not been an application for a single acre. It stood to reason, that with the auction system, a man with money had a great advantage over a man who had knowledge and but little money, for he might allow the latter to go into the country and select a piece of land, and then come and buy it over his head. The evils which had arisen from the system had brought about its abolition in Australia; a fixed upset price was laid down, and a man living in London could know the price he should have to pay for land in Victoria. As for the survey, which the right hon. Baronet required, he did not approve it. Nothing could be better than the system adopted in America, and which he understood had been adopted in Australia. He had seen in Minnesota the whole country dotted over with what were called "claims;" a man who wished to settle there had a right to 160 acres around his hut, a right of pre-emption, and he became owner upon paying a dollar and a quarter when the surveying party arrived. He was aware that many hon. Gentlemen differed from him on the subject of survey, but on that of auction he apprehended very little difference of opinion existed. Since the despatch of the right hon. Gentleman, a totally different spirit seemed to have been infused into the officials in India. Instead of the liberal spirit by which they were pervaded under the guidance of Earl Canning, and the noble Lord the late Secretary for India, the spirit of obstruction was now in the ascendant. It appeared from some despatches which had been laid before the House, that in Central India there was a tract of 16,000 acres, which was let for £5, or 50 rupees a year; but the farmer threw it up, because, as he said, he could not pay the rent. Mr. Meek, and other gentlemen of high commercial standing in this country, wished to raise some capital with the view of devoting it to the cultivation of the soil of India. Mr. Meek applied to the Chief Commissioner of the Central Provinces for that land, and the latter assented to his having it at about 6*d*. per acre. An advertisement of that was put into the public papers, when down came a letter from Colonel Durand, Secretary to the Government of India, censuring the proposal to give that large tract of land, as being contrary to the rules. The Chief Commissioner excused himself by saying that he thought he had power to do it under the Rules of Earl Canning; that, moreover, the case was a special one; that natives could not be induced to take the land, and that unless some European took it, it must lie waste. That, however, did not satisfy the Government of India, and a severe reprimand was addressed to the Chief Commissioner for going contrary to the right hon. Gentleman's Rules. [Sir CHARLES WOOD: No.] Then, he would say, for going contrary to the Rules of Earl Canning on the 17th of October, although, he must add, he could not believe that without a despatch from the Secretary of State such a "wigging" would have been given to the Chief Commissioner. Mr. Temple stated that there were but two alternatives before them—namely, either to leave the whole tract in an utterly unproductive condition, or make over at least a portion of it, to European capitalists; in the former of which cases it would be a source of evil, and in the latter a source of benefit to the country round about it, as well as of ultimate profit to the State. The same gentleman also said that there were boundless tracts of country with no pre-existing rights and without owners, and that the valleys of the Godavery, the Mahanuddy, and other rivers, might, with skill and capital, be turned into great cotton-producing districts; that sugar, indigo, and other products, might also be grown there, in which case a demand would spring up for their exportation. He then proposed some rules and an upset price, which, he thought, might induce British settlers to come into those provinces. Those Rules, however, were sharply disallowed by the Government of India, and higher prices and more restrictive conditions enforced in their stead. But the Secretary of State would, perhaps, tell him, there were no waste lands in India. A glance at the map of India, with its vast unsurveyed and unexplored regions, would prove the contrary. Mr. Temple, the Chief Commissioner of the Central Provinces, and his subordinate officers, bore testimony that such lands existed in abundance. Much of this land was most suitable for the European settler, because it gradually rose in height as it receded from the coast, until it came upon a vast plateau, edged by the Godavery, which had its source in Bombay, and flowed across to the Gulf of Bengal. Mr. Temple spoke of one district alone of this country as extending over 25,000 square miles. Mr. Laing was of opinion that one-third of India was waste. Besides the 25,000 square miles above alluded to, there were other tracts of surpassing fertility, the cultivation of which had been neglected. In the Terai, at the foot of the Himalayas, there were 400 or 500 miles of the richest land in all India, and bearing traces of ancient cultivation. No doubt it was insalubrious, but its fertility was very remarkable. A gentleman who applied to the India Board on the subject of irrigation works in Scinde, and who went to the country to make his calculations, estimated that 20,000,000 acres in Scinde might be irrigated at 1*s*. per acre if proper works were erected. In the Punjab, also, he calculated that there were 47,000,000 acres, only 14,000,000 of which were assessed. He thought he had said enough to show that there was quite a sufficient extent of waste land in India to afford a field to any number of European settlers who might go to that country. Another unfortunate result, he might add, which had flowed from sending out the despatch to which he referred was that it tended to destroy in a great degree the prestige of the Government of India by upsetting the Regulations that had been come to by that Government. The tendency of that despatch was to induce the people of India to look to the Home Government for instructions rather than to the Governor General. A short time ago a meeting was held in Calcutta, which was presided over by an eminent Queen's counsel, and at that meeting speeches were made and resolutions passed condemnatory of the despatch of the right hon. Gentleman on the grounds he had stated, and expressing the opinion, that if the views contained in that document were persevered in, the reputation of the right hon. Gentleman the Secretary for India would be sadly impaired. It was unnecessary to show that India was a great cotton-growing country. Forty years since a far larger quantity of cotton was exported from India than at the present day, and it was quite clear, therefore, that there was no good reason why it should not again produce that commodity to a considerable extent if the necessary steps were taken for the purpose. He should like to know, however, what had been done by the Secretary of State for India for the promotion there of the cultivation of cotton. Its production had last year been increased a thousand-fold by the action of the Turkish Government, which had taken pains to spread the information that the price of the article had increased in England, and had urged the expediency of growing it; but he should like to know what information and advice of the same kind had been circulated among the native population of India. He believed that not a single despatch had been written by the right hon. Gentleman on that subject. How different was the conduct of the right hon. Gentleman to that of the noble Lord opposite (Lord Stanley) when he was Secretary for India. The noble Lord took the most prompt steps when in office to encourage the growth of cotton in India; but during the whole time the right hon. Gentleman had been in office it did not appear that he had made a single effort in that direction. It took the Southern States of America a great many years and great expenditure in the shape of bounties to bring the old Indian plant to the improved pitch of the present staple; and if they wished to improve on the Indian staple, they must, he maintained, adopt a similar course. Sir George Bowen, the Governor of Queensland, had offered 1,000 acres free to those who would go out to that colony and cultivate cottan; and he was sorry to see that there was so wide a discrepancy in the matter between the action of the Secretary for India and the head of the Colonial Office. The only remedy proposed by the right hon. Gentleman was a permanent settlement in India; the probable cost of a permanent settlement in Madras alone being, in his opinion, likely to be three-quarters of a million. If that were so, it was quite clear it would cost several millions for the whole of India, while it would take twenty or thirty years to accomplish such an assessment as the right hon. Gentleman proposed. From what he had stated it would appear that the opinions of the chief authorities in India were favourable to the proposal of Earl Canning and the noble Lord opposite, while they were unfavourable in the main to that of the right hon. Gentleman. His object in making the Motion was, not to lay before the House a Bill of indictment against the right hon. Gentleman, but simply to show what the state of things was in reality. Was the right hon. Gentleman going to leave the ordinary supporters of the Government in the false position of having to wait for liberal measures until the Conservative party came into power? No one could believe that the existing system could survive the right hon. Gentleman. Surely, then, it would be better for him to make the necessary alterations rather than to allow the credit of them to be taken by a political opponent? He earnestly hoped the right hon. Gentleman would give a further consideration to the subject, adopting such measures as would relieve the distressed districts at home, and unite in closer ties to this country that great empire of India which their forefathers conquered by their courage and energy, but which they could retain only by establishing enlightened laws and institutions suited to the present age.

Motion made, and Question proposed,

"That the occupation of Waste Lands in India by settlers, and the redemption of a portion of the Land Tax of India, are desirable objects, especially with a view to the present state of the Cotton industry in this Country; and that it is expedient that Her Majesty's Government take further steps to carry them out."

Mr. SMOLLETT said, he was glad that the hon. Member for Poole had brought the subject forward. The House always rejoiced to hear a racy attack upon the India Office by a Gentleman who was once connected with that Department, and who, if he had an opportunity, would doubtless be very glad to connect himself with it again. He was also glad that the Motion had been brought forward, because it would give the right hon. Baronet the Secretary of State for India an opportunity of defending the conduct of his office in the House, instead of going down to Halifax, as he was obliged to do last winter. The Resolution itself was harmless enough, and as the Parliamentary termination of an agitation out of doors, in the course of which the impeachment of the right hon. Baronet was demanded, it was somewhat ludicrous. During the whole of last winter a great outcry was kept up against the right hon. Baronet, who was accused of ignorance, incapacity, and breach of faith, for the course he had pursued with respect to the sale of waste lands in India, and he and those who entertained similar opinions were said by the press in India, which favoured the agitation, to have made cowardly attacks upon the memory of a great statesman. It now suited the purpose of some gentlemen, and was part of the tactics of the scurrilous press of India, to speak of Earl Canning as a great statesman whose attempts to wrest the land of India from the grasp of the despots of the India Office had been foiled and thwarted. He was not about to attack the memory of Earl Canning. He served in India during the mutiny, and had witnessed with admiration the calmness and composure which that noble Lord displayed in times of great peril and at periods of unmanly panic. But it should not be forgotten that those who now spoke of Earl Canning in terms of fulsome adulation then attacked him with the utmost bitterness, pursued him with rancour, and for years endeavoured to drive him from the high position which he then occupied, and which they said, most untruly, he had discredited. It was only at the eleventh hour, when he lent his reputation to some acts of a questionable nature, that he was described as a great statesman. The organ of the agitation in this country was Mr. Laing, who, in his speeches at Manchester and Glasgow, as well as in his written addresses to sympathizing friends in India, had been constantly in the habit of asserting that the cherished policy of his noble Friend Earl Canning had been altogether subverted by the Secretary of State. He did not pretend to be acquainted with Earl Canning's cherished policy, but this he did know, that it formed no part of the original programme of his administration to promote the sale of waste lands in fee simple or to permit the redemption of the land tax. These measures were suggested by the noble Lord the Member for King's Lynn, in a despatch of the 31st of December 1858, in which the difficulties and dangers which were supposed to surround these questions were largely discussed, information was asked for, and a report was ordered to be sent to this country in order that the matters might be sifted, discussed, and determined here by the Secretary of State in Council. The years 1859, 1860, and the greater part of 1861 were consumed in inquiries, and no report was sent to this country. Suddenly, on the 17th of October 1861, there appeared in the Calcutta Government *Gazette* a proclamation which set forth the rules and regulations under which persons might purchase waste lands in India in fee simple and these rules and regulations did not appear to have been much read by the hon. Gentleman who opened the debate. They were for the most part suggested to Earl Canning by an irresponsible association in Calcutta, called the Landowners' Association, the Secretary of which was as much surprised as any one to find that the crude suggestions which he had made had been almost literally adopted without any inquiry. That proclamation was sent to England. It received a long and dispassionate consideration at the hands of the Secretary of State and the Indian Council; and on the 9th of July 1862 a despatch was sent to India of which he would say that the amendments which it made in Earl Canning's proclamation were conceived in a just and liberal spirit, and that its tone and language were quite unexceptionable. What was it that Earl Canning proposed to do? He proposed to give to every one the fullest permission to purchase waste lands in British India. There was, indeed, a restriction that the grants should not in the first instance exceed 3,000 acres; but that was set aside and treated as a nullity by the officials. There was no reservation of mines, minerals, or the rights of the Crown to forests. The Government did not even reserve the right to make roads through the country which they were about to give away. Each person was to be served in the order of his application. There was to be no preliminary survey, but only some superficial survey after the sale, in order to fix the boundaries. If after possession had been taken, some party should spring up, claiming rights in the soil or ownership in the land, the Government undertook to eject him and put the allottee in possession, making, as they said, compensation to the owner, but how that was to be done did not appear. The proclamation went even further than that. It stated that no authority, nor any court of law, was to entertain any claims connected with the ownership of these lands unless they were made within twelve months after the time of allotment; and, as if to prevent the real owners from knowing anything about what was going on, it was provided that those who obtained allotments should not be required to exercise any right of ownership. It was to be left to their discretion to do anything or nothing with that for which they had given the Government a fair price. That fair price was fixed at *5s.* an acre all over India, allowing, however, a deduction of one-fourth, on the theory that in grants of 3,000 or 4,000 acres one-fourth would be found to be useless and valueless to the purchaser. What was the action of the Secretary of State upon this proclamation? It had been stated over and over again that the whole policy of Earl Canning was subverted. There was no truth whatever in that statement. The policy of Earl Canning, which was to sell the land in fee simple, was confirmed in the fullest manner; but the Secretary of State required that considerable alterations should be made in the details of the rules by which effect was given to that policy. In the first place, he disapproved of the uniform price fixed by the proclamation, and, observing that the land must necessarily vary in value according to its situation, the facilities for its cultivation and irrigation, and its natural fertility, he directed that the lands which were considered salable should be classified, that a minimum price of each class should be fixed in the districts by the local officers, and that when application was made for the purchase of any land, it should be put up for sale by auction at that minimum price. He could not see the force of the objections which had been taken to that mode of proceeding. Much of the land of India was not worth, and would not be valued at, *5s.* an acre. The Secretary of State also directed that the survey should precede instead of following the sale. That was an alteration which would be recommended by common sense, if for no other reason, on account of the propriety of ascertaining before the land was sold that it was really unoccupied, and that there were no persons who claimed a beneficial interest in the soil. The Secretary of State disallowed so much of Earl Canning's proclamation as altered and over-rode the law of the land. The Secretary of State insisted, and with great propriety, if an alteration was needed in the law of limitation connected with the occupation of land, that the law should be altered by an Act introduced and discussed in the Legislative Council, and not by means of a Proclamation issued without notice. The illegality of this course of action by the Viceroy was sufficiently clear. The redemption of the land tax was a measure impossible to be carried out under present circumstances in India, particularly in districts where the individual settlement system prevailed, for there the purchase of small plots of land piecemeal would, in his opinion, be an unmitigated nuisance. The measures originated by the Secretary of State were conceived in a spirit of equity; but immediately on their promulgation a great outcry was raised by a set of land jobbers, who fancied that under the regulations which Earl Canning had hastily adopted they would be able to obtain large tracts of country at wholly inadequate prices. One large estate, the extent of which was unascertained, but was supposed to contain 16,000 acres, was sold, not at

5*s*. an acre, the maximum fixed by Earl Canning, but at about 6*d*. an acre. That was done without the knowledge of the Governor General or of any other person except a subordinate in one of the offices of the Chief Commissioner in the Central Provinces of India; it was a transaction fraught with the greatest jobbery and with every imaginable irregularity. On the other hand, it was mentioned in one of the recent overland mails, that under the rules made by the Secretary of State, a large tract upon one of the spurs of the Himalayas, forty thousand acres in the whole, had been sold by auction, and had produced 30*s*. an acre. So far from the Secretary of State deserving censure for his amended rules, he thought him entitled to credit on that account, and he hoped some assurance would be given that his administration in that spirit, which had given great satisfaction to the native population, would be carried still further. And here he might pause, and allow the right hon. Gentleman to defend his policy from the attacks of his political friends behind him, if it were not that he wished to consider another phase of the question, whether the sale of lands in fee simple in India was a great and comprehensive measure or the reverse. To the opinions which he had last year expressed on that branch of the subject he deliberately adhered. Although the proclamation of the Governor General had been received by all the accredited organs of public opinion in this country with exultation; although it was said to be the greatest measure which had originated in India during the present century; that now, for the first time, India was thrown open unreservedly to British enterprise and capital, and that the grants had been wisely limited to 3,000 acres to prevent jobbers from acquiring provinces as large as Yorkshire, with a view to making fortunes by retailing them; and although it was said that the Governor General had acquired enduring fame for himself, and by an unpretending proclamation had created a social revolution, he was still of opinion that it was a small and fragmentary measure, utterly unworthy of the encomiums passed upon it. In newly-discovered or newly-established colonies, like British Columbia or Australia, inhabited only by tribes destined to become extinct, the sale of lands was absolutely necessary, but the case of India was widely different. There were 150,000,000 of inhabitants in the British Provinces, of whom three-fourths were engaged in tillage operations, and had been probably for 1,000 years. The land in the plains was held by the Government as landlord, collecting the rents of their farms, in India called villages, from the tenantry by establishments organized for that purpose. The boundaries of these farms were as clearly defined and as well known as were the limits of any farm in Great Britain. Nine-tenths of the good land was included within these village limits, the rest being proved by experience to be either unwholesome or unfitted for cultivation. There were, no doubt, considerable tracts of land among the hills capable of being made to produce coffee, pepper, &c.; these tracts were held on leasehold tenure for a long number of years, and it might be advantageous to the occupiers, or to their successors, to exchange these leaseholds for tenures in fee. But nobody expected to obtain great revenues from the sale of waste lands or jungles in the plains; and those who anticipated that immigration would take place to a great extent, or that cotton would be grown upon the wastes of India in quantity sufficient to relieve the suffering manufacturers of Yorkshire and Lancashire were labouring under great misapprehension, if not under a total delusion. He repudiated the idea that he was opposed to colonization or to the sale of lands. On the contrary, when in India, in upholding those principles he was opposed to the officials under whom he served, and he had suffered accordingly. He was for the freest possible immigration, consistently with the rights of the natives. But if colonization were to be carried out to a great extent, Government must be denuded of its existing rights as landlord, and a middle class, which at that time had no existence, must be created, to stand between the cultivating tenant and the Government officer. In point of fact, there must be an assimilation to the permanent settlement introduced into the three provinces of Bengal, Behar, and Orissa, by Lord Cornwallis. The advantages which had sprung from Lord Cornwallis's Act had been immense, in a social, moral, and political point of view. But the scheme of Earl Canning for the sale of waste land in fee simple was a small measure, and to dignify it by the name of a great and comprehensive system was not only opposed to truth, but an outrage on common sense. To sum up, he had endeavoured to establish three or four principles; first, that the sale of jungle land in fee simple was a small measure, unworthy of the commendations put upon it; that the regulations of Earl Canning were hastily adopted and incapable of being properly carried out; that the amendments of the Government in July 1862 were just and salutary; and lastly, he had expressed his contempt of the outcry which had been raised against the policy of the Secretary of State by an agitation which was, in his opinion, at once ignorant and selfish.

Mr. BUXTON said, he hoped that the strong feeling, which formerly prevailed among those who had passed their lives in India, against the colonization of that country by English settlers was dying away. Every reasonable man at that day wished to see India colonized by those who would bring capital, skill, and enterprise into that country. A belief prevailed in some quarters that a contest was going on between a body of spirited Englishmen, who wished to colonize India, and some narrow-minded and hard-hearted official in the India Office, who was determined not to stir out of the usual official routine. A little study of the subject would, however, soon dissipate that notion. A few capitalists had seen a sudden chance of making great profits; while, on the other hand, it was the duty of the Secretary of State to look to the interests of the 130,000,000 who were consigned to his charge. He believed that such was the nature of the contest between the Secretary of State for India and those who were so strongly opposed to him on the question. There were, he thought, solid reasons for some of the modifications which the Secretary of State had introduced into the plan proposed by Earl Canning. It was, however, supposed that there was some insecurity of tenure in the scheme which would not have been there if the plan proposed by Earl Canning had been adopted. It was, however, inaccurate, to represent, as was sometimes done, that under the scheme of the right hon. Gentleman (Sir Charles Wood) a settler who had bought land in India might be disturbed in the possession of his estate. The difference was, that under the scheme of the right hon. Gentleman the survey was to begin the process. There was a fear in some quarters that the settler would lose a great deal of time before he got the survey made; and it was, no doubt, important that he should get into the possession of his land at once. But all that was wanted was that the boundaries of his piece of land should be marked out before the sale. In order to obviate delay, why should not the Government have a staff of young surveyors at Calcutta, the expense of their operations being defrayed by the settler? He saw no reason why an even less expensive process should not be adopted. Why should not the collector of the district send one of the native officials to go with the settler and mark out the ground? He quite concurred in the opinion that the survey should precede, and not follow the sale. A printed advertisement might not be a sufficient notice to the natives; but if they saw an official going over the ground and marking it out, and if any previous proprietor had any claims upon the land, he would know what was going on, and could put in an appearance. The difficulty of persons coming in at the last moment and purchasing lands, marked out by first settlers, over their heads, occurred in New South Wales, because the auctions were held in the metropolis; but these auctions would be local, and there would be no probability of its happening in India. As to selling by auction instead of at a fixed price, the Government, acting on behalf of the Indian community, was bound to get the real market value of the land, and to apply the produce to the diminution of taxation. With regard to the redemption of the land tax, the right hon. Gentleman the Secretary of State refused to assent to Earl Canning's proposal to allow of a general redemption, because it involved an immediate permanent settlement; and in some parts, which were rapidly improving, the present assessment was too low. But if, on the one hand, the contingent advantage of an increased assessment would be lost by a present permanent settlement; on the other, the redemption at 5 per cent would enable the Government to extinguish a part of the present debt, on which the interest was 6 per cent; would save the cost of collecting the land tax, which amounted to 20 per cent; would render unnecessary the immense expense of a future new assessment; and would diminish the cost of managing so much of the debt as would be extinguished. Moreover, the abolition of the land tax would greatly enhance the wealth of the people, by getting rid of the extortion of native collectors, and encouraging the people to improve the cultivation of the soil; and, in a political point of view, would make them more attached to our rule, by the knowledge that their rulers were desirous to protect them in their possessions, and to deal with them in fairness and justice. With sincere diffidence he ventured to express an opinion that the right hon. Gentleman might have taken a bolder course; but he heartily thanked him for having adopted a scheme for the sale of waste lands, and still more for the assent which he had given to the permanent settlement of the land tax wherever the assesment was a fair one.

MR. VANSITTART said, he was surprised that the hon. Member for Poole should have stated that the Hindoo princes exacted only 25 per cent of the land tax. He had been a redemption officer in India, and he could state from his own experience that every dynasty, whether Hiodoo or Mohammedan, had exacted from the population the uttermost farthing, and had not scrupled to take possession of large estates, and, having alienated them, to confer them in perpetuity on worthless favourites and parasites. After the prolonged debate which took place last Session on the Motion of his hon. Friend the Member for Dumbartonshire, which embraced all the points raised by the hon. Member for Poole, he had hoped that the question would be permitted to slumber. The practice of reviving old stale questions Session after Session in order to afford certain hon. Members an opportunity of making a speech was much to be deprecated, and was calculated to create a feeling of uneasiness in the minds of their European and native fellow-subjects in India. For his own part, he was bound to say that the views he expressed in the previous Session remained totally and entirely unchanged—nay, more, that the correctness of them had been fully confirmed by conversations which he had held with many eminent Indian authorities—namely, that the terms held out by the Secretary of State for India and his Council were sufficiently liberal to attain the objects in view. Independently of there being no available waste lands—except on the hilly ranges and in the Sunderbunds—from the fact that all lands, whether described as being under cultivation or culturable, assessed or assessable, had been subjected to the keen eye and supervision of the settlement officer, and his settlement had been made accordingly, it was absurd to suppose that Government had the power to isolate large blocks of land, and convey them in perpetuity to separate proprietors. But assuming for the moment that the Government possessed that power, surely land without tenants was useless and valueless, and the tenants in India had positive rights of occupancy which could be neither ignored nor annihilated. It therefore would be sheer madness were that House to tamper with the land or land-marks of a village simply because the pressure came from a small section of the community, ever ready to think that the natives and their land were made for them to despoil. Referring to his past experience as a magistrate and collector of a district, he could assure the House that the worst and most aggravated cases of affrays which took place in India were those connected with the land, and that the villagers would defend their claim over a strip of land, which might be waste and valueless, with their lives. He might quote a case which came under his own observation on the occasion of a strip of alluvial land appearing in the middle of the Ganges between two villages. On the villagers of one of them attempting to plough it those of the other village crossed over armed with bludgeons and tulwars, and before his police could interfere a most desperate conflict ensued. Under these circumstances, he ventured to say, that when that House departed from the traditionary obligation which had been placed upon the honour of the British Empire to respect the religion and property of the native subjects in India, the seeds of such discontent would be sown, which would sooner or later ripen into a great national insurrection, in which proprietors and peasants would be found cordially and heartily banded together in order to shake off the British yoke. With regard to the Law of Contract, which had provoked so much criticism both in this country and in India, and which was so closely wrapped up with the question before the House, he thought the interference of the right hon. Baronet the Secretary of State for India was unnecessary, uncalled-for, and mischievous. It should be borne in mind that in legislating upon it the late Earl Canning and his Council—composed of such practical men as Mr. Beadon, the Lieutenant Governor of Bengal; Sir Bartle Frere, the Governor of Bombay; Mr. Drummond, the Lieutenant Governor of the North Western Provinces; Sir Robert Napier, and Mr. Laing—distinctly laid down that it was not to have retrospective effect, but that it was simply an Act to extend the provisions of Section 5, Regulation 8 of 1859—a Regulation to provide for the punishment of breaches of contract by artificers, workmen, and labourers in certain cases. ["Question!"] He begged to inform the hon. Member for the Tower Hamlets that he was speaking to the Question. It also appeared that the provisions of that Act were already enforced against those who entered into engagements for the cultivation of opium and the manufacture of salt under our close monopoly system. Again, that the adulteration of cotton was treated as a criminal offence, for by late advices from India it was known that a cottonbroker had been sentenced to nine months' imprisonment with hard labour by the authorities in Bombay for this offence. That being the case, he must confess that he was not disposed to attach any importance to the elaborate address which was presented to the right hon. Baronet a short time since, eulogizing his proceedings so highly in the matter. On the contrary, he quite agreed with that ill-used, indefatigable public servant Mr. Laing, as expressed in a letter which appeared a few months since in the leading journal of the day, namely—

> "The signers of this address represent a party who have always taken the side of the debtor against the creditor, and of the workman against the master, especially when the former has a dark face, and the latter, to the offence of being rich, adds that of having English blood in his veins."

Mr. Laing continued—

> "No one doubts their benevolence, but many doubt their judgment, and point to the present aspect of the slavery question as a proof that philanthropy, unrestrained by common sense, is often the surest means of defeating is objects."

He found a confirmation of these remarkable words in a pungent extract of a letter of the late Lord Redesdale, in that interesting work, *The Diary and Correspondence of Lord Colchester.*

MR. HENRY SEYMOUR said, he rose to order. He would submit that the law of contracts had nothing to do with the question he had proposed to the House.

MR. AYRTON said, he would take that opportunity of stating that he had not interrupted the hon. Member for Windsor by calling out "Question!" for he thought the hon. Member's observations pertinent to the question.

MR. VANSITTART said, in that case he had to apologize to the hon. Member for the Tower Hamlets for the mistake he made. The extract from Lord Redesdale's letter, to which he referred, was as follows:—

> "The philanthropists are the bane of the age from one end of the world to the other. Their supposed philanthropy is mere weakness; it springs from an indolent yielding to sensations, implanted in us for wise purposes, but which, if indulged beyond the line of wisdom, will lead to the same excesses as the indulgence of any other passion."

Approving, therefore, as he did, of the modifications which had been made by the Secretary of State for India and his Council in regard to the question of waste lands, he thought with regard to the law of contract, it was much to be regretted that the right hon. Baronet, instead of relying upon his own by no means perfect information and rather crude judgment, had not paid greater deference to the experience of those eminent local authorities to whom he had referred, and who had been always actuated by feelings of the strictest impartiality and justice in their administration of that distant country, where the interests of the different inhabitants and races were so conflicting.

LORD STANLEY said, that they had been dealing that night with two important questions, and he regretted that they had not had an opportunity of discussing them separately. The one was the redemption of the land tax and the other was the sale of waste land in India. Both those questions were of enormous magnitude and very complicated, but he was afraid those who had witnessed the aspect of that House for the last two or three hours would come to the conclusion that they did not materially interest either Parliament or the general public of this country. He wished to say a few words on the larger question of the two—namely, the manner in which it was proposed by Earl Canning and by the right hon. Gentleman the Secretary for India to deal with the land tax. It was unnecessary that he should go into any lengthened argument on the subject, because, though the manner in which he proposed to deal with that matter and the form of proceedings were different from that adopted by the right hon. Gentleman opposite, still the difference was rather in the form and manner of proceeding than in the principle laid down. If he rightly understood the right hon. Gentleman's proposition, he had initiated a change far more considerable than he (Lord Stanley) had proposed. The Government of Lord Derby did not propose, in the despatch of December 1858, to deal with the tax generally, or to make it perpetual over the whole of India, but to allow a certain number of persons, if they desired to do so, to redeem their land for ever from the tax by the payment of twenty years' purchase down. Of course, that could only be done in cases where the burdens had been fully ascertained and assessments placed on a permanent footing. To that plan of redemption there was a very obvious objection. It was said that it would be treating capital as income, and that they were sacrificing their future income for present advantage. No doubt that would have been a sound objection if it had been proposed to apply the money to the current expenditure of the year; but when the sums derived from that source were to be applied, not to the general purposes of the Government or even to the carrying on of reproductive public works, but to pay off the capital of the debt, then it was clear that if, on the one hand, there was no gain, so, on the other, there could be no loss. Assuming the whole of the debt to be paid off, it would become a question what should be done with the remaining proceeds of the redemption; but that was a contingency so utterly remote and apart from all practical considerations that it was scarcely worth while to trouble themselves about it at present. He was satisfied, that even if a power of redemption were allowed, the number of persons who would avail themselves of it would be comparatively small. The cultivator or tenant was not usually wealthy, and had no command of capital. Moreover, any one who knew anything of Indian affairs must be aware that in that country money applied to purposes of business would bring a larger return than 5 per cent. As a general rule, then, he did not think it would be found profitable, in a pecuniary point of view, to apply capital, especially when borrowed, to the redemption of the land tax. He had never contemplated that a great many persons would make use of the power of redemption; but it seemed to him most important to encourage such transactions, and to raise up a class who, being owners of the soil, would be likely to undertake improvements of permanent value upon it. Such a class would be attached to the British rule by the strongest ties (for it could not be expected that the exemption enjoyed by them would be recognised by any Government that might succeed ours), and would be as much interested in the welfare and tranquillity of India as fundholders were interested in the prosperity of England and the peace of Europe.

There was only one objection to the proposal in which there was any force. In every civilized and improving country, as the area of land was a fixed quantity, and as the amount of capital was gradually increasing, it was found that as a general rule land had a tendency to rise in value, and money relatively to fall. To some extent that was the case in India, and therefore, in taking land at its present value, the Government would be accepting in exchange for it, an amount smaller than they might obtain a quarter of a century hence. On the other hand, however, it was but fair to remember that the increased value of the property would be very much due to the redemption of the tax, because no one would expend large sums on the improvement of an estate who was merely a tenant at will or on a short lease. He would, then, compare his plan with that of the right hon. Gentleman. The right hon. Gentleman did not go so far in one direction, but he went further in another. If he rightly comprehended his plan, the right hon. Gentleman desired to make, at the earliest opportunity, not simply a permanent, but a perpetual settlement similar to that in Bengal, applicable to the whole of India, but did not think it necessary to establish a freehold tenure. Now, in that respect, both he and the right hon. Gentleman were working to the same end, although in somewhat different ways. If a man had a piece of land, and paid a land tax of, say £100 a year to the Government, receiving in return an absolute pledge that under no possible circumstances and at no future time should a larger sum be required from him, his security was as complete as if he had paid down at once the price of the land and held it as a freehold. It was only a matter of convenience whether a man would pay £1,000 down and thus rid himself of all Government claims for land tax, or would pay an amount equivalent to the interest on £1,000 year by year with absolute security against having that amount raised. All a man, in the latter event, had to do was to put his capital into the Government funds and receive as interest, on the one hand, what he paid as land tax on the other. While the two propositions, as far as their practical results were concerned, were identical, there was some advantage in the plan of freehold tenure which he originally proposed. In all countries it was the tenure preferred by the actual holders; and they would give more for it than as a matter of pecuniary calculation it was worth. He did not, however, lay much stress on that, because wherever the system of perpetual settlement came into operation the loss on account of granting freehold tenure would henceforth be nothing, and the former ought to lead directly to the latter. He thought that the right hon. Gentleman had better have begun with freehold tenure at once, but as matters stood, he had paved the way to it.

As to waste lands, some doubts had been raised concerning their extent, value, and general importance. He had never been altogether able to satisfy his mind on that point. He had never seen, and did not believe that there existed, any calculation showing the quantity of lands in India which might fairly be deemed waste. There could be no question, however, that it was at present practically unlimited. In the Neilgherries, in some parts of Bengal, Oude, Burmah, on the slopes of the Himalayas, and in parts of the interior, which, so far from being surveyed, had not yet been explored, the amount of uncultivated land was infinitely greater than any number of settlers were likely to require. There was, however, a great diversity of soil and climate. It had been said it was very improbable that there was a large quantity of waste lands in India, because that country had been so long civilized and was so densely populated that all the ground worth anything must have been cultivated long ago. Those who took that view forgot the large tracts of land in many English counties which were suitable for tillage, but which, after centuries of civilization, still remained wild. The amount of land in India being practically unlimited, the question was how best to open it to Europeans and natives respecting all native rights, reserving all claims of the State, and remembering that time was money, and that indefinite delay was a great mischief. It might, perhaps, be proper policy for an individual not to sell what he could not use, and to hold on in expectation of a better price, but that was a bad policy for the Government, whose interest as a seller was quite subordinate to its interests in other capacities. The question raised that night was, whether the object in view could be obtained more effectually by the plan of Lord Canning or by the revised plan of the Secretary of State. He had not the credit of being the author of either plan; but it was his fortune when holding office to open up the inquiry by inviting the Governor General to report his views upon the subject. Lord Canning did not send him a report, but he took the matter into consideration in India, and after a lapse of between two and three years there was published in India, by the authority of the Governor General, without, as he believed, any communication with the Secretary of State, that set of Rules, which had been often referred to in the course of the debate. There was then an interval of about nine months, upon the expiry of which the right hon. Gentleman thought fit to modify those Rules. He did not blame the Secretary of State for choosing, with the advice of his Council, to exercise his right of passing judgment upon those Regulations. He was not only justified in so doing, but he was bound to do so; because if the Government of India was to be responsible to the House and to the country, it could only be so through the Secretary of State. But he thought the right hon. Gentleman was wrong in one respect. There was, as he had said, an interval of about nine months between the publication of those Regulations in India and their revision in this country. If changes were to be made, they should have been made at the very earliest opportunity, and not a mail should have been allowed to go out without at least instructions being sent that those rules should not be considered to be in force until the opinion of the Home Government had been pronounced upon them. Nothing could be worse, especially in India, than the reversal of Regulations which were actually in force, and upon the faith of which contracts had been made. When he looked at the Rules themselves, as revised, he found that they agreed with those issued by Lord Canning in most respects, but they differed in some important particulars. They both agreed in giving a freehold tenure to the land when the purchase was complete. The difference was mainly upon two points—one relating to the granting of an indefeasible title, and the other to the manner of sale, which, according to Lord Canning's Rule, was to be at a fixed minimum price. With respect to the indefeasible title, under Lord Canning's Rules, if no prior claim was registered, and if the collector knew of no objection to a grant of land, he was to advertise the application for a term of thirty days, at the end of which the applicant entered into possession of the land; and if within twelve months no prior claim was established, he received an indefeasible title. In one respect that Regulation was defective. He agreed with the Secretary of State in thinking that the term of thirty days was far too short to protect original claimants, and generally there was not sufficient notice to guard against the risk of injustice being done. India was a very large country; the owner or the claimant might be absent from home, and might not know anything about the application for his land until he found it in the possession of some one else. There was another serious blot, which was hit by the Home Government, that a mere declaration of the executive Government could not bind judicial tribunals; and if the original orders had remained in force, they would certainly not have been respected by the courts of law. So far he agreed with the right hon. Gentleman, but there his argument ended. What ought to have been done was simple. It was agreed that the term of thirty days was too short, and it ought to be extended to six or twelve months, and the Government of Calcutta should be called upon to pass a law giving legislative sanction to indefeasible titles at the end of six or twelve months. Some machinery ought also to be provided for a cheap and speedy tribunal to settle disputed claims. If these things had been done, he believed that all difficulties between the natives and the settlers would, in ninety-nine cases out of a hundred, be removed. But the right hon. Gentleman had gone further, and had laid down a rule that land was to be sold subject to any claim that might be hereafter made upon it. That rule would operate as a prohibition against any settlement of these waste lands, because no one would buy a piece of land merely on the assurance of the Government authorities that they did not know of any claim upon it, but leaving him subject to any litigation that might arise. He (Lord Stanley) agreed in all that could be said as to the necessity of caution in dealing with waste lands in India, as there was often great difficulty in ascertaining native claims. He had heard of instances where for a hundred years land had been left uncultivated, the population having removed or been driven away by some former war; and yet there were families and even villages which maintained their titles over the unsettled tracts. He admitted that the Government was bound to protect the rights of the natives, but he thought it was also bound to protect the settlers and the public, who were interested in those unsettled tracts not remaining uncultivated an unnecessarily long time. The Government had a right to say to the natives, "Here is land for which a demand exists. Bring it into cultivation yourselves, or, if you have a doubt as to your title, bring forward your claim, and we will furnish you with an easy means of deciding it; but if you do not come forward after a sufficient lapse of time, all claim will be barred." In that respect he thought the instructions of the right hon. Gentleman had been very defective, and it was a vital point. He did not wish to go back to the rough-and-ready plan of Lord Canning; but if a reasonable time for making claims was allowed, and a cheap and speedy tribunal for deciding them were provided, then he thought an indefeasible title might safely be given.

As to the other question, whether the sale of land should be at a fixed minimum price, or by public auction, it was one upon which some doubts might fairly exist. A strong case might, no doubt, be made out for a sale by auction, as likely to secure the highest price that could be got for the land, as avoiding all questions of priority of application, and as avoiding all suspicion of jobbery, while it would also allow to be recognised the difference existing between the values of land in different districts and under different circumstances. But, on the other hand, there were great objections which had been adverted to. Under the system of auction-sales, all inducement would be taken from the settler to seek for land himself. No man would search in remote districts at great personal trouble and expense for land which he thought valuable for his own purposes, if he knew that as soon as he had made his choice the land would be put up to general competition, and that a person who had taken no trouble in the matter, but who happened to possess a greater command of capital, might buy it over his head. The chief difficulty, however, was, that if land were sold by auction, it must be surveyed; and on that point he should be glad if the right hon. Gentleman would inform the House whether any calculation had been made as to the time which would be occupied, even if the present staff of surveyors were doubled or trebled, in going over all these lands with a view to a public sale. It seemed to him, that if a full and regular survey were insisted on before any sales took place, they would practically limit such sales to some few favoured districts, which might be selected by Government in the first instance; while, as regarded all the rest of India, the sale of waste lands was indefinitely postponed. At the same time, there were cases as in the neighbourhood of a newly-opened port, or railway station, where to sell lands at a low fixed price was really to give them away to the first applicant; and he thought the proper course would be not to lay down a uniform rule for all cases. If in a certain district there were European settlers, and water communication or railway communications, opened or in process of being opened, the auction principle might be fairly worked; but that would not apply to one-tenth of these lands; and with regard to the other nine-tenths, notwithstanding the disadvantages which certainly attended such a plan, he thought it would, on the whole, be better that the first bidder should have them at a fixed low price. No doubt the first comer would then have an advantage; but, after all, he was the pioneer, he was the discoverer, and that advantage should hardly be grudged him. Then again, there was a certain loss to the Treasury in the lower price obtained for the lands if the first comer were allowed to take them at a fixed rate. But, it must be remembered, that the Treasury got the money very much sooner than it otherwise would; and when the low price, paid immediately, was contrasted with a higher price, paid perhaps twenty years afterwards, the loss of interest in the latter case considerably diminished the difference between the two amounts. Something had been said about opposition to these plans offered by the Council in England. Now, he was bound to say, that when in office he encountered no such opposition, and that when the question of the waste lands and of the redemption of the land tax was considered by him in Council, he found no disposition on the part of the Council to consider it otherwise than in the fairest and most impartial spirit. The general feeling of the Council was, he believed, in its favour, and the right hon. Gentleman would no doubt be able to tell a similar story. The obstacles, if any, lay not with the Council at home. It was not so much a question whether one set of Regulations or another should be adopted. The main point was to impress upon officials in India that the Government in England attached real importance to the carrying out of these plans. The best system might come to nothing if it were worked by persons who were not interested in bringing it to a successful issue; and if the Regulations adopted, whatever they might be, were not worked fairly and liberally, that which all desired to see, the introduction of European capital and enterprise into India would not be brought about. He did not deny that among a certain number of official persons a disinclination to the appearance of Europeans in India existed, though it was rather felt than expressed. Every civil officer in charge of a district felt that it was easier to manage 10,000 natives than ten Europeans, and they not unreasonably dreaded the collisions and disputes which sometimes arose when Europeans, who had not been before brought into contact with natives, settled in the interior. It was right to say so much in defence of men who might have prejudices, but who, he believed, were doing their duty, on the whole, honestly and fairly. There was only one way of overcoming the difficulties which sprang out of that state of things—namely, that the right hon. Gentleman, by his despatches to India, by his speeches here, and by his personal influence over those who practically administered the affairs of India, should show that he really attached importance to the question, and that he regarded the influx of European capital and enterprise, which was likely to take place, not as a danger to India, but as a means of extending the resources of that empire to a higher point than they had ever reached before.

COLONEL SYKES said, he approved the permanent settlement, and he approved of the sale of waste lands, but he disapproved the redemption of the land tax. By establishing a permanent settlement they would make the owners of the soil rich, by allowing them to reap the fruits of their industry. The waste lands were much more limited in extent than was supposed, for every village in India had its boundaries, within which the Government could not enter. He was engaged for six years in investigating the tenures of the Deccan, and he found that neither the Hindoo nor the Mohammedan Governments had questioned the proprietary rights of the soil in the people. It was England who had broken down these rights. As to the redemption of the land tax, it would be killing the goose which laid the golden egg, for in their time it was impossible that indirect taxes in India should support the Government.

MR. J. B. SMITH said, that in considering whether the sales of lands should be by fixed price or by auction, the Government would do well to avail themselves of the experience of America. For seventy years the Americans had adopted a plan of first surveying the land, mapping it out, and then offering it by auction at an upset price to the best bidder. In America the plan was to survey the land to be sold in sections of 640 acres, which were then divided into sixteen parts of forty acres each. Two of these sections were reserved for purposes of education. It would be a good plan to reserve certain portions of land in India also for the same purposes. The right hon. Gentleman's doctrine of raising a middle class was rather inconsistent with his acts. In America they did not put up any larger portion at a time than forty acres; but the right hon. Gentleman proposed to sell 3,000 acres of land at a time. How could a poor ryot, who was desirous of raising himself by his own industry, purchase so large a quantity of land? It was only by the sale of small quantities of land that it was possible to raise a middle class. If land in America did not fetch the upset price when put up, any person might afterwards have it at that price, and any lot remaining unsold after it was first put up was sure to find purchasers subsequently, because its value was raised by a sale of the adjoining lots. The upset prices ought to be low in India, and the land should not be sold to speculators. In America a law had been passed, which came into operation in January of the present year, called the Homestead Act, which prevented any person from buying land from the Government who would not occupy and cultivate it. Perhaps the increased emigration to that country might be accounted for by the fact that every head of a family who went out there might have 160 acres of land for nothing provided he settled upon and cultivated the land. He was exempt from all taxation for five years, and had only to pay ten dollars, the cost of surveying the land, or about 3*d*. per acre. In America it was thought that the community was more benefited by giving away the land as a means of forcing its cultivation, than by any small revenue derived from its sale after lying waste for generations.

MR. AYRTON said, he wished to call attention to the suggestion that the Government of India had some sort of right in the land of that country which was occupied by the natives. If there was any principle clearer than another, it was that the occupiers of land in India were the owners in fee simple of the land which they occupied. The Government had no share whatever in the land so occupied. The Government was entitled to a land tax on every freehold, but there was a moral limitation to that land tax. He was satisfied with the despatch of the right hon. Gentleman in other respects. He could not help thinking that the Government had taken a most judicious course in checking the extraordinary proclamation which had been issued in India; and he believed, if they could get at the truth, they would find that proclamation was not Earl Canning's. There was evidence on the face of it that it had been issued before it ought to have been issued in the due conduct of public business. It would have deprived the natives of India of their property, and left them to a precarious claim that must have been made within a very short period. He had seen such traces of the iniquity which took place during the early career of the English in India that he thought they ought to be startled at any proposition to give to subordinate officers in that country the right to deal with its land and property without reference to higher authority. He hoped the right hon. Gentleman would take care to prevent the rights of the native from being touched, when what might be called indefeasible titles were being given to European settlers. Two insurrections had grown up from ill-feeling among the natives, and in dealings with India they ought to use the utmost caution. He could not help thinking that there was great truth and force in some of the remarks which fell from the noble Lord opposite (Lord Stanley), that instead of proceeding in this wild and generalizing way in dealing with questions affecting one hundred and twenty millions of people, and with land of every kind and condition, varying from £100 to 6*d*. per acre, it would be far better that they should have regard to particular cases as they arose. It was absolutely necessary that the right hon. Gentleman should deal with the utmost caution. He commended the course he had already pursued, but great care must be taken that rights of the natives of India were not sacrificed in order that a few Europeans might make enormous fortunes in that country. The Motion would only tend to mislead the public, because it was idle to say that the despatch of the right hon. Gentleman had prevented the growth of cotton in India. He should vote against the Motion of his hon. Friend if it were carried to a division.

Sir CHARLES WOOD hoped the House would acquit him of any unnecessary delay in rising. He should have risen before, but he was anxious (and the noble Lord opposite said that it was only fair that he should do so) to hear the whole of the accusations that might be preferred against the course he had pursued. Certainly it had been some satisfaction to him to find that much of what was charged against him had never been done by him. Much that his hon. Friend had imputed to him had been done by others. Much had been done some time ago. The grave charge against him was, that he had prevented the growth of cotton in India and its coming to this country so as to relieve the distress in Lancashire, and his conduct had been denounced in no measured terms, where he could not answer. He was very glad now at last to meet his accuser face to to face, and he would endeavour to meet the charges fairly and fully. With all the unwillingness which his hon. Friend had so kindly professed to prefer an indictment against him, he must say, if his hon. Friend had taken the trouble to look a little further into the papers which were on the table, and to quote them a little more fairly, he would not have made many of the charges which he had urged to-night. Had he referred to the papers on the table, he must have seen that the Government of India had shown itself most anxious to promote the growth of cotton in India. He might have seen, in point of fact, that the Government of India had acted at the earliest moment, before any alarm had been excited in this country on the subject. In February 1861 they passed Resolutions, and acting upon them at once, had actually and practically executed almost everything which had since been suggested as what ought to be done by the Government of India. With the view of extending the knowledge of the demand for cotton in this country, they sent Commissioners through the different districts to make known to the local officers, and through them to the people, what it was wished should be done by them. They offered to pay the expenses of commercial Commissioners to accompany their own officers, to show how the cultivation of cotton might be extended, and what facilities might be given for its conveyance; they gave prizes for the production of the best cotton, they distributed good seed, and made a considerable appropriation of money for the construction of cotton roads. One of the first despatches from the Secretary of State contained in this blue-book was entirely to approve the course which the Government of India had taken in that respect. It would show the fairness of his hon. Friend, in quoting the despatches, that he had entirely omitted all reference to these and other despatches which showed what had been done on the general question. He only referred to one, in which objection had been taken to the remission of the land tax on ground occupied for experimental cultivation of cotton. He (Sir C. Wood) had objected to this remission for this simple reason, that it deprived the experiment of any practical value. What was essential was to know at what price cotton could be grown on land paying the ordinary charges. Upwards of £200,000 had been spent by the East India Company in introducing American seed into India; and it was ascertained that it would grow well in many parts of India, and that the ryots cultivated it successfully. But it was necessary further to ascertain the price at which it could be profitably produced. This could not be ascertained by the Government, and it could only be determined by the cultivators practically raising the cotton on ground subject to the ordinary charge. To grow it on land exempted from such payment was for this purpose totally useless. His hon. Friend then accused him of being hostile to the settlement of Europeans in India. In the very despatch to which so much objection was taken, he had expressed an opinion favourable to the settlement of English in India. He enentirely agreed with the noble Lord (Lord Stanley) on that point. It was a question on which many people took different views. He believed it was of great importance to India that English capital should go to India, and, as far as possible, that Englishmen should settle there. He had always been anxious to give every facility for the settlement of Europeans in India; and if his hon. Friend had taken the trouble to quote fairly, he must have given him credit for showing that wish in the despatch in question. His hon. Friend had no right to assume that he was adverse to that for which he professed himself to be most anxious. The noble Lord opposite had truly stated, that with regard to the sale of the waste lands he (Sir Charles Wood) had approved of nine-tenths, and more, of Lord Canning's Resolutions. By those Resolutions a fee simple was granted in the waste land to the person purchasing; all other rights were barred, and after thirty days from the sale he might gain an indefeasible title. He approved of the whole Resolutions proposed by Lord Canning with only two exceptions—he insisted that the survey should be made previously to the sale instead of after it; and whilst the Resolutions said, that if there was more than one applicant, the land should be put up to auction, he said that this should always be done. Upon these two changes, and upon these two changes only, it had been asserted over and over again during the autumn that he had rescinded Lord Canning's Resolutions, set them at nought, and rendered them utterly valueless. Besides this, he had certainly pointed out the objection to what was claimed by the Landholders' Association, that all land should be sold at a uniform price throughout India—10*s.* for cleared, 5*s.* for uncleared land. He did think that an uniform price for all waste lands was an absurdity. He thought so still. His hon. Friend (Mr. J. B. Smith), who had just sat down, concurred in that opinion. It was just as absurd as to suppose that an acre of ground on Clapham Common was of no more value than an acre in the wilds of Connemara. He had also pointed out that the Resolutions of the Government could not really bar the claims of other parties to land. This could only be done by legislative enactment. The Government of India proclaimed that the purchaser should be put in possession of the lands thirty days after the sale, with an indefeasible title. Supposing a suit brought in a court of law for the possession of that land subsequent to the thirty days, it would have been the duty of the court to decree possession of it to the former and rightful owner. And then the right to compensation was to cease at the end of a year. The statute of limitations in India at present was twelve years. The Government could not by Resolutions alter the law. It was not in their power to do so. The Government professed to do what they had no power to do, and what any court in India could set aside as of no value. Was it not his duty to point out to the Government of India that they were perfectly wrong in doing so? Nevertheless, it was for doing this that he had been censured as a promoter of litigation so as to defeat the intention of selling land. His hon. Friend complained that Rule IX. in Bengal, which said that the claims of third parties on the land should not be barred, rendered the whole transaction nugatory, and that it was prescribed by him in his despatch of July. There was not a syllable of the kind in the despatch. If his hon. Friend had referred to the papers, he would have seen that four or five months before his despatch was written the Bengal Government had found out that the Resolutions of the Government of India had no legal validity in this respect, and they gave their reasons for omitting that part of them which purported to bar private rights in the following words:—

> "The rule barring private rights, as wherever it acts at all it will act to defeat existing rights in private property, has been struck out, as such a rule could be of no force or effect, whilst it would pretend to have force and effect. Such a provision evidently requires a law; and not being yet enacted by law, its appearance in a formal set of rules would seem improper. When this provision is enacted by law, no rule will be necessary on the point."

These reasons were given in a letter of January 1862, and appeared to him quite conclusive; but, at any rate, his hon. Friend might have seen that the course of the Bengal Government could not have been determined by his despatch, which was written five months afterwards. He agreed with the noble Lord that the proposed time of notice was too short to bar private rights, and he pointed this out in his despatch, though he did not prescribe what the limit should be. He left that to the Government of India to determine in the Act which he told them it would be necessary for them to pass. The noble Lord would find that the Government of India had, in fact, done all which he thought that they ought to have been directed to do. He (Sir Charles Wood) had left it to them to adopt proper measures—they had done so. Having thus disposed of these more general matters, he would refer to the two points on which he had been blamed so much—the previous survey of waste lands and the sale by auction. Before doing so, however, he must say a few words on what was meant by waste land. There were three descriptions of waste lands in India. There were waste lands properly so called, which had never been possessed or claimed by anybody, and which were entirely at the disposal of the Government; there were also waste lands in which the Government, from forfeiture or other causes, had acquired proprietary rights; and there were the lands which were or had at some time been owned by some persons, but which were left lying uncultivated and waste. A large portion of the waste lands were of the last description, but still they might be sold under the Resolutions. He would, however, speak, in the first instance, of the first description of waste lands. A very small portion of this description of waste lands was of any immediate value for practical purposes. It was stated in the despatch of the noble Lord opposite that such lands are "extremely limited" in quantity; and the Governor General, in his despatch, said that the amount of unoccupied land ready at the disposal of Government was "so extremely small as to be of little practical importance in considering how the cotton production of India could be largely and rapidly increased." The Governor of Madras said that "only a small portion of the waste lands could be regarded as applicable to the purpose of settlers," and the Governor of Bombay said that the "land available was of the poorer sort, and where there were large tracts they were in a climate deadly to the European constitution." According to these testimonies from every part of India, the quantity of land immediately available for cultivation was extremely small. That much of it might be brought into cultivation in process of time he would not for a moment dispute. But that was a distant prospect, and for the immediate extension of cotton cultivation there was no use in looking to that kind of land. It was, however, in respect to the mode in which he had altered the Resolutions of the Government of India as regarded this land that his hon. Friend had attacked him to-night. Now, the only two changes he had made were that the survey should be made before the sale, and that the land should always be sold by auction. He had been accused of having ordered such an expensive and elaborate survey as would in practice make the whole thing nugatory; but the fact was that he had ordered no survey of that sort. In the Resolutions of the Government of India, it was said that the survey was to be such as clearly to define rights, and insure the ready identification of boundaries. He had not made any alteration in this, and it was clear that it was so understood in India. In an official letter from the North Western provinces it was said, "Every facility is given to applicants to indicate the position and limits of the grants they are desirous to obtain, and the survey and demarcation at that stage is an easy and inexpensive process." The Bengal rules stated that "the survey need only be in sufficient detail to insure the ready identification of the boundaries of the lot, and to ascertain its gross area." The Chief Commissioner of Oude said—

> "Nothing more was meant or has been required in practice, than a rough skeleton survey, giving the boundaries and approximate area of the tracts—nor does such a survey necessitate the employment of an expensive European agency, or entail any sensible delay. Hundreds of native surveyors, trained in the Government schools and elsewhere, capable of performing the work, are available."

Therefore, the whole of this bugbear of an expensive survey was a pure invention, and no difficulty had ever been felt about it in India. He would now point out the advantage of a previous survey; and, in illustration of it, he would refer to the case to which the hon. Gentleman had referred, which he called the Sonachan case in Central India, but which he did not appear at all to understand. There the Commissioner had taken upon himself to do that which was contrary to the resolutions of Lord Canning. He disposed of a large tract of land at the price of 6*d*. an acre, and was blamed, by the Governor General, for what he had done. There was no reference to anything in his (Sir Charles Wood's) despatch. The evil, however, was that 16,000 acres were sold, and nobody knew at all where they were, or whether it was all in one lot or in sixteen different lots. The Government of India pointed out, and truly, that such a proceeding was indefensible. In an area of 160 square miles, a gentleman had bought 16,000 acres, without the slightest indication of where the land was. Could anything prove more clearly the advantage of a previous survey sufficient to determine the position and extent of the land sold? If Mr. Meek was at liberty to go and pick out 16,000 acres, in different lots of 1,000 acres each, wherever he pleased, it was obvious that nobody else could for some time buy an acre of land in that district. Therefore, it would be a clear gain in point of time that a previous survey should take place. He would refer to another case, which equally demonstrated the advantage of such a survey. A gentleman purchased some waste land in Oude, and being anxious to take possession of it, he sent his servant for that purpose; but after four or five months he discovered that he had put his servant upon land which he had not bought. Would it not have been better that the gentleman should have been able to ascertain beforehand precisely what land he had bought? Indeed, he could not conceive anything more unbusiness-like, more likely to lead to delay, confusion, and complaint, than buying a piece of land without knowing where it was. The hon. Gentleman had complained very much of the uniform sale by auction, but he (Sir Charles Wood) thought the arguments in favour of that mode of sale very conclusive. The hon. Member had put the case of a young man with little brains and with a great deal of money who might buy over the head of an intelligent man with little capital who had been at the trouble of searching out a tract of good land. But that might take place just as well under Lord Canning's Resolutions as under his (Sir Charles Wood's) despatch. Here was another case in which the hon. Gentleman, who said he was so anxious not to prefer a general indictment against the head of the Indian Office, had not taken the trouble to inquire what was in the despatch, but blamed him for what he had never done. The Government of India had a right to have a fair price for the land, and it was not imposing any hardship on anybody if the ordinary means of securing a fair price were adopted. The case of certain parties at Darjeeling had been mentioned, to whom the local officer, contrary to the instructions of the Government at Bengal, had promised land at 5*s.* an acre, but which the Government of Bengal had ordered to be sold by auction. The parties complained that they were not allowed to receive the land at the price of 5*s.* In this case there was no question of survey; all the land applied for was sold to the persons who had applied for it; there was no impediment to the settlement of Europeans. It was merely a question of price. The Government of Bengal refused to confirm the irregular and unauthorized proceedings of the local officer; but they said that as the whole of the land in question might have been bought for the last few years at £1 an acre, the complainants might have it at that price if they liked. That did not suit them, and the whole of the land was afterwards sold at an average of 35*s.* an acre. The difference between the price at 5*s.* per acre and at 35*s.* was £41,000. If the land had been bought at 5*s.*, it clearly might have been sold the next day at 35*s.*, and the only result of what had been done was to put £41,000 into the coffers of the Indian Government, instead of into the pockets of private speculators. His hon. Friend, as usual, blamed him for what had been done, though the Government of Bengal had acted without any reference to his despatch. He would refer to another case in the south of India. He would read an extract from an Indian newspaper—and it was to be observed that the Indian press was, with the exception of part of the Calcutta press, favourable to the new regulations—on the subject of the sale of certain lands in Neilgherry. The paper said—

> "The first sale of waste lands under the new Rule took place on Monday last. We understand the price realized by Government on some forty-five acres was 1,310 rupees, which, with the assessment on the description sold at two rupees per acre, and the privilege of redeeming the tax at twenty-five years' purchase, gives a total of eighty rupees per acre."

That was £8 per acre, and why land worth that price should have been sold to gentlemen for 5*s.* per acre was more than he could see. He believed that the course which he had taken, both as to the survey and as to the sale by auction, was perfectly right, and did not interfere in the least degree with the early extension of cotton cultivation. In reference to this subject he wished to call the attention of those Gentlemen who were disposed to believe the complaints that he had done so, to the character of the land the sale of which he was supposed to have checked. Mr. Saunders had published a letter attacking his conduct, in which he pointed out what he considered the injustice to the intended settler; and his account of what the settler had to undergo, in search of land, was as follows:—

> "The settler desirous of purchasing lands may have hundreds of miles to travel, involving no inconsiderable expense, in search of the soil and climate he requires. In such search he will necessarily be exposed to great alternation of heat and cold; he will find no covering for his head beyond the light tent he may be able to transport along with him, and no protection from the burning rays of the sun by day, and the heavy chill and damp dew by night, save this most ineffectual covering, or the still less efficient one of the forest itself. In his search after land the explorer will be subjected to many dangers incidental to the country, not the least of which are the deadly fevers prevalent at certain seasons of the year."

This did not hold out a tempting prospect to the cultivator of cotton. He would refer again to the district containing 16,000 acres in the Sonachan talook. In reference to this place the Secretary to the Chief Commissioner of the Central Provinces writes to Colonel Durand on the 22nd October 1862 as follows:—

> "It is quite uncultivated, though, perhaps, one-third of the area may be cultivable, the remainder being hill, rock, or thick jungle. It is said to abound with wild beasts, and, without doubt, it is now very insalubrious, and will continue so until the jungle shall, to some extent, be cleared away. At present it could not safely be entered by an European from August to January."

Now, did hon. Gentlemen really and seriously look to the early and rapid cultivation of cotton in such districts as those? It was utterly impossible to bring land of that description under cultivation without great labour or within the period of several years. Where were the labourers to come from? They were not to be found in the districts, and we have had experience enough of the fatal effects of fever in such districts as those even on Indian constitutions to give us little hope of bringing labourers from other districts. But even if they were brought, and could live there, for the first three or four years they could only grow food for themselves; and the notion of any early or large production of cotton in such districts was simply chimerical and absurd. But gentlemen anxious on this subject might nevertheless purchase land fit for the purpose. The Governor General stated that there was no question but that there was plenty of land under assessment fit to grow cotton upon, and such land could be easily bought, though perhaps not often in very large quantities. If hon. Gentlemen were disposed to invest their money in purchasing land for the cultivation of cotton in India, let them take land of that description, which was available at once, instead of seeking to reclaim wastes which would require five or six years to bring them into any sort of cultivation. In Mr. Ferguson's pamphlet that gentleman said he had been prepared to invest a large sum in purchasing 40,000 acres in Oude for growing cotton, but that his (Sir Charles Wood's) despatch had put an end to the scheme, and that it was impossible to attempt it, when he now found that he could only obtain 3,000 acres—an amount insufficient for his purpose. That limitation was, however, imposed by Lord Canning's Resolutions, and not by his despatch. Nor had his despatch prevented the sale of land to other persons, for the Chief Commissioner of Oude said that almost all the available land there was now sold, but that it was not suitable for growing cotton, which was an article of import in that province. The observations which he had made applied to that which was truly waste land, but the Resolutions of the Government of India applied also to a great deal of land which belonged to somebody or another, and which could not be fairly and properly disposed of without giving the claimants an opportunity of establishing their rights. He had been told that he was wrong in his opinion as to there being no great quantity of waste land in Bengal. Well, he had written to Lord Canning on the subject, and what was his reply? Writing on the 3rd of January 1862 Lord Canning said—

> "I think it likely that you overrate the amount of waste land through which the railways pass —'waste,' that is, in the sense in which the word is used throughout the Resolution. Many lands pass through miles and miles of jungle, as does the Great Trunk road, but a very great part of such ground (on the Trunk Road the whole of it) is no more disposable by the Government as waste, is no more ownerless, than the highly-tilled fields of the Doab. It was one of the mistakes of the agent of the Cotton Supply Association to assume that the country which he saw from the road wild and unreclaimed was all 'waste land.'"

Everybody who knew India knew that there was a portion of almost every township left apparently waste, and on which the ryots turned out their cattle. Pasture for the cattle, employed in agriculture, was indispensably necessary, in order to provide for the means of cultivating the arable ground. The Zemindars also often left parts of their estates uncultivated for a time, but the Government had no power to take and dispose of that land, which was as much the property of the Zemindars, or the village communities, as any other land that belonged to them. It was exactly like the moors in Scotland, which might be called waste land, but which were the absolute property of somebody, and certainly could not be sold by Government. He must remark, however, that ever since 1853 there had been nothing to prevent the whole of this description of land in Bengal which was under permanent settlement, from being bought by Europeans. Any European settler, therefore, might have bought, not from the Government, but from the proprietor, any portion of the so-called waste land in Bengal, if the proprietor was willing to sell it. There was a Regulation providing for the division of the Zemindary estates, so that the purchaser of any part could be freed from the danger of having his land sold for non-payment of the Zemindar's rent He might acquire the property in absolute freehold, subject only to a fixed quit rent. So far therefore as related to land in Bengal, what was called waste land might have been purchased by any person for nearly thirty years, and might be bought now, if anybody thought it worth his while to do so. Yet it was almost exclusively from Calcutta, that the complaints came of its not being possible to buy this land.

But the Resolutions applied to waste land in other parts of India—where land belonging to the ryots was often left uncultivated for some years. In Mr. Saunders' pamphlet he spoke of land as waste land which had lain so for five years. This was salable under the terms of the Resolutions. In a country where manure was scarce, land was often left fallow for a few years. Natives often gave up the cultivation of their land, and went away to seek their fortune or employment at a distance. Some reasonable opportunity ought to be given to such persons of asserting their right to the land which it is proposed to sell. But that after an advertisement had been put out which many people could not see or read, a purchaser should be put in possession of a piece of land after thirty days' notice without the owner having had an opportunity of coming forward to claim his right to it, was a thing wholly unheard of. Under such a system a man might go away for six weeks, and when he returned find somebody in the enjoyment of his land with an indefeasible title. One great reason for insisting on having the boundaries roughly marked out, was that it would give notice to the neighbourhood of the intended sale. The hon. Member opposite (Mr. Vansittart) was quite correct in his remarks as to the feeling of the people of India in regard to their land. Their love for it was something inconceivable, and for a piece hardly worth cultivating they were ready to fight to the death. Page after page of the minutes of Lord Metcalfe and Sir Thomas Munro proved that this was the case. The people clung to their rights of property with the utmost tenacity. In confirmation of this he would mention a circumstance which occurred to Sir John Lawrence in the Punjab. He objected to the proceeding of some chief who wished to turn some of his relations out of the possession of some land which had belonged to his family some thirty years before; and the chief answered that in the neighbouring district the grandson of a man who had been carried off nearly a hundred years before to Afghanistan, and had become a Mussulman, returned to the Punjab, and by common consent of the people who had in the mean time occupied the land and of the whole neighbourhood, the greater part of the inheritance of his family was restored to him. Could there be a stronger instance of the universal acknowledgment of the ancestral rights of property in land. If there was any single thing that would cause greater risk of insurrection than another and render our tenure of India insecure, it would be if a general feeling should be created among the people of that country that we were trifling with their rights of property in land. As to the suggestion of the noble Lord, with respect to what ought to have been stated in the despatch, he had left those points to the discretion of the Government of India. And no time had been lost in providing for them. An Act had been passed in which it was enacted that a three months' notice should be given, instead of one of thirty days; that within the three months any claim must be made, which would then be adjudicated upon by a tribunal on the spot; that compensation should be paid where the right to it was established within three years, such compensation to be paid, of course, by the Government which had sold the land.

He now came to the redemption of the land tax. The noble Lord had pointed out how little difference there was in most parts of the measure recommended by himself, and that of the measure prescribed in the despatch. In both the main points of security of tenure and of immunity from being deprived, by an enhanced demand on the part of Government, of the benefit of improvements, were assured to the occupier of land. For either measure, a revision of the assessment was necessary, in order to insure a fair receipt, either of purchase money or of rent, by the Government. His measure prescribed that a fixed rent, fixed in perpetuity, should be paid to Government. The proposal of the Government of India allowed one-tenth of this rent to be redeemed, and a capital sum paid for it to the Indian Treasury. This he had not allowed. He certainly had been surprised by the assertion of his hon. Friend that the land revenue was a curse to India. He had always believed that it was, perhaps, the most remarkable advantage of India that £20,000,000, or one-half of its revenue, was derived from the rent of the land. There could not be any source of income so little unpopular. The land tax was perhaps the only impost which was not obnoxious to the people of India, and, for his own part, he objected to sacrifice so large a portion of that safe and secure income, upon which we could always depend. All Oriental Governments derived a great part of their revenue from land, and he should be trifling with the resources of India if he were to act upon the advice of the hon. Member for Poole. In his recorded minutes Sir John Lawrence said—

> "I deprecate the policy of redemption, because I feel certain that its effect would be to deprive the State gradually, it is true, but surely of a large portion of the one great source of income which the people have been immemorially accustomed to pay, and which has all the authority of prescription and tradition in its favour."

Indeed, the great majority of the ablest officers in India were against the redemption of the land tax, and not one was in favour of the particular plan recommended by the Government of India. The hon. Member for Poole had quoted Mr. Hume in support of his proposition; but if he had read a little further, he would have found a frank admission by Mr. Hume that very few, if any, of the native landowners would be willing to redeem the land tax on any terms. Mr. Beadon was also against the redemption of the land tax, and in favour of a permanent settlement, Mr. Laing, in the Minute which the hon. Gentleman had quoted, said—

> "I do not refer to the question of redemption of land revenue, for it is no necessary part of the question of permanent settlement. I doubt its advantage, except in the case of waste lands in unoccupied districts, and would certainly not allow any extension of it that can be helped at such a low rate as twenty years' purchase, which involves a direct loss to the State."

These, however, were the terms which the noble Lord opposite had just recommended. Sir Charles Trevelyan thought the redemption of the land tax would be an unjustifiable sacrifice of revenue. In fact, all the best authorities were in favour of continuing the tax, and, what was still more important, the people themselves were accustomed to it, did not consider it a hardship, but, on the contrary, were perfectly content to pay it. There could be no doubt that rent for land would be paid by the occupier to somebody, and it was well that the Government should receive a portion of a payment which was cheerfully made by the occupiers. He certainly did not believe, that if the power of redemption was given, many persons would avail themselves of it. In the North Western Provinces and in Oude, six months after the publication of the Government Resolutions, not a single landowner had applied for it. In Chittagong, where it was allowed at ten years' purchase, very few persons had redeemed. But the most complete answer, so far as regarded Bengal at least, was the fact that any landowner might, at the present moment, practically redeem his land tax. It was admitted by everybody, that if the land tax were to be redeemed, it would be only fair that such a sum should be given for it as would, if invested in Government Securities, produce an interest equivalent to the amount of the tax itself. Practically, at this moment there was a power in the permanently settled districts of depositing in the hands of the collectors an amount of public securities, the interest of which was equal to the rent of the estate, and thenceforward no land tax was payable, and the estate could not be sold for arrears of rent. This, in fact, amounted to a redemption of the land tax, with the further advantage that the proprietor could at any time withdraw the securities from the collector, and re-possess himself of his capital. If, therefore, settlers in Bengal wished to redeem their land revenue on fair terms, there was no obstacle to their doing so. Yet it was from Bengal that the complaints of not being able to do so principally came. He would not detain the House longer; but, in his opinion, the great argument in favour of a permanent settlement rather than of redemption was that very few people throughout India would avail themselves of the redemption, whereas the whole agricultural population, without exception, would benefit by the arrangement for a fixed perpetual rent charge. He believed that the course which the Government had taken would be productive of advantage to the great mass of the population of India, and it was to the improvement of the mass of the native population, and not to that of a few settlers only, that we must look for the development of the resources and the increase of the wealth of the country. In the benefits of the improvement of the condition and the increased power of consumption of the great body of the people of India, this country must necessarily very largely participate; and, independently of our moral obligation to govern India for the good of its population, we had the most direct pecuniary interest in their welfare.

Mr. HENRY SEYMOUR said, that he should rest satisfied with the debate to which his Motion had given rise, and would not press it to a division.

Motion, by leave, *withdrawn.*

MALTA NEW DOCK.

PAPERS MOVED FOR.

Captain TALBOT said, he rose to move for a Copy of all Official Correspondence and Reports of the late Admiral Commander-in-Chief of the Mediterranean Station, and of the late Admiral Superintendent of Malta Dockyard, relating to the proposed New Dock at Malta. He would take that occasion to say, that as far as he had been able to form an opinion, the work could not be constructed for anything like the sum estimated. The site selected was also wholly unsuitable. What was called the Marsa, at the end of Valetta harbour, would have to be deepened to the extent of twenty-five feet or thirty feet to make it available for the purpose which the Government had in view; and in order simply to dredge it to the necessary depth a sum of £135,000 would, he believed, be required. Beyond that there was to be a basin, the construction of which also would cost considerably more than the sum proposed, and he wished to know whether the plans had not been decided in opposition to the opinions of the Admirals on the Station and the other most competent authorities.

Lord CLARENCE PAGET said, the Government had undertaken the construction of the work to which the hon. Gentleman referred at the Marsa in preference to the French Creek, first of all, because they had the ground at the former place on their hands, and could commence operations at once. The dock, he might add, would, according to the estimate of the engineer whom the Government had sent out there — Mr. Scamp — be constructed for £50,000, of which sum the Maltese Government were to contribute £10,000. The basin was a matter altogether irrespective of the dock, and was connected with the general improvement of the harbour. In consequence of Sir W. Martin and Admiral Codrington having expressed doubts as to the propriety of making this dock, Sir F. Grey and his hon. Friend the Member for Bedford (Mr. Whitbread) visited Malta, and they had reported in its favour. As a great deal of the information upon which the Admiralty had acted had been drawn from the verbal reports of these officers, the correspondence would necessarily present an incomplete view of the case; and as it would also be inconvenient as a precedent to produce the confidential reports of officers to the head of a Department, he hoped that the hon. and gallant Officer would not press his Motion.

Captain TALBOT said, he thought that as the House of Commons had to vote the money for the work, it ought to have full information upon the subject.

Mr. CORRY said, he could see no reason why the correspondence and reports should not be produced.

Viscount PALMERSTON said, that the documents moved for would not contain the whole case. It was on the report of Admiral Grey and Mr. Whitbread made verbally that the Admiralty had acted.

Mr. WHITESIDE said, he would remind the noble Lord that the Motion included "all other Official Correspondence."

Copy *ordered,*

> "Of all Official Correspondence and Reports of the late Admiral Commander-in-Chief of the Mediterranean Station, and of the late Admiral Superintendent of Malta Dockyard, relating to the proposed New Dock at Malta; and all other Official Correspondence bearing on the subject."

HOLYHEAD HARBOUR.

SELECT COMMITTEE MOVED FOR.

ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [5th May],

> "That a Select Committee be appointed to inquire into the state of Holyhead Harbour, with a view to ascertain the best method of affording safe and efficient accommodation for the Vessels engaged in the Irish Mail Service, and for the Passengers conveyed by them."

Question again proposed.

Debate *resumed.*

Colonel DUNNE said, as the information he had received confirmed the statements he had made respecting the works, he must press the Motion for a Committee.

Lord CLARENCE PAGET said, the Government were now constructing a pier at Holyhead which would add greatly to the safety of passengers and shipping. He did not see that a Select Committee could obtain any more information than was now possessed by the Government and the House, and he therefore opposed the Motion.

MR. LAIRD said, he believed the works proposed by the Government would not make Holyhead harbour either safe or convenient, and he entertained a confident expectation that the appointment of the proposed Committee would ultimately save a considerable amount of public money.

MR. CONOLLY said, that nothing could be more incomplete than the proposals of the Government; and incomplete as they were, nothing had been done towards carrying them them out. A little pressure applied to the Government would be very useful.

MR. PEEL stated, that the promises of the Government were in process of being carried out. The very thing for which the hon. and gallant Member expressed anxiety—the solidification of the pier—had already been carried out to a great extent.

MR. GEORGE denied that driving piles with considerable intervals between each amounted, in fact, to a solidification of the pier.

Question put.

The House *divided*:—Ayes 73, Noes 47; Majority 26.

Select Committee *appointed.*

And on June 1 Committee *nominated*, as follow:—

Colonel DUNNE, Mr. CORRY, Mr. LAIRD, Colonel PENNANT, Colonel VANDELEUR, Lord NAAS, Mr. JOHN TOLLEMACHE, Mr. LEFROY, Mr. MILNER GIBSON, Mr. STANSFELD, Mr. HERBERT, Mr. DALGLISH, Colonel FRENCH, Lord JOHN BROWNE, and Lord RICHARD GROSVENOR:—Power to send for persons, papers, and records; Five to be the quorum.

SECURITY FROM VIOLENCE BILL.

[BILL 111.] THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

MR. GRANT DUFF said: At this hour of the morning, those who are in favour of the third reading of this Bill, have a good right to object to my making any speech in moving that it be read a third time this day six months. But at the same time, we, who are opposed to it, have an equally good right to resort, if we please, to the strongest weapon of a minority, and to move the adjournment. As, however, I well know that such a proceeding would not effectually stop the Bill, and would merely entail upon the other side of the House the vexation of staying up to as late an hour on some other occasion to carry the third reading, I will propose a compromise. I will speak for eight minutes, and, if I am not interrupted, I will then sit down. On this understanding then, I proceed to say, that those who are in favour of this Bill, call us who are opposed to it, humanitarians. I confess, of the two, I had rather figure as the friend than as the enemy of mankind; but I mean to argue the question on the ground, not of humanity, but of policy. In the first place then, Sir, your existing laws are quite strong enough to repress crimes of violence, and no change is necessary. Examine the criminal statistics of the last fifteen years. Note especially the crimes of violence. Are they gaining on society, or is society gaining on them? Look at each of the three last quinquennial periods, and then say whether there is anything to alarm you? Quite recently crime has been unusually rife, but why? Simply because bad times invariably bring with them crime, as they bring with them fever or other forms of disease. This particular crime of garotting, which has frightened so many people out of their propriety, is a mere fashion of the day; for man is an imitative animal, and crime has its fashions like other things. Its reign extended from July to November. Since November there has hardly been a case of it. Is there any other form of violent crime against which it is necessary to defend yourselves by unusual measures? If so, what is it? It will hardly be denied that to change your criminal code, without very cogent reason, is of itself an evil. All those who have studied, as well as those who have practised our law, know to their cost that the reproach which can be most justly brought against our system, is its fragmentary character. It is pervaded by no principle. It is made up of expedients to meet particular exigencies, and decisions to meet particular cases. A few years ago you attempted to introduce something like system at least into your criminal legislation, and now, at the very first panic, you hasten to stultify the conclusions to which you then deliberately came. In the second place, not only is it absolutely unnecessary to alter the punishments appropriated to this class of crime which are now on the statute-book; but if hon. Members are utterly purposed to alter them, when and how has it been proved that they should alter them in kind rather than in degree? I can understand those who say that the course of modern legislation upon the subject of punishment is wrong; that physical punishments are better than moral punishments; and that the sooner we begin to alter the whole of our system the better; but if we are to do this, let us do it after the solemn deliberation which befits so great a step. The best modern jurists have pronounced most strongly against those punishments which are classed by the greatest of English jurists, Mr. Bentham, as "afflictive punishments." Are all the hon. Members who vote for this Bill distinctly minded to break with the doctrines of modern jurisprudence upon this subject? Are not many voting merely to protest against the remissness of the Home Office, and of the Police, or to show the criminal class that society does not mean to be trifled with; and is it really worth while to alter your legislation for any or all of these purposes? If the proposal of the right hon. Gentleman were new, it might be very right to try it; but it is as old as the worst passions of human nature. Fierce and cruel punishments are the first thought of the savage, who wishes to keep up his authority. The right hon. Gentleman imitates at a humble distance the traditional sagacity of Cochin China. There is not one nation in Europe which has not begun with punishments of the kind the right hon. Gentleman now wishes to bring back; and as fast as each of these has advanced in civilization, she has abandoned one after another. Even in Russia, they have just abolished the knout; and perhaps if the Bill passes, the question as to the particular instrument to be used might be best settled by the right hon. Gentleman and some of his friends subscribing to buy for the Government, and inscribing their honoured names upon, the knouts which are no longer required. They would probably get them cheap. I have many more arguments to advance, but my hon. Friend who sits near me reminds me that my eight minutes are over: and as the hon. Gentlemen on the other side of the House have kept their share of the bargain, it is only fair I should keep mine. I only beg to say, in conclusion, that I shall vote with peculiar satisfaction against this stupid and atrocious appendix to *Adderley on Human Happiness*—and that I move that the Bill be read a third time this day six months.

MR. COX seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 76; Noes 18: Majority 58.

Main Question put, and *agreed to*.

Bill read 3°, and *passed*.

WEIGHTS AND MEASURES BILL.

On Motion of Mr. WILLIAM EWART, Bill for decimalizing our existing system of Weights and Measures, and for establishing an accordance between them and those of Foreign Countries, *ordered* to be brought in by Mr. WILLIAM EWART, Mr. ADDERLEY, Mr. COBDEN, and Mr. FINLAY.

LEASES AND SALES OF SETTLED ESTATES ACT AMENDMENT BILL.

On Motion of Mr. COX, Bill to amend the Leases and Sales of Settled Estates Act, 1856, *ordered* to be brought in by Mr. COX and Sir MORTON PETO.

Bill *presented*, and read 1°. [Bill 119.]

PIER AND HARBOUR ORDERS CONFIRMATION BILL.

Bill read 2°, and *committed*.

Ordered, That the Bill, so far as it relates to the confirmation of the Orders 4 and 5 in the Schedule thereto, for the construction of Piers at Llandudno and Rhyl, be referred to a Select Committee.

House adjourned at a quarter after Two o'clock.

HOUSE OF COMMONS,

Wednesday, May 13, 1863.

MINUTES.]—PUBLIC BILLS—*First Reading*—Weights and Measures* [Bill 120]; Poisoned Grain, &c. Prohibition* [Bill 121]; District Parochial Churches (Ireland)* [Bill 122]

Second Reading — Statute Labour Roads and Bridges (Scotland) [Bill 63]; Statute Labour Roads and Bridges (Scotland) Transfer [Bill 64]; Judgments &c. Law Amendment [Mr. Hadfield] [Bill 5], *negatived;* Accidents Compensation [Bill 103], *negatived*.

Select Committee nominated—On Church Building and New Parishes Acts Amendment Bill (*See May* 11, p. 1575).

Withdrawn—Poisoned Grain Prohibition [Bill 90].

WEIGHTS AND MEASURES BILL.

Bill for decimalizing our existing system of Weights and Measures, and for establishing an accordance between them and those of Foreign Countries, *presented*, and read 1°. [Bill 120.]

STATUTE LABOUR ROADS AND BRIDGES (SCOTLAND) BILL—[Bill 63.]

SECOND READING.

Order for Second Reading read.

Sir JOHN OGILVY, in rising to move the second reading of this Bill, the object of which was to enable districts in Scotland to raise contributions by means of a new assessment for the construction of roads, and to provide for their management, said, it had been prepared in accordance with a general desire expressed by Members from Scotland. Its principle had been generally approved in Scotland, but some suggestions had been made for its Amendment, which he should be willing to consider in Committee.

Mr. HOPE JOHNSTONE did not object to the principle of the Bill, but thought that some modifications of its provisions must be made, especially with regard to the assessments for repairs of roads. He was glad to find that the Bill was permissive only; but he would suggest that a permissive power should be given to trustees of districts, if they should see fit, to vary the proportion of assessment to be levied upon the owners, limiting that proportion to a sum not exceeding one-half of the whole amount to be levied. This would practically leave it to the landowners to assess themselves for more extensive works than the mere ordinary repair of roads.

Mr. BLACKBURN assented to the principle of this Bill, but said he thought the details would require very careful consideration in Committee. The Bill would cast a burden upon property which before had not been liable to assessment, such as railways and minerals. He did not say that railways ought not to contribute; but it would have to be considered upon what proportion of their value they should be assessed. He doubted the propriety of making the Bill permissive only, as he thought the law should be the same all over Scotland.

Sir ANDREW AGNEW supported the Bill, which he thought would be very beneficial, and thought the House were much indebted to the exertions of his hon. Friend (Sir John Ogilvy).

Sir JAMES FERGUSSON said, that having been a Member of the Royal Commission which considered this subject, he hoped that hon. Members who desired that the Bill should be made compulsory, would remember the difficulties which were found to prevent the passing of a more comprehensive measure some years ago. The Commissioners were of opinion, that whatever might be the change in the mode of raising the money for the improvement of the turnpike roads in Scotland, that improvement should not be delayed. It was desirable now to take one step towards the general improvement of the roads of Scotland, which the Royal Commission wished to bring about.

Sir EDWARD COLEBROOKE said, he also objected to the Bill being made a compulsory measure, as he thought the best course was to proceed cautiously at first.

Mr. DALGLISH gave notice that at a future stage he should propose a clause in favour of gas and water companies, and also a clause giving greater powers to the ratepayers in the election of trustees.

Sir GRAHAM MONTGOMERY, approving the principle, thought the Bill had been drawn to suit the cases of particular counties, and therefore would require considerable alterations in Committee.

Sir EDWARD COLEBROOKE said, that while he supported the principle of the Bill, he thought it necessary that they should proceed with great caution. He hoped his hon. Friend would not listen to any suggestion to make the Bill compulsory.

Mr. DUNLOP suggested that the Bill should be committed *pro formâ*, that it might be considered in Scotland during the holydays.

Sir JOHN OGILVY would adopt the suggestion offered by the hon. Member.

Bill read 2°, and *committed* for *Friday*.

STATUTE LABOUR ROADS AND BRIDGES (SCOTLAND) TRANSFER BILL.

[Bill 64.]

Read 2°, and *committed* for *Friday*.

JUDGMENTS, &c. LAW AMENDMENT BILL [Mr. Hadfield]—[Bill 5.]

SECOND READING.

Order for Second Reading read.

Mr. HADFIELD rose to move the second reading of this Bill, which, as many hon. Members knew, had obtained the almost unanimous approbation of the legal profession; and the Law Societies of Yorkshire, Liverpool, Manchester, and Chester, had petitioned in its favour. He did not know what objection could be raised to the Bill, especially as it had no retrospective operation, and did not affect Ireland. The object of the Bill was to place real estate on the same footing with regard to future judgments as personal property—that was to say, that no purchaser or mortgagee should be obliged as at present to make searches for judgments. From a Return for which he had moved, it appeared that in one year and ten months 3,051 judgments were registered, and, of this number, 1,894, or somewhat more than three-fifths, were for sums under £200. What possible interest could the House have in prolonging such a state of things? Every power should be given to a creditor to enforce his claim, but that power should not be allowed to affect transactions which were not his own. Yet, for the sake of these 3,051 judgment creditors, every purchaser, according to Lord St. Leonards in his invaluable work on *Vendors and Purchasers,* was obliged to search the registry to see whether a judgment was recorded against the vendor; and this search must extend to the very morning of the day on which the purchase was completed. He was acquainted with a case where a judgment was discovered and telegraphed on the morning of the day which had been fixed on to complete an important purchase. He estimated the yearly number of conveyances of all kinds, that were affected by the present law, at 30,000 and upwards; and this opinion was confirmed by an official Gentleman connected with the Stamp Office department. Was it to be tolerated that every honest purchaser, against whom there was no pretence for saying that there was any collusion between him and the vendor, should be put to such a risk? It added to the perplexity of conveyancing that there was a difference of opinion amongst eminent men learned in the law. He had stated what Lord St. Leonards advised as to the necessity of searching for judgments, and the same doctrine had been held by conveyancers generally for a long time past; but the Master of the Rolls had decided (see Lane *v.* Jackson, 20 *Beavan,* 535) that "it was not incumbent on a purchaser for valuable consideration to search for judgments." This decision would be important, if it could be depended upon as sound in law; but, unfortunately, that was not the fact. It had taken counsel by surprise; but assuming it to be law, the case added to the difficulties thrown on a *bonâ fide* purchaser. This learned judge held, that though a purchaser was not obliged to search for a judgment, yet if he, or his solicitor or agent, had notice of one, he would be bound by such notice, and could recover against the purchased property. In that same case an unsuccessful attempt was made to fix the purchaser with the consequences of a verbal notice alleged by the vendor to have been given to the purchaser's solicitor, but positively denied by that Gentleman. If the notice had been deemed to be sufficient, these consequences would have followed—namely, the vendor would keep the money he had received on the sale of his property, and he would have enabled a judgment creditor of his own to recover his debt from the purchaser, to whom the property had been sold, and paid for; and, as he (Mr. Hadfield) considered, the law would have given the creditor precedence over the purchaser, who had previously held a mortgage upon the property. Five Acts had passed during the present reign in order to soften the asperity of the law on this particular subject, and he hoped that the House would now go a step further, and say that it was not wise to throw a doubt upon transactions between the buyer and seller of real estate. In the year 1860, the House of Lords sent down a Bill, which provided, in addition to all other requisites, execution should issue within three months from the date of the judgment, and the House of Commons sanctioned it; but that did not obviate the necessity of a search within those three months. This state of things was what he sought to put an end to by this Bill. Why should a purchaser in Northumberland be put to the expense of consulting the registry in London? And why should every purchaser of real estate in the country be under such a responsibility? The cost of doing so formed a serious item in a small conveyance; and if there was more than one necessary party to the conveyance, the expense was, of course, proportionally increased. As to notice, the Bill provided that no judgment should affect transactions between the seller and a *bonâ fide* purchaser or mortgagee, for full and valuable consideration, and whether such purchaser or mortgagee had notice or not. He thought notice a very dangerous thing. It was of importance that the existence of a judgment against a person who wanted to go into the market to sell his property, should not be known; because a person having a judgment against him was not in a position to demand as fair a price as could be obtained by a person who had no judgment against him. It was known that a commercial society was formed, to report on registered judgments, and warn against giving credit to persons in embarrassed circumstances. The question might present some difficulties, but Parliament ought not to adhere to old abuses and obsolete laws which threw such obstacles in the way of purchasers. He moved the second reading of this Bill, with a strong conviction that the profession throughout the whole country would hail it as a great improvement, and that it would tend most beneficially to facilitate the transfer of real estate.

MR. HUMBERSTON rose to second the Motion, and trusted that the House would assent to the second reading, for he thought that the law as it stood was extremely vexatious both to buyers and sellers of landed property. He had himself known a case in which a large estate had to be sold in lots; but, in consequence of the existence of judgment debts, and in consequence of no one purchaser being able or willing to pay the judgment debts, great delay took place in the sale of the estate; and as there was at the time a falling market, the value of the property was much depreciated, and the most ruinous results ensued to the owner of that property as well as to the creditors. He did not see the slightest use in retaining the law in its present state. No banker would take a judgment of this kind as security; they would only take the security of a deposit of deeds or a mortgage. The absurdity of the law became at once apparent by supposing it applied to personal property. With respect to personal property a judgment was of no value until execution issued, and that was an intelligible state of things; but suppose the law affecting real property were extended to personal property, and that a purchaser had to search for judgments before he could buy a picture at Christie & Manson's, the thing would be absurd. To make a judgment a lien on real estate only had the effect of clogging the transfer of that estate with unnecessary restrictions and imposing upon the conveyance of property unnecessary expense. He thought, that if they abolished this law, they would only be following in those steps of legal reform which they pursued last year, when they passed an Act with the object of simplifying titles and making the purchasers of land secure.

MR. MALINS gave his cordial support to this Bill, and trusted that the House would agree to pass it without delay. When he first commenced the practice of his profession, the law with respect to the liability of personal property to judgments was in precisely the same position as it was at present. Whether it was a picture worth a thousand guineas, or a chair or table, until the sheriff had in his hand the writ of execution, and took the personal property into his possession, a judgment was not of the slightest value; but with regard to land, whether the estate were great or small, as soon as a creditor obtained judgment that judgment became a lien upon the land; and at that period a purchaser was obliged to search the records of every Court of Record in the kingdom—the King's Bench, the Common Pleas, and the Exchequer—for twenty years back, in order to ascertain whether or not the estate he was about to buy was liable to any judgment debts. That was the state of the law until 1838. It was found, however, to entail such monstrous evils that an Act was then passed—the 1 & 2 *Vict.*, c. 110—by which it was enacted that thereafter a judgment should be binding upon every kind of estate in land—(before that it had applied to freehold estate only, and not to copyholds and leaseholds)—but no judgment was to be binding unless it had been registered in one Court—the Court of Common Pleas; and it was also provided that a registered judgment should be binding for five years only. That was an immense improvement on the former state of the law. Lord St. Leonards, however,—a man more distinguished, than any one else for his knowledge and experience of the laws relating to real property, and who had spent a lifetime in framing measures which would simplify and facilitate the transfer of land—saw that to make judgments a lien upon landed estates, even to the limited extent of the Act of 1838, was still a very great evil; and he introduced a Bill in 1859 which enacted that no such judgment should bind land unless a writ of execution were issued on such judgment within a limited time. He (Mr. Malins) thought that the matter would be intelligible if they said that a judgment should either bind all the property of the debtor or none; but he was unable to see any reason why land should be bound when the personal estate was not bound. He did not see the slightest difficulty in the creditor taking a memorandum of security, charging the land for the amount of his debt, in the same manner as a banker or other person took the title deeds, or a mortgage. The fact was, that the creditors who had these judgment bonds were in many instances men who had lent money at 60 or 70 per cent. The law as it stood before was better than it was at present, because the passing of the Act of 1859 had introduced a most ridiculous and inconvenient state of things. That Act took one step in advance, it was true; but his hon. and learned Friend now proposed to take another, and to enact that no judgment or recognizance entered after the passing of the Act should affect land, as against purchasers and mortgagees, whether the purchaser or mortgagee had notice or not of the judgment or recognizance. That went a little beyond the Act of Lord St. Leonards, which enacted that the purchaser of an estate from a man who had judgments against him, perhaps far exceeding the value of the estate, should maintain his purchase against all the judgment creditors, provided that no one of them had issued an execution. Still, that Act made it imperative on the purchaser of any estate, however small its value, to go to the expense of sending up to London to search the register of the Common Pleas, in the first place, to see whether any judgment had been registered; and, in the second place, to search in another place and see if a writ of execution had been issued. The law would be much more simple as between the debtor and creditor if the judgment were still made a judgment upon the land; but that if the debtor proceeded to sell, the lien should cease in favour of the mortgagee or purchaser for valuable consideration. The proposition before the House was very simple, and he trusted his hon. and learned Friend the Solicitor General would not oppose the second reading.

THE SOLICITOR GENERAL said, that if the House were to pass this measure, it would alter the whole law of debtor and creditor as it now existed in this country. It might have been supposed from the speech of the hon. Member who introduced the Bill, that the world consisted of but four classes—vendors, mortgagees, purchasers, and solicitors, and that these classes were suffering under some intolerable hardship. Yet the whole grievance from which it was now proposed to relieve persons who might be engaged in these transactions amounted to no more than this—namely, that if the purchaser took the course which strict prudence would suggest, and which might be necessary in some cases, though not in all, he would have to make a search, which would cost 30*s.* if he was buying from one individual, and somewhat more if he was buying from more than one. Would they, in order to relieve those persons of such a grievance as this, subvert the whole law of debtor and creditor as it was now to be found on our statute book? The preamble of the Bill stated that it was desirable to place freehold, copyhold, customary, and leasehold estate on the same footing as personal property with regard to judgments as against purchasers and mortgagees. But personal property might be delivered from hand to hand; whereas they could not deal with real estate in that way. The old remedy at law against real estate was by the writ of *elegit,* which enabled the judgment creditor to get possession of an undivided moiety of the proceeds of an estate, and there to remain until the debt was paid. The Act 1 & 2 *Vict.* was intended to supply a defect which existed in the law, and to give to creditors security against the lands of their debtors. It enacted that the effect of the registration of a judgment should be the same as if the debtor had done that which every honest debtor ought to do in the first instance, namely, to give his creditors the best security in his power. In order to avoid any risk of the creditor unduly pressing his debtor, it was provided that until the judgment had been registered for one whole year no step could be taken under the Act for realizing of the debt against the land of the debtor. The policy of that restriction was, he admitted, a fair subject for consideration. But the present Bill proposed that no judgment entered after the passing of the Act should affect any land, of whatever tenure, as against a *bonâ fide* purchaser or mortgagee. In other words, that although the Act 1 & 2 of the Queen gave the creditor a specific security upon land, the owner might sell that land over the head of his creditor, and that the purchaser should be able to maintain his purchase against the claims of the creditor, even although he might have had notice of the judgment. In point of justice there could be no comparison between the creditor who had given his money and the purchaser, whose dealing for the estate was at his own risk and for his own benefit, without any previous right or obligation, and whose desire it ought to be that the purchase money should be honestly distributed amongst the parties having charges on the estate. The purchaser had only to search the registry in order to ascertain who were the parties whose acquiescence in the sale was necessary to the making out of a good title. He agreed with his hon. and learned Friend the Member for Wallingford (Mr. Malins) that Lord St. Leonard's Act, which passed in 1860, imposed forms which were inexpedient. He was not in the House when that Act passed, and washed his hands of it; but the inconveniences arising from it afforded no reason for taking away the securities provided by the 1 & 2 *Vict.*, merely in order that purchasers and mortgagees should be saved some slight trouble. The memorandum spoken of by his hon. and learned Friend would cost more money than the present searches. The Bill of the hon. Member for Sheffield would have a mischievous tendency, which could only be mitigated by multiplying work for lawyers, which work would in the end do no good to either purchasers or vendors.

Motion made, and Question put, "That the Bill be now read a second time."

The House *divided*:—Ayes 23; Noes 43: Majority 20.

POISONED GRAIN PROHIBITION BILL.

[Bill 90.]

On Motion of Mr. Paull, Order of the Day for the Second Reading *discharged.*

Bill *withdrawn.*

POISONED GRAIN, ETC. PROHIBITION BILL.

Bill to prohibit the Sale and Use of Poisoned Grain or Seed or Poisonous Preparations in certain cases, and the destruction of Birds not already protected by Law, *ordered* to be brought in by Mr. Paull, Mr. Sclater-Booth, and Mr. Walter.

Bill *presented*, and read 1°. [Bill 121.]

ACCIDENTS COMPENSATION BILL.

[Bill 103.] SECOND READING.

Order for Second Reading read.

Sir JAMES FERGUSSON, in moving the second reading of this Bill, said, he appealed to hon. Members to dismiss from their minds all preconceived prejudices, and that its provisions would receive careful consideration, so that the railway companies might have the satisfaction of knowing, if the decision of the House were against the Bill, that that decision was the result of deliberate conviction, and not of a foregone conclusion. An idea seemed to exist in the public mind that railway companies should be treated as public enemies, and should, on every possible occasion, be made to pay heavy damages. He frankly admitted that this Bill was brought forward in the interest and with the consent of the railway companies, a body who had conferred greater benefit on the public than any other improvement of modern times; but that admission was no reason why the measure should not be considered in an impartial spirit, or for supposing that there had been any banding together of the railway companies to promote their own interests in opposition to the interests of the public. Such a combination he certainly should feel it inconsistent with his duty to support. The measure expressed the sense felt by the great companies of the grievance of which they had to complain, arising from operations of the law which had never been contemplated by its authors. In the remedy they proposed they did not seek to divest themselves of the just responsibility which attached to all carriers—they merely asked for relief from a misinterpretation of the law, which was not necessary for the protection of the public. By the old common law, while carriers were bound to carry every person presenting himself and every article offered to them for the purpose of being carried, within the limits of what they professed to be their business, it was also incumbent on the persons bringing articles to be carried, to declare their value at the time of delivery, and in the absence of any such declaration no compensation was recoverable in the case of loss or destruction. By the Registration of Traffic Act, which was commonly known by the name of Cardwell's Act, it was enacted that companies should not be liable for animals above a certain value, unless the value was stated, and they had full knowledge of the risk they were incurring. If a race-horse, for instance, were killed during its journey by a railway train, the company would not be liable for the full value, unless they had had full notice before. The only portion of the contracts into which railway companies entered over which they had no control, so far as their liability was concerned, and the full extent of which was absolutely uncertain, was the carriage of passengers. It had been said that the object of this Bill was to upset Lord Campbell's Act, but it was a great mistake to suppose that the responsibility of railway companies rested on that Act. That statute cured an acknowledged defect in the law by extending the liability, which the old common law imposed in cases of accidents to cases of death, so that the representatives of persons killed were able to recover compensation. What he was asking the House to do, was not to reverse Lord Campbell's Act, but to regulate and limit its operation, which Lord Campbell himself in his lifetime acknowledged had been carried too far. The first great injury inflicted on the railway companies by the operation of the law was the inequality of its operation. Two gentlemen, for instance, would take a ticket for the same place and would pay the same fare; the one would be a gentleman of £10,000 a year—he might be the Lord Chancellor of England; and the other somebody, whose life was of no pecuniary value to any one but himself—a subaltern in a marching regiment, or a younger son. An accident happened in which both of them were killed, and then the company found out, for the first time, into what different contracts they had entered. In the one case the compensation they had to pay was comparatively trifling, in the other they were liable to damages of an enormous amount. There never yet had been a case of damages to an enormous amount, but there had been many cases of extravagant damages; but, greater or smaller, the companies had no means of judging of the nature and extent of the contract into which they were entering. There was the case of an inequality of another kind—if a man were killed in an accident, leaving a wife and children of whom he was the support, the company were liable; but if he were a man with no such direct responsibilities, but who assisted his relatives, not in any fixed regular way, but just as they needed it, unless they could show a substantial loss, they could not recover. This Bill would so far extend the operation of Lord Campbell's Act as to give the surviving relatives of a man who was fatally injured, and those who were dependent on him to any extent, a right to compensation. He admitted that the Bill was of an exceptional character—that to a certain extent it proposed to take railway companies out of the category of persons liable for neglect. But it must be remembered that in many respects railway companies differed widely from private persons, who were affected by, and subject to, the provisions of the common and statute law of England. A great railway accident might be brought about by some small matter or derangement, against which it was almost impossible to provide. No matter what care might have been exercised by railway companies in the choice of materials, or in providing officials capable of discharging their duties, accidents might occur. There was an instance in which an accident occurred to a mail train with a new engine, the very part which gave way having been previously examined, and the driver being a most careful man, of twenty years' experience; but a frost had set in, and every possible precaution that could have been taken was baffled. Similar accidents were of constant occurrence, and would constantly occur unless they could insure a certainty which did not belong to human affairs. But the greatest evils in connection with the present state of the law on the subject were the enormous frauds which it encouraged. Claims were often so long delayed—and delay in many cases was unavoidable—that the truth could not be ascertained. There were many instances in which persons had obtained sums of money from different companies on account of accidents at which they had not been present. Pettifogging solicitors and compassionate doctors were always to be found to do their utmost to enforce claims, no matter how lightly founded, against the companies. A conviction existed on the part of railway companies that there was a sort of partnership between solicitors and doctors in those cases. There was a class of solicitors and doctors who made it a practice to get them up. A small lawyer took up a case, and there was no difficulty in getting half-a-dozen doctors to come forward to support it—for, without casting any imputation upon professional men, it was a matter of fact that almost any number of professional men could be got to give evidence on any side whatever, and often of the most contradictory character. The mass of professional evidence which was brought forward on these occasions was wholly unnecessary, and was produced merely to increase costs. The juries, too, were often swayed by passion and prejudice. Often, contrary to the charging of the Judge, juries gave penal damages when the Judge recommended moderate damages, and they sometimes gave a higher compensation than the claimant himself asked for. Numerous cases of injustice had been brought before him, and the difficulty he experienced was in selecting from them. In the case of an accident on the North Western the plaintiff claimed £5,000. The company lodged £1,000 in the hands of the court. Mr. Justice Willes charged in favour of the company, but the jury gave large damages. In another case a person got £700 damages, on the ground that he was permanently injured for life; but the day after he had obtained his compensation this person went back to his business. In another case a person got a large compensation for the shock to his nervous system in witnessing a railway accident. One individual was so successful in this way that he built a house in Shrewsbury, which his friends called "Compensation Hall." Mr. Saunders, a barrister, got £3,500 compensation, although all that had been proved was that he was in the habit of getting headaches, and could not pursue his usual avocations. It was proved that this gentleman had a fall from his horse some time previously. The hon. Baronet having cited other cases in which large damages were awarded for slight injuries, and even for accidents with which the parties had nothing whatever to do, proceeded to say:—But the worst case of all was that of the Whitehaven Junction Railway accident. This accident took place in 1861; but there was not a bone broken, and not a carriage injured. There were thirty-four passengers, and thirty cases of compensation were brought. The result was that the company had to pay £9,436 as compensation, and £741 as law costs, which was more than a two years' dividend at the rate of 5 per cent. Now, the company had to pay this enormous sum, although not a single carriage had been injured, and although several of the cases had been compromised at the rate of £14 per head. Those on whose behalf the Bill had been introduced maintained that a specific contract ought to involve definite liabilities, and that railway companies alone ought not to be led into contracts the extent of which they could not tell. It was proposed, then, that the liabilities of the companies should be equal—that as there were equal payments, there should be equal liabilities; but where any individual estimated the value of his life to his representatives higher than the limitation of the Bill provided for, he should be entitled to insure with the railway company to the higher amount which he thought fit. Definite terms of insurance and details might be settled in Committee, or by the Board of Trade. He begged to move the second reading of the Bill.

MR. J. C. EWART seconded the Motion.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. LONGFIELD said, that in rising to move the Amendment which was equivalent to the rejection of the Bill, he must appeal to the general sense of justice of the House. He saw around him a great many hon. Gentlemen who were connected with railways; but, nevertheless, he had that confidence in the justice of the House as to believe they would reject this Bill. He must say that this was one of the most indecent propositions that had ever been submitted to the House. No doubt it was introduced with the sanction of the railway companies, and that was all the merit it had. Were they to be called upon to legislate for the life of human beings as for cattle—for the beast that perisheth—and to sanction the principle that the life of the poor man was not to be put in the same scale with that of the duke? [SIR JAMES FERGUSSON said, the object of the Bill was exactly the reverse.] The hon. Baronet seemed to complain that a railway company should be obliged to carry a subaltern and a duke on the same conditions. Of all the monstrous Bills that were ever introduced, this Bill, which the hon. Baronet had brought in on behalf of the railway companies, was the most monstrous. The Bill was said to be founded on the abuse of juries, medical men, and solicitors—it pretended to give increased facilities to claimants against companies; but it gave them not a single facility that the law did not give them already. The Bill was, in fact, an appraisement of human life according to the valuation of railway directors. The first section of the Bill provided that no person should be entitled to compensation beyond a certain amount, in consequence of an accident, from the railway company, unless his life were insured—thus limiting arbitrarily and indecently the amount at which human life was to be valued. But what was the rate at which railway directors proposed to appreciate human life? The Bill, on their behalf, divided railway passengers into three classes, the lives of which were appraised by the hon. Baronet at the rate of £400 in the case of a first class, £300 in the case of a second, and £200 in the case of a third class passenger; that being the estimate which the directors had the modesty to put upon human life as represented in those three different classes. The hon. Baronet estimated the value of human life as he would estimate the value of cattle. In the days of Athelstan, indeed, there was a tariff of human life, in accordance with which a man was fined £13 for killing a peasant, the tariff increasing in amount up to £1,500 in case of a monarch. He could not say what was charged in the case of Baronets, for they came later. There was also under the Irish law what was called an *eriach*, or stipulated rate of payment in the case of persons who happened to be killed by accident or negligence. If the present Bill passed, the various companies would have to keep not only railway offices, but also insurance offices, of which the tariff was to be regulated by the Board of Trade, the directors, in addition to their other powers, being now anxious to have the privilege of killing the public at the rate of so much per head. He regarded the proposition as most indecent. If such legislation were sanctioned, it would, he supposed, shortly come to pass that a regular fixed scale would be established, and posted conspicuously at the various stations, by which the life of a sheep would be appraised at 40*s*., a cow at £15, a horse at £50, the loss of a man's eye at so much, lock-jaw and tetanus so much, general mutilation at so much more, until the maximum of £400 was reached in the case of the life of a first-class passenger. Such was the nature of the legislation which the hon. Baronet proposed—legislation called for by the existence of no grievance which he had proved, by nothing stronger than the assertions of railway companies themselves. He would remind the hon. Baronet that Committees had sat to inquire into the subject of railway accidents, and that reports in reference to it had been made from time to time, not by pettifogging lawyers, but by most competent and disinterested persons connected with the Board of Trade, and he would direct his attention to the evidence. Mr. Lowe, in giving his evidence before one of those Committees, that of 1858, stated that he regarded Lord Campbell's Act as the only security which the public had against railway accidents. He might add that one of the reports which had been made to the Board of Trade in relation to these accidents showed that thirty-eight persons had been killed and 498 injured, as the result of two collisions; while, in the case of one of them, the accident was proved to have been attributable to neglect on the part of the signalman, a youth of nineteen, who was paid only 14*s*. or 15*s*. a week. Now, he had no compassion whatsoever for persons who were guilty of such miserable economy as not to secure the services of competent and experienced men, and who were ready to place the amount of their dividends in competition with human life. But that was commonly the case with the companies to which these reports referred. In twenty-eight instances the negligence of the inferior servants of railway companies had been the cause of accidents, and it was monstrous, he contended, that the House should be asked to throw its protection over those companies to the extent which the hon. Baronet proposed. He, for one, objected to human beings being placed in the same category as cattle, and to having human life sacrificed to the greed and cupidity of railway directors, and for all these reasons he should move the Bill be read a second time that day six months.

Mr. BENTINCK, in seconding the Amendment, said, that no one could doubt but that the hon. Baronet who moved the second reading was actuated by the purest and most honourable intentions in bringing forward this Bill, and it was a matter of surprise to him (Mr. Bentinck) that a man possessed of such feelings of justice should have allowed himself to be mixed up with so extraordinary a measure as the present. The hon. Baronet, in introducing the measure, stated that there was a great prejudice against railway companies, which this Bill endeavoured in some degree to remedy, and appeared to think that railway directors were, generally speaking, the purest philanthropists, who were associated together exclusively for the public benefit. Now, he (Mr. Bentinck) denied the existence of any such prejudice as had been asserted; neither was he disposed to consider railway directors such disinterested gentlemen as his hon. Friend seemed to think them. He believed them to be very respectable men, who in consulting the convenience of the public were at the same time very properly alive to their own interests. But it was the public, and not the railway directors, that would be injured by the proposed Bill. If any legislation respecting this subject were to take place, it appeared to him that it should be in the opposite direction to that which the measure before the House went. The hon. Baronet had relied much in support of his case on the argument that railway accidents might be occasioned by very trifling causes, or causes entirely beyond the control of the directors. But it was his (Mr. Bentinck's) conviction that the main cause of railway accidents was attributable to the great speed at which railway trains were now driven, for the purpose of competing with rival lines and filling the pockets of the shareholders, regardless of the interests of the public. The hon. Baronet had said that medical men and lawyers combined in considerable numbers with the view of obtaining larger damages from railway companies than it was just they should be called upon to pay; but the very fact that a great number of persons were enabled to make a livelihood in that way, would of itself show how great the number of accidents must be. That in several instances juries had granted larger sums in the shape of compensation than had been asked for also, he thought, seemed to prove with how much moderation those claims had been preferred. But the point to which he wished chiefly to draw the attention of the House was the danger resulting from over-speed, which he could, from the knowledge which he had acquired as Chairman of the Committee on Railway Accidents in 1858, state was the main cause of many of those disasters which we had to deplore. On that subject he might observe that an hon. Friend of his, who was also a Member of the Committee of 1858, had informed him that at the beginning of last Session, having at his request endeavoured to ascertain privately from the railway directors of the principal companies, who had assembled together at a meeting which he was about to attend, why it was, that when they all admitted that great and serious danger was the result of over-speed, and that it would be a great benefit to the companies and a great source of security to the public if the rate of speed could be diminished, they had so strongly opposed the proposal which he himself had made to effect that object. Their answer to the question was, "We are quite alive to the force of all you say; but we will suffer any amount of loss so far as our dividends are concerned, we prefer exposing the public to any amount of risk, rather than submit for one moment to have our authority over the companies we direct controlled by Government interference." The present was not, however, the occasion to dwell upon that point, although it was, in his opinion, quite clear the railway directors, in thus acting, cut, as it were, the ground from under their own feet as petitioners to Parliament for a diminution of their liabilities. He regretted not to see the right hon. Gentleman the President of the Board of Trade present, as he wished to place some facts connected with this subject before him. But as the right hon. Gentleman was not in his place, he should defer those observations to another opportunity. He had frequently pressed upon the right hon. Gentleman the importance of legislating on this subject, but he invariably received a reply expressing his unwillingness to proceed in the matter. Much, he might add, had, of late years, been said about cheap travelling; but safe travelling was entitled also, he thought, to have something said in its favour in these days when railways had a monopoly of the whole traffic of the country, and when persons were virtually compelled to use them as a means of locomotion. The public were under such circumstances, he could not help thinking, entitled to the best precautionary measures possible by legislation against railway mismanagement, and consequent danger to life and limb.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. H. S. THOMPSON said, the hon. and learned Member who had preceded him had laid great stress on the enormity of valuing human beings like cattle or pigs at so much per head, but no one had ever heard in courts of justice any attempt to make reparation for wounded feelings, or for the severance of human affections, for the simple reason that it was quite impossible to make any adequate compensation for the loss of life. The only point which was or could be considered in giving compensation for the death of an individual, was the money loss which it occasioned to his family and relations; and the decision of the jury was necessarily confined to an estimation of what that loss was. The damages were, in fact, questions of loss of property. The objection to the present system was, that this money value was regulated by totally different rules of law to those which regulated the estimation of the value of all other property. Now, railway companies claimed that they should be allowed to apply to the cases of loss of life, treated as they now were as property—but always remembering that the loss of life itself could not be compensated—the same rules which applied to all other descriptions of property when it was lost by negligence or accident. The object of this Bill was to give, instead of the excessive damages now occasionally recovered, a moderate and fair compensation, which would be promptly and readily paid, and without those expenses in which a considerable portion of the compensation now awarded leaked away. Allusion had been made to the danger arising from the speed at which railway trains were run, but these dangers were very much exaggerated. As instances, he would mention one or two facts, which were better than a volume of declamation. During the last eight years the North Eastern Railway—a company with which he was connected—had carried 55,160,000 passengers. The number of passengers injured, including the most trifling hurts, was 18⅜ per annum, and the number killed only ½ per annum, or one every two years. The number of deaths, therefore, was about 1 in 14,000,000 passengers. Was there any other mode of conveyance which could be said to be equally safe? On Easter Monday, the London and Brighton Railway Company conveyed, in addition to their ordinary traffic, 112,919 persons, without the occurrence of a single accident. Other railways could show returns equally favourable. He admitted, that unless it could be shown that this Bill would benefit the public, it ought not to receive the sanction of the House. He had already referred to one way in which the public would be benefited, but there would be the additional advantage that railways, relieved from the losses to which they were now subjected by vindictive or excessive verdicts, would be able to provide better for the safety of the public. Railway Companies had great reason to complain of the tendency of the legislation of this House. He might instance the excessive competition to which they were subjected by the multiplication of lines between the same terminal points and the heavy local burthens imposed upon them in consequence of the unequal assessment of railways as compared with other property. He would not dwell on these points on the present occasion further than to point out that the accidents arising from the poverty of railway companies were far more numerous than those caused by excessive speed. The amount of capital expended by railway companies was £362,000,000, and the receipts for last year amounted to about 4 per cent upon this outlay. Of this average profit some companies received hardly any at all; and if they were to be exposed to these enormous claims for compensation, as well as to the other legislative hardships he had pointed out, they would soon become utterly unable to defray the expenses which were necessary to secure the safety of the public. He should support the second reading of the Bill.

THE SOLICITOR GENERAL said, he desired to state the views which the Government took in regard to this measure, which had been introduced with great ability. It appeared to him that the principles of the Bill, though no doubt they had been carefully considered, were such as to make it impossible that it should receive their support. The hon. Gentleman who had last addressed the House, in a very temperate speech in support of the Bill, had urged arguments which it was very easy to prove to be fallacious — yet it was upon these arguments that the Bill principally rested. It was true that ordinary carriers were, under the Acts of Parliament, relieved from carrying goods of special value, unless that value was declared and special rates were paid; but, that while some lives were of more value than others, railway companies were not entitled to make any difference in the rates charged. In this argument there was a fallacy. Carriers were absolutely responsible for the safe custody of the goods which they carried, and Parliament had provided that they need not carry certain goods unless their value was declared and special rates were paid. But railway companies were not absolutely responsible for the safety of their passengers. It was only when damage resulted from their negligence and wrong — only when they had failed to do their duty—that they were responsible at all. If, through unavoidable accident, life was lost, no liability was imposed upon them. By this Bill, it was for the first time, proposed to fix a purely arbitrary value upon injury arising from wrong and negligence; while, at the same time, a provision was made for an additional sum, for which the passengers were to pay by way of insurance; and insurance against what? Not against unavoidable accident, but against the wrong which they might suffer at the hands of those who had contracted for their conveyance. This was of itself an admission that the arbitrary valuation was absurd; because, if it was suffiicent, where was the necessity for superadding anything to it? The provision was entirely opposed to all the principles of insurance. The principle of an insurance was, that it should be to provide against things for which the insurer would not otherwise be liable. In this case, however, it was proposed that the passenger should enter into a contract with the company to insure him against their own wrong. Without denying that the administration of the existing law might sometimes press hardly upon companies, or that it was a matter deserving of consideration whether some safeguards consistent with the principles of justice might not be thrown round their liability, he was bound to say that the principles of this Bill were such as to disentitle it to the support of the House, and he hoped that the Motion for its second reading would be rejected.

MR. DUTTON said, he rose to defend railway companies against the charge that they were frequently guilty of false economy; they were always most anxious that the materials they used were of the very best quality, and he would fearlessly assert that their servants always exerted themselves most praiseworthily to secure the safety of the public. Under the existing law, most extravagant and outrageous claims were frequently made against railway companies. He knew nothing of the Bill, or how or from whom it originated; but he could say that the railway directors never desired to shrink from their responsibility when cases of injury arose—in fact, they always exhibited great liberality in dealing with them. On the occasion of the Wimbledon accident, the cause of which the most able engineers and scientific men were unable to discover, and in the case of which the jury at the inquest on the body of Dr. Baly found a verdict of "Accidental death," claims were made to the amount of £30,221; and the London and South Western Railway Company actually paid £15,191. He did not entirely approve the provisions of this Bill, and should have preferred the appointment of a Select Committee to inquire into the whole question; but he should support the second reading.

Mr. CLAY, having reminded the Solicitor General that carriers were not liable for accidents occurring by the act of God, said, that this Bill was not the result of a great organization of railway companies. He was Chairman of one of those companies, and he could state that he had never seen the Bill until it was laid upon the table of the House. He approved of it, however, and should vote for the second reading. It was a mistake to suppose that the interests of railway companies were opposed to those of the public. The only way in which companies could obtain large receipts was by giving the best accommodation to the public, and nothing injured a railway more than the occurrence upon it of some great disaster. So long as the public would travel by fast trains, it would be necessary for the companies to run them; and if Parliament would pass an Act limiting their speed, it would be as great an advantage to the companies as to the public. Being the Chairman of a company which insured against accidents, he knew a good deal about fraudulent claims. He could tell stories that would make hon. Members laugh, and others that would make them shudder—including, he was sorry to say, the suspicion of more than one murder—which had been made for the purpose of recovering compensation for alleged railway accidents. He hoped that the Bill would be read a second time.

Mr. BOVILL said, that it was not against railway companies alone that fraudulent claims were made; insurance companies were constantly cheated, and it was not long since that the owner of a common street cab was constantly bringing actions against gentlemen for damage to his cab, alleged to have been occasioned by their carriages. It was in vain that the coachmen protested that they had had no collision; the claimant was known to be a person of no means, and the defendant paid, rather than incur the expense of a law suit with a man of straw. The man was at last tried and convicted of extortion. This measure would have no effect whatever in preventing the setting-up of fraudulent claims, while, on the other hand, it would have the effect of hindering persons having honest claims from recovering fair compensation. The Bill was one which assumed that the railway companies were responsible for gross negligence, and it asked the House to absolve them from their liability. The hon. Member for Whitby (Mr. Thompson) had stated, that during a period of two years, out of 14,000,000 travellers on the North Eastern Railway only one person was killed, and eighteen or nineteen injured. But that very circumstance went to show how infinitesimal was the charge for accidents upon the companies, as compared with the enormous revenues which they derived from the traffic. The object of the House ought to be to secure the interests of the public, and the best way to do that was to allow of large damages being given against any company which failed in its duty. Why should these powerful associations have an exemption which was not enjoyed by the poor cab and omnibus proprietors? Suppose a company chose to continue in their employment a guard who had been found drunk three or four times, and the consequence was that the train was smashed; some lost their lives, and several were injured; who would say that such a company ought to be absolved from liability beyond a certain amount? Were they to be protected against the consequences of their own negligence and their own misconduct? But, if that sort of legislation were to be applied to railway companies, it ought to be carried much further, and gas companies and millowners and others ought to be exempted from the consequence of their own misconduct.

Mr. AYRTON said, he would make an

appeal to the hon. Baronet to withdraw the Bill, on the understanding that the House would endorse the proposition to refer the whole subject to a Select Committee. He was one of those who thought the subject ought to be considered; but unfortunately the Bill was so framed that it would be impossible to vote for it without committing oneself to principles which were wholly indefensible. There was not a clause or sentence of the Bill which anybody could undertake to justify. Last year he (Mr. Ayrton) submitted the subject to the House in one form, and the year before in another. But the fact was, the whole question was surrounded by great difficulties. The hon. Baronet did not propose that his measure should apply to carriers in general, whether by sea or land, but he had chosen a particular class for special legislation.

MR. PAULL said, he hoped the House would agree to refer the Bill to a Select Committee, as the whole subject of damages for loss of life required revision.

SIR JAMES FERGUSSON, in reply, said, the speech of the hon. Member for Mallow (Mr. Longfield) was in answer to a speech of his own, not to any speech which he (Sir James Fergusson) had delivered. If the House would allow the Bill to be read a second time, in order that the whole subject might be referred to a Select Committee, that was all he wanted.

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes 70; Noes 90: Majority 20.

Main Question, as amended, put, and *agreed to.*

Second Reading *put off* for six months.

CHURCH RATES REDEMPTION BILL.

[BILL 12.] SECOND READING.

MR. ALCOCK moved that this Bill be read a second time on Wednesday the 10th of June next.

MR. MOWBRAY said, that was a very unusual course to take. The House, on a former occasion, had refused to read the Bill a second time, and now the hon. Gentleman, taking advantage of a point of form, and without any explanation, moved that the Bill should be read a second time on the 10th of June. He should oppose the Motion.

MR. WHITESIDE said, he should appeal to the Speaker. The principle of the Bill had been already disposed of; but

because the form was not used that the Bill be read a second time this day six months the hon. Gentleman made his present Motion. They were all agreed that nothing could be done on the subject this Session, and therefore he did not see what the hon. Gentleman could have in view in the course which he was now taking.

MR. ALCOCK said, the division took place the other day very prematurely, and he knew that many Members voted without being aware how they were voting.

MR. SPEAKER: This is a question of form. The decision of the House upon a former occasion was upon the Question that "the Bill be now read a second time;" and the decision was, that the Bill should not be then read a second time: but that decision, though adverse, did not preclude the assumption that the House might be more favourably disposed to it on another day. But if the House had decided that the Bill should be read a second time that day six months, that decision would have been final.

MR. EVANS said, he did not see that there could be any objection to the Motion.

Motion made, and Question put, "That the Church Rates Redemption Bill be read a second time upon Wednesday the 10th day of June next."

The House *divided:*—Ayes 25; Noes 39: Majority 14.

DISTRICT PAROCHIAL CHURCHES (IRELAND) BILL.

On Motion of Sir HUGH CAIRNS, Bill to amend the Law relating to District Parochial Churches in Ireland, *ordered* to be brought in by Sir HUGH CAIRNS and Mr. WHITESIDE.

Bill *presented,* and read 1°. [Bill 122.]

House adjourned at five minutes before Six o'clock.

HOUSE OF COMMONS,

Thursday, May 14, 1863.

MINUTES.]—NEW MEMBER SWORN—Edward O'Neill, esquire, *for* Antrim.

PUBLIC BILLS—*First Reading*—Election Petitions* [Bill 124]; Costs Security* [Bill 126]; Port Erin Harbour (Isle of Man)* [Bill 123]; Execution of Decrees* [Bill 125].

Second Reading—Volunteers [Bill 108]; Salmon Fisheries (Scotland) Act Continuance* [Bill 117].

Committee—Thames Embankment (North Side) [Bill 94] (*on Re-Committal*); London Coal and Wine Duties Continuance [Bill 27]; Vaccination (Ireland) [Bill 70]; Sale of Mill Sites, &c. (Ireland)* [Bill 105]; English Church Services in Wales (*Lords*) [Bill 81] (*on Re-Committal*)—R.P.

Report—Thames Embankment (North Side) [Bill 94]; London Coal and Wine Duties Continuance [Bill 27]; Vaccination (Ireland) [Bill 70]; Sale of Mill Sites, &c. (Ireland)* [Bill 105].

Considered as amended—Prison Ministers [Bill 24].

Third Reading — Naval Medical Supplemental Fund Society Winding-up Act (1861) Amendment* [Bill 93], and *passed*.

CAPTAIN SIR WILLIAM WISEMAN.

QUESTION.

SIR FREDERIC SMITH said, he rose to ask the Secretary to the Admiralty, Whether there is any truth in the report that Captain Sir William Wiseman, R.N., who lately was Vice President of the Ordnance Select Committee, is about to be sent to a distant command? In putting this question he had no wish to cast any imputations upon this distinguished Officer, but merely regretted that his services would be no longer available in the position which he lately filled.

LORD CLARENCE PAGET said, in reply, that Sir William Wiseman had been offered, and had accepted, the Commodoreship of the Australian station. He quite agreed with the hon. and gallant Gentleman as to the great merits of this distinguished Officer, and it was not with any wish to shelve him that this appointment had been conferred upon him. But Captain Wiseman had not served his time afloat, and it was proper that so distinguished an Officer should receive such a command.

WRECK OF THE "ANGLO-SAXON."

QUESTION.

MR. DAWSON said, he wished to ask the President of the Board of Trade, Whether any detailed Report has been made to his Department of the loss of the *Anglo-Saxon* steamship, from Londonderry to Quebec, on the 27th April, and whether the circumstances of that lamentable event are correctly stated in the Public Press; also, whether the Government has ever refused permission for the use of Daboll's Fog Trumpet upon Cape Race in Newfoundland; and, if so, what were the grounds of such refusal?

MR. MILNER GIBSON said, in reply, that no detailed statement had been made to the Board of Trade in reference to the loss of the *Anglo-Saxon*, and the full particulars of that melancholy event would not be known until the arrival of the next mail. With regard to the other question put by the hon. Gentleman, he had to say that last year the Associated Press of New York made a proposal to erect one of Daboll's Fog Trumpets on Cape Race, but it was not thought desirable by the Colonial Government or by the Government at home that a foreign company should occupy a site there for that purpose. The Board of Trade, however, had urged upon the steam shipowners the necessity of erecting some adequate fog signal upon that important headland. They had the power of erecting such a signal by imposing a toll upon the shipping which passed the Cape, but the shipowners stated, that although they would like a fog signal there, they would not like to be put to any expense for the maintenance of it. It had always been the practice when a toll was proposed to be placed for the first time upon the shipping interest, to consult that interest before taking such a step. With regard to the particular signal mentioned, it was not certain that it was a good description of fog signal, and it was most important in putting up a warning on any Cape or headland that it should be of a kind that could be relied upon, because if a signal were put up, it became an inducement to ships to venture nearer to the land than they otherwise would, and then, failing in hearing the signal, they would get ashore. Quite recently a steamer struck near Holyhead, though during a fog a gun was fired at intervals from the top of the mountain. A gun, however, had been thought the best signal, and it was a gun that was proposed to be placed on Cape Race when the attention of the shipowners was called to the subject. Daboll's invention was under the consideration of the Trinity Board in this country; and the Foreign Office also, feeling the importance of the question, applied at the close of last year to the United States Government for a Report from their Lighthouse Board as to the merits of this invention. The Report was, that it promised well, that they thought it worthy of a trial, but they did not go the length of saying that its value had been sufficiently proved to warrant its erection on so important a headland as Cape Race.

MR. DAWSON said, he wished to know whether the usual investigation would take place by the Board of Trade into the cause of this wreck?

MR. MILNER GIBSON said, there was very little doubt on that point, but he could not answer the question until the circumstances of the case were officially before the Department.

PRISON MINISTERS BILL—[Bill 24.]

CONSIDERATION.

Bill, as amended, *considered.*

Clause 3 (Additional Ministers in Prisons and Regulation as to Admission of Minister).

Mr. BENTINCK said, he objected to impose on the ratepayers of the country what he believed would prove a most onerous and oppressive tax, and one which would be most distasteful to the great majority of them. He would therefore propose in Clause 3, the omission of the following words :—

> "And they may, if they think fit, award to him a reasonable sum as a recompense for his services, such sum to be deemed a part of the expenses of the prison to which he is appointed, and to be paid out of the funds legally applicable to the payment of such expenses."

Mr. PACKE said, he would second the Motion. When he proposed a similar Resolution in Committee on the Bill, he was asked what alternative he would propose. His answer now was, that he would leave the chaplains so appointed to be paid for the duties they fulfilled in the prisons in the same way as they were paid for the duties they fulfilled out of the prisons. No Dissenters or Roman Catholics were paid out of public funds for their work out of gaols, and he saw no reason why they should be paid for their work in the gaols. If the Amendment were carried, he should be prepared to move words to the effect that recompense for the services of the chaplains who might be appointed should be paid out of voluntary contributions.

Amendment proposed, in page 2, line 10, to leave out from the word "persuasion" to the end of the Clause.

Question proposed, "That the words proposed to be left out stand part of the Question."

Sir GEORGE GREY said, the Amendment very closely resembled that introduced by the hon. Member for Leicestershire the other evening, and rejected by a considerable majority of the House, and he must therefore oppose it on that occasion.

Mr. MAGUIRE wished to correct a mistaken inference which might be drawn from a statement made on a previous evening by the hon. and learned Member for Bute (Mr. Mure). That hon. and learned Gentleman had stated that there were 173 Catholic prisoners in the Glasgow gaol, and that not more than three of those had been visited by a Roman Catholic clergyman. On reading that statement he (Mr. Maguire) had written to the Catholic bishop of Glasgow in reference to it. The right rev. Dr. Murdoch replied that until he read in the newspapers the statement made by the hon. Member for Bute, neither he nor any of his clergy were aware that a Roman Catholic clergyman had the power of visiting a Catholic prisoner in the gaol who had not sent for him. He further stated that some time since he petitioned the Prison Board to allow the Sisters of Charity to attend on the female prisoners of the Roman Catholic religion, and that petition was met with a refusal. Immediately afterwards the governor of the gaol told one of the clergy that he could not see any other prisoner than the one who sent expressly for him. He (Mr. Maguire) thought that would be a satisfactory explanation of the statement made by the hon. Member for Bute.

Mr. NEWDEGATE said, he did not approve the Bill. He was afraid the Government were placing themselves in an ambiguous position by the measure. He regretted that circumstance, and he regretted still more the support which the Bill had received on the Opposition side of the House. However, as the House had already decided that no alteration should take place in respect of the remuneration to those clergymen, he thought it was useless for his hon. Friend (Mr. Bentinck) to go to a division.

Mr. BENTINCK said, that he would not trouble the House by dividing.

Amendment, by leave, *withdrawn.*

Clause 4 (Keepers of Prison to Register Religion of Prisoners).

Mr. HENLEY said, he wished to propose an Amendment having for its object to provide that the keeper or other officer of a prison should from time to time give clergymen admitted under the Bill a list of the prisoners of the Church or persuasion to which such clergyman belonged. The clause as it stood provided that those clergymen should have access to a book for the purpose of acquiring that information. His plan was in substitution of that in the clause.

Sir GEORGE GREY saw no objection to the Amendment.

Mr. NEWDEGATE said, the clause was a portion of the Bill which he thought contained a direct invasion of the great principle of religious freedom. By the provision they were about to authorize the appointment of persons who belonged to a church which had no regard to the principles of toleration, and which was very different from the Church of England.

Amendment *agreed to.*

Bill to be read 3°, on *Monday* next.

VOLUNTEERS BILL—[Bill 108.]

SECOND READING.

Order for Second Reading read.

Sir GEORGE GREY moved the second reading of the Bill.

Lord LOVAINE: I expressed on a former occasion my regret that the present Bill had not been laid upon the table previous to the Vote for the grant for the Volunteers, as many of my objections to that Vote would have been much modified by the perusal of the provisions of this Bill. One, for instance, which I think was greatly misunderstood by hon. Members on the opposite benches, was, that in cases of popular tumult, the defence of their arms could not, under the then state of the law, be intrusted to the Volunteers. Under the provisions of this Bill I find that this objection is met in a satisfactory manner. I think the Bill requires, and no doubt will receive ample discussion, as it deals with many important points. The provisions for compulsory taking of land for rifle ranges and training grounds, for instance, will require careful examination. There can be, however, but one wish on the part of every Member of the House, that the organization of the force to which it relates, now that it has taken its place permanently as a part of the military force of the country, should be raised to the highest point of efficiency. I cannot leave the subject without expressing, as I have upon all other occasions upon which it has been mooted, my sense of the debt of gratitude which the country owes to the Volunteers, whose spirit, energy, and patriotism have completely altered the opinion formerly entertained by continental nations of the want of military spirit on the part of the English people. They have shown that they are the true descendants of those who, in the beginning of this century, rose as one man to repel the threatened invasion of the first Napoleon, and demonstrated to every military intellect that henceforward the idea that England can be successfully invaded is an idle dream.

The Marquess of HARTINGTON (who had just entered the House) said, he owed an apology to the House for not having been in his place to move the second reading of the Bill. The cause of his absence was, that he did not expect that the measure would be reached at so early an hour of the evening. He did not intend to enter into the political causes which had led to the first rise of the Volunteer movement. It was sufficient, for his purpose, to say, that in the spring of 1859, owing to those political causes, several corps offered their services to the Government, and were accepted, under the provisions of the 44 *Geo.* III. The right hon. Gentleman the Member for Huntingdon (General Peel), who was then in office, at once accepted the services of the corps thus offered, and expressed his willingness to give them every assistance in his power. When the present Government came into office, they found thirteen of those corps established, eleven of them having been formed under the new regulations, and two of them having existed for some years previously. At the same time the spirit of volunteering had become very extensive throughout the country, and offers of the services of corps were arriving almost every day for acceptance of the Government. The conditions under which their services were at that time accepted were these:—They offered their services, neither receiving pay nor any form of assistance from the Government. Their services were perfectly gratuitous, neither receiving arms nor ammunition. The first step the late Lord Herbert took towards granting them assistance was to offer to supply to the corps from 15 to 25 per cent of the rifles and the ammunition they required. The noble Lord, however, very shortly found that so much inconvenience would arise, particularly in active service, from the want of uniformity in the pattern of the rifles supplied by the Government and those which were furnished by the Volunteers themselves, that it was determined by the Government to issue from their own stores the whole of the rifles required by the Volunteers. The noble Lord had also extended the organization, which had hitherto only contemplated the formation of companies, by forming, wherever it was practicable, battalions containing several companies. The next step was to provide those battalions with the assistance of adjutants, as it was found quite impossible for the corps themselves, even if they had the means, to obtain, without the assistance of the Government, the services of gentlemen competent to instruct them as soldiers.

The noble Lord also instituted what was called the administrative organization, which united under one administration disjointed and scattered corps, whose headquarters were at a distance from each other. By that means they were enabled to reap the benefit of practising their drill together at certain times, and the then Secretary of State was able to secure for them the services of an adjutant to attend and instruct each of those scattered corps. The only addition made since the appointment of adjutants to the assistance rendered by the Government was at the end of last year, when the Secretary of State provided, at the public expense, sergeant instructors for the instruction of Volunteers in drill. That arrangement was found necessary for the same reason as induced the Government to supply them with adjutants—namely, that the corps themselves could not provide such instructors.

This, then, was the position of the Government, with regard to the Volunteers, at the commencement of the year; they afforded them no pecuniary assistance, but simply provided them with that which was necessary to secure their efficiency. They gave them rifles, because it was necessary that they should all have arms of the same pattern, and they gave them the assistance of a sergeant instructor, because they could not be supplied in any other way. Last year, in consequence of representations made to the Government, a Commission was appointed, to inquire into the state of the Volunteer force, and the Report of that Commission was before the House, and had probably been read by many hon. Members. That Report stated, that not owing to any diminution of the Volunteer spirit—not owing to any want of spirit amongst the men, but entirely owing to the fact that a larger sum than had been expected was necessary to meet the incidental expenses of the corps, and the heavy expenses which were about to fall upon the men for renewing their clothing, it was to be feared, that unless some further assistance were rendered by the Government, a very serious diminution in the strength of the Volunteer force would occur. The recommendations of the Committee were before the House; and the principle having been already affirmed by the House that the Government should give some further assistance to the force, the late Secretary for War, in moving the Army Estimates, proposed an additional Vote of £198,000 for the Volunteer corps beyond the sum voted the year before. The Committee passed that Vote with little observation. He believed it was the almost universal opinion of hon. Members that it was right and proper that the Government should do something for men who had offered their valuable time and services gratuitously to the country. The Government having proposed to give additional pecuniary assistance to the Volunteers, it became necessary for the War Department to institute some further measures to secure the proper application of the grant. Some new regulations therefore became necessary, which involved in some respects an alteration of the law. At the same time, it was thought that that would be a good opportunity to consolidate the Acts of Parliament under which the Volunteer movement had been conducted, and hence the necessity for the Bill before the House.

He would shortly explain the principal points on which the Bill proposed to alter the existing law in regard to Volunteers. The first essential alteration of the law was with regard to the position of the permanent staff. In the old Act there was no express provision for the permanent staff. The sergeant instructors were therefore enrolled as Volunteers, an arrangement which enabled them, if they pleased, to quit the service upon giving fourteen days' notice. It was proposed to attest the sergeants of the permanent staff in the same manner as those of the militia, for a period not exceeding five years. Under the old act, the sergeants of the permanent staff, being in receipt of pay from Her Majesty's Government, were nominally placed under the Mutiny Act. The opinion of the Law Officers of the Crown was, however, taken on the point in reference to a case that arose, and it was found that the provisions of the old Act, under which those sergeants were enrolled, were so complicated, by reason of various regulations for the army, the militia, and Volunteers, that in the event of a prosecution it would be impossible to procure a conviction. It was therefore provided by a clause in the Bill that a court should be established by which, in case of necessity, sergeants of the permanent staff could be tried. That court would consist of five members of the permanent staff of the county, with the adjutant, and it would be presided over by a field officer of the Volunteer force.

The next essential alteration proposed was that relating to the subject of efficiency. The old Act provided that a Volunteer should be considered effective by performing a certain number of drills in the course of the year. By the Bill it was proposed to diminish the number of drills, but that each man should show a certain amount of proficiency in military exercises, in order to enable him to receive a share of the grant voted by Parliament. The old Act contained a definition of the standard of effectiveness, but it was not considered necessary to embody in the Bill the various rules upon the subject, but merely to enable Her Majesty in Council to decide upon the conditions; and in order that Parliament might have proper control, the Order in Council should be laid upon the table of the House for a month before it would have any effect. Another essential alteration in the law was that which gave a legislative sanction to the administrative organization which hitherto only existed under War Office regulations. It was proposed to give to that organization legislative sanction, to place the adjutant and all the members of the staff in each administrative organization directly under the control of the commanding officer of the battalion, and not, as at present, subject to the control of each commanding officer in the battalion.

He was not able to enter so fully as he could wish into details; for unfortunately, not expecting the subject to come on at so early an hour, he was not provided with the papers to which he wanted to refer. He would state, however, for the information of hon. Members connected with the Volunteer force, the conditions upon which the Government proposed to distribute the sum of money which had been voted by Parliament for the Volunteer force. Those conditions embodied in substance the recommendations of the Commission. It was proposed to give to every man of the Light Horse, Engineer, and Rifle Volunteers, who should come up to the prescribed standard of efficiency, 20*s.* a year; and it was further proposed, if he could go through the prescribed course of ball practice, to give him 10*s.* in addition. It was proposed to give to the Artillery Volunteer 20*s.* a year, who should attain a certain standard of efficiency, and for certain other acquirements 10*s.* a year more. For that year, however, as heavy expenses would fall upon the force, and as the regulations with respect to efficiency would not come into operation until the end of the year, it was proposed as a temporary arrangement, to advance every corps, except the Artillery, a sum of money equal to 15*s.* for every effective upon the returns of last year, and for every Artillery Volunteer 20*s.* That arrangement would leave the Government a surplus in hand of the money voted by Parliament. The accounts of every regiment would be balanced in a return made every year. In regard to the standard of efficiency, some trifling alterations would be made which were based upon the recommendations of the Commission. He should have referred to one important feature, which had been alluded to by the noble Lord opposite (Lord Lovaine), a feature which had been embodied in the Bill. The Act which was passed at the instance of the hon. and learned Gentleman the Member for the University of Cambridge (Mr. Selwyn) gave the Volunteers facilities for acquiring lands for the purposes of drill and ball practice. That Act was embodied in the Bill, and they had also added some further privileges, and for this reason—that it was now proposed to require that all Volunteers who received a share of the Government grant should show that they had attained a certain efficiency in ball practice. He was happy to inform the House that the Inspector General of the Volunteers had reported that body to be in a most satisfactory state of efficiency. The number of the force had not sensibly diminished, but it was feared, that unless the Government came forward to assist them, it would shortly fall away. The total number of Volunteers in the United Kingdom was about 159,000; and he was sure, when they heard of such feats as those which had been performed the other day at Brighton—feats that had elicited the highest encomiums from a most experienced and distinguished officer, who was not supposed to be particularly liberal in that respect—they need be under no apprehension of the force suffering from any laxity of discipline. In that force he believed there was a body of men well fitted for the object for which they came into existence, the only object for which a Volunteer force should ever be required. Military men say that we have not acquired much additional information upon any scientific point in the art of war from the contest now raging in the United States; but he thought there was one exception to that remark—from that war we might learn very many useful things in connection with the services of Volunteers. The army of the North, which seemed to be imperfect in discipline, and which was wanting in *esprit de corps*, had not been found efficient in aggressive warfare; but the army of the Southern States was composed of men animated by very much the same feeling, and drawn from the same class as our Volunteer force. To that Southern army our Volunteers were, he felt persuaded, superior in physical appearance and strength; in discipline and equipment, too, they were superior; while he could not bring himself to believe that they were inferior in courage; and hon. Members had seen how the Southern army, which corresponded in so many essential particulars with our force, had fought in resisting the attacks of the invader. If, then, the soil of England should be invaded—and it was only in that event that it was contemplated the services of the Volunteers should be called into action against an enemy—we had at our command over 150,000 men as efficient for the purposes of defence as any army which could be called into the field. In conclusion, he might observe that Government claimed no merit for having originated the Volunteer movement. The movement was entirely the spontaneous effort of the English people, fostered, encouraged, and brought to perfection by the exertions of such men as his noble Friend the Commander of the London Scottish (Lord Elcho). What the Government did claim credit for was, that they had done nothing to cool or impede the spirit of the Volunteers; but, on the contrary, had afforded them every facility in their power to promote their efficiency and their usefulness.

Colonel EDWARDS said, he had not yet had an opportunity of reading the Bill; but, from all that had fallen from the lips of the noble Marquess the Under Secretary of State for War, he felt convinced that the Bill introduced by the Government would be favourably received by the rifle corps generally, and by the country at large. Now that that institution was acknowledged to be one of the great institutions of the country, now the rifle corps was to become a contingent of the regular army, he should cheerfully vote for the second reading of the Bill. But at the same time he must say there might be many provisions in it which might be discussed in Committee and advantageously modified. On a recent occasion—on the occasion of the wedding of their illustrious Prince—the Yeomanry and the Rifle Volunteers were in many parts of the country called out together, and a question of precedence as to the rank of the officers arose, which it was feared might have caused some jealousy between the parties. But the Bill, as explained by the noble Marquess, he was glad to learn, would set that question at rest. The position of the Yeomanry was next to the militia in order of rank amongst the domestic forces of the Empire; and when on duty, they received regular pay, and were equally amenable to the Articles of War under the Mutiny Act with the regular army, and at the disposal of the Commander-in-Chief on any emergency in support of the civil power or for other duties. Up to the present moment the services of the Volunteer corps were only available in the event of invasion; but he was happy to learn that it was contemplated in the Bill before the House to place them on the same footing as the Yeomanry Cavalry. As far as he could understand, they would in future be equally liable with the Yeomanry to be assembled for duty by the Commander-in-Chief, at the request of the Lord Lieutenant, to support the civil power in the suppression of riots; and, under the circumstances, there could be little ground for jealousy with regard to precedence of officers of equal rank, as that would be settled by the date of their gazette. Having felt the deepest interest in the Volunteer rifles ever since the organization of that force, he thought the country was under great obligation to certain noble Lords and Gentlemen in that House and elsewhere who had taken so active a part in promoting the object which had produced such an effect, not only in our own country but in foreign countries, that in all probability they had been saved from a danger which not long ago was supposed to have threatened. With 150,000 Volunteer riflemen—which might be trebled in number on any emergency — together with the regular and irregular forces of the country—well armed, well drilled, and well disciplined—they might bid defiance to the world. He would not trouble the House further, as he merely rose to express his entire concurrence in the Bill as explained by the noble Marquess, and a hope that if it contained weak points, they would be removed or strengthened in Committee.

Colonel FRENCH said, he could not but complain of the conduct of the Government in refusing to extend the Volunteer system to Ireland. During the war with Napoleon, Volunteer corps were formed in that country, and to refuse to her the permission to raise similar corps now for the purposes of defence was to offer an offence to the Irish people. He should in

Committee on the Bill take the sense of the House on the question.

SIR JOHN SHELLEY said, he wished to call attention to one clause of the Bill. They all agreed, he thought, that the Volunteer force should be a real Volunteer force—that nothing should be done that should in any way militate against the feelings of those who believed they were devoting themselves and their time, which was money, to the service of the country. Up to that time every Volunteer corps had framed its own regulations, and then submitted them for the approval of the Secretary of State; but by the operation of the Bill under discussion those rules would, so far as he understood, emanate in future from the Secretary of State in the first instance, which was a very different thing. The alteration was one which he did not think it would be well to introduce, as he believed that a stereotyped set of regulations would be very unpopular among the Volunteers.

COLONEL DUNNE said, he could not agree that individual corps should have the formation of their rules and regulations. On the contrary, he was of opinion that the Government acted wisely in proposing to have a code drawn up for the guidance of the Volunteers. He, for one, had always looked upon those corps as constituting a most valuable force. He did not, however, look upon efficiency in drill as the great object. The great object was numbers. They had sown the dragon's teeth, which would shoot up in arms if the country were invaded. Instead of 150,000 men, he should like to see a million men enrolled as Volunteers. It was important that the House should know what was to be the cost of the force, and what time of drill was to be required. He had heard officers of cavalry corps complain that the thirty days required of them was too much and comparing it with the attendance required from Militia or Yeomanry corps, it did seem too much. He was also anxious to know whether Volunteer corps were to be subject to military law at all times, or only when they were called out in case of invasion; and what was to be the rule as to the command when Volunteers and regular troops were serving together. He entirely agreed with the remarks which had been made by the hon. and gallant Member for Roscommon, and contended that if the Government thought that the people of Ireland were unfit to be trusted with arms, they ought to give them some equivalent by increasing the efficiency of the militia, or in some other way.

Bill read 2°, and *committed* for *Monday* next.

THAMES EMBANKMENT (NORTH SIDE) BILL.—[BILL 94.]—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. CRAWFORD said, he rose to move as an Amendment—

> "That the Bill be re-committed to the Select Committee, with Instruction to take into consideration certain Proposals made by the Corporation of the City of London to Her Majesty's First Commissioner of Works since the date of the Report of the Select Committee."

He had no official connection with the Corporation, and it was only in his capacity of one of the Members for the City that he had been requested to make the proposal. Before he stated its nature, however, it might be desirable he should explain the nature of the improvement fund. By an Act of last Session that fund was constituted by the continuation and appropriation of certain dues for ten years—until the month of July 1872. Those dues were levied on wine and coals; but inasmuch as the produce of the former was very small in amount, he would confine his explanation to the coal dues. The first charge was a duty of 4*d.*, representing the old metage duty enjoyed by the Corporation from time immemorial, and confirmed by a charter of James I.—a duty always considered and held by the Corporation as their property for public purposes. The second was a duty of 8*d.*, levied under various Acts of Parliament for the purpose of effecting public improvements in the metropolis; and the last was a duty of 1*d.*, levied for the purpose of building the Coal Exchange and for other objects. The two last duties, amounting to 9*d.* a ton, formed the fund out of which the whole cost of the Thames Embankment was to be paid. The ratepayers of the metropolis and their representatives had uniformly opposed every attempt to provide funds for public improvements by direct taxation. That being the case, it was clear, that if the whole of the funds constituting the improvement fund of the metropolis were appropriated for the period contemplated by the Bills before the House — being until July 1872 — there could be no hope of any great public improvement being executed during that time, except those defined in the Bills in question. Concurrent with the Bill before the House was another Bill to continue for a further period of ten years from 1872 to 1882, the wine and coal duties. Under those Bills—the fourpenny duty being reserved for the improvement of Holborn Hill—in addition to the million authorized to be laid out on the Embankment, £650,000 was to be appropriated for the purposes of a new street to be made from Blackfriars Bridge to the Mansion House, and a further sum of £580,000 was to be set aside for the embankment of the south side of the Thames, if the Bill with that object passed into a law. It thus appeared that a sum of £2,230,000 was already appropriated for public purposes out of the whole amount raised by the coal duty for the next twenty years. Therefore, unless the House was prepared to levy fresh taxes on the inhabitants of the metropolis, there was no chance of any other public improvements being carried out. The Corporation of the City of London, in that state of things, entertaining a very natural jealousy and dislike to the introduction of the Metropolitan Board of Works within the boundaries of the City, made to the Select Committee which sat upstairs a proposal which had been submitted previously to the Chief Commissioner of Works. Their proposal was, that they should be permitted to use the fourpenny duty for the purposes of the street, and that they should defray the residue of the expense of the street out of their own corporate funds. The Committee did not adopt the proposition, but reported the Bill in the form in which it left the House,—that is, providing that the street should be made by the Metropolitan Board of Works at a net cost of £650,000. The Corporation then submitted a proposal to the Commissioners of Works, to the effect that they would undertake to construct out of their own corporate resources the street at a cost of £650,000, provided they received a contribution from the 9*d.* coal tax to the extent of £300,000. In other words, they said they would make a present of £350,000 to the metropolis at large, if they were allowed to make the street. The Chief Commissioner answered that proposition by stating, that if such a sum were available for improvements in the City, there were plenty of other works to which it might be applied; but the Corporation replied that the money was the property of the City. It might, in fact, be spent in building a new Mansion House or an obelisk, or in any other way they pleased. It was not specifically appropriated by Act of Parliament to public improvements within the City, and therefore, in making the proposal, they really offered to give £350,000 for the privilege of constructing the street themselves. If that offer were refused, and the street made altogether at the cost of the 9*d.* coal duty, the result would be that there would be no fund for twenty years by means of which any great public improvement could be carried out. No doubt many great improvements were wanted in the metropolis outside the City; and as there were seven metropolitan constituencies, the £350,000 would give £50,000 to each of them to dispose of. Under these circumstances, he expected that metropolitan Members would support his proposal. There were bridges to be bought, bridges to be built, and innumerable new streets to be made. With regard to the City and the Metropolitan Board of Works, he did not wish to set the one against the other, but he would appeal to past experience. It was a fact that, with very few exceptions, almost all the improvements in the metropolis for years past had been effected by the City of London out of revenues placed at their disposal by Parliament; and in no single instance that he was aware of had the estimates for those works been exceeded. The reason was, that the works were carried on under the superintendence of a Committee consisting of a great number of Members who lived in the City, and knew the value of property there, and who brought to bear an amount of experience and knowledge which prevented any jobs or misappropriation of money. On the other hand, what had the Metropolitan Board of Works done? He had no intention of disparaging them, but he would say that they had not the experience of the Corporation —at all events, within the limits of the City. Besides, they were already engaged in the execution of very large works—the Thames embankment and other important undertakings. For some years they had been making a new street through the Borough, but it was in a very incomplete state; and though the new communication between St. Martin's Lane and Covent Garden was opened, it was unfinished, and the accounts respecting it had not been closed. He therefore begged respectfully to suggest, that as far as the public interests were concerned, they would be more effectually promoted by intrusting the construction of the new street to the corporation. The proposition of the corporation was, in brief, this :—The Bill empowered the Metropolitan Board of Works to make the street at a cost of £650,000, which was to come out of the 9*d.* coal duty, and the Corporation said they would do it for £300,000, taking the other sum of £350,000 out of their own resources. He asked the House to refer back the Bill to the Select Committee, in order that they might examine into that proposal ; and if the Committee were satisfied that the Corporation were able to construct the street, he believed he had shown that on public grounds they ought to be intrusted with the execution of that great work which was entirely within the precincts of the City.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the Bill be re-committed to the Select Committee, with Instruction to take into consideration certain Proposals made by the Corporation of the City of London to Her Majesty's First Commissioner of Works since the date of the Report of the Select Committee,"

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. COWPER said, the question was one of considerable importance as regarded the practice of the House. It was very undesirable to encourage Motions to re-commit Bills without serious and substantial grounds, and he did not think it had been the practice of the House to re-commit Bills without its being shown either that the Committee had not adequately or satisfactorily discharged their duty, or that some new facts of real importance had come to light since the close of their labours. He was glad to hear that no objection was made to the Committee, for they had listened with the greatest attention for six days to the evidence brought before them, the Corporation and the Commissioners of Sewers for the City being the only opposing parties. He understood the hon. Member to say that the Corporation were willing to make a present of £350,000 out of their corporate resources for the honour of making the street. When he was informed that they had such resources, he said he was delighted to hear it, that they ought by all means to be encouraged in spending them in improving and beautifying the streets in the City, and that he was the last person to interfere in the slightest degree with proposals of that kind ; but he added, "Do tell me what these corporate resources are?" Yet up to that time the information he had received on the point was very obscure. From their language it might be supposed that they meant the 4*d.* coal duty by the corporate resources ; but so far from that duty belonging to the Corporation, it had only been granted to them by Act of Parliament until 1872. Probably, at the expiration of the Act, they would assert an ancient right to levy 4*d.* on every chaldron of coals ; but with that they had nothing to do. They were dealing with the actual continuance tax of 4*d.* per ton, which, he could not admit, formed, in any proper sense, a part of the corporate resources. It was quite clear that the City could not give any money whatever out of the extension of the 4*d.* tax from 1872 to 1882, because, with the assent of the Committee, he had inserted in a Bill which stood on the orders for a second reading, a provision by which that money was to devoted to raising the valley of Holborn Hill. He had been assured, by a deputation from the City of London, that that work would cost £300,000 ; and if the City borrowed money on the above security for the purpose of raising Holborn Hill, none would be left for making the proposed street. He trusted that the hon. Members opposite, who were about to address the House on behalf of the City, would explain what the Corporation meant by offering to make this street out of the corporate funds He admitted, that if the City made a serious proposal to expend funds on public improvements, which had hitherto been devoted to pageantry and other less important purposes, it would be entitled to serious consideration ; but, at the same time, he contended this was not a case to go back to a Select Committee. It involved a principle which could be much better discussed in a Committee of the Whole House. Being a hybrid Bill, the measure had been carefully inquired into and sifted. It went before the Private Bill Committee in order that all persons whose interests were affected by it might be fully heard, and he considered that any question of principle which was raised could be much better decided in a Committee of the House than in a Select Committee upstairs. If the required sum of £350,000 was to come out of the coal tax, the offer of the City was not an offer to raise and pay the money, but only to expend it. No doubt the Corporation or other body would like to have the power of spending £350,000, and be ready to take it out of their neighbours' pockets for that purpose; but if the House listened to that proposal, and taking that sum from the Metropolitan Board of Works, gave it to the City, it would lend itself to a retrograde movement. When the Government had to consider the measures for continuing the taxes on coal, they made a distinction between the 4*d.* and the other taxes. The question of these coal duties was of the greatest importance, because they formed the fund out of which all the improvements in the metropolis had been, or were likely to be made, and the House said that they ought to be economized and distributed in the wisest and most efficient way. The 4*d.* tax was, by the Continuance Act of 1861, committed for a limited time to the care of the City, and the 9*d.* tax formed into a separate fund for the Thames Embankment and other metropolitan improvements. That last fund, it was decided, should be expended by the Metropolitan Board of Works. The reasons were obvious. The 9*d.* duty was intended to be spent on improvements for the benefit of the whole metropolis, such as this great thoroughfare between the east and west of London, and therefore it was proposed that the Metropolitan Board, which had been created since the last Continuance Act, should be intrusted with the expenditure of the money, instead of the corporation, and the City became subordinate to that board. He knew that was not a palatable phrase to the Corporation, but it expressed the provisions of an Act of Parliament. The Metropolis Local Management Act made them subordinate to the Metropolitan Board of Works. It declared that the metropolis should include the City, and the members of the Metropolitan Board comprised three representatives from the City. How, then, could the corporation say they were independent and superior to the Board, when they were themselves represented upon it? They could not have it both ways. If they asserted their supremacy over the Metropolitan Board, ought they not to withdraw their three Members? At present, those three Members had a share in the expenditure of the money. Therefore the Metropolitan Board of Works as much represented the City as it did the rest of the metropolis, and it would be quite contrary to the principles of self-government and the principle that representation should go with taxation, if they took away from the representatives of the whole metropolis the expenditure of the 9*d.* duty, and gave it only to the City of London, which was only one district of the metropolis. The 4*d.* duty would still be administered by the City for the purposes specified in the Continuance Act, for Parliament had wisely reserved to itself the discretion to say in each instance when these duties were renewed to what particular purpose they should be devoted. He did not believe that the researches of a second Committee would be more successful than those of the first in discovering where this £350,000 was to come from. He had himself asked Mr. Scott, the City Chamberlain, whether the City had any money at its disposal for this object besides the 4*d.* duty. Mr. Scott explained that there was in hand a borrowed sum of £350,000; and he suggested, that until that money became due, it might be applied to this purpose. It was, however, never represented that this floating balance would be permanently available for the work. A letter was sent from the Office of Works in March last, asking the corporate authorities, if they had any fund available, to give it in evidence. No such information was, however, granted, and it was clear there was some delusion somewhere. Before the Motion was entertained, some new fact ought to be put clearly before the Committee; but he thought that up to that time the hon. Member for the City had made out no case whatever, for the hon. Gentleman merely used the vague phrase that corporate resources were to supply the £350,000. By referring to the printed correspondence, it would be seen that the only thing to be expected, if the Corporation should be intrusted with the execution of these works, would be a postponement of a great improvement to an indefinite period; and he should be sorry if anything happened to create delay in the opening of the new thoroughfare between the West End and the City. He therefore should oppose the Amendment.

THE LORD MAYOR (Mr. Alderman ROSE) said, that the Corporation of the City of London felt, that if the Bill passed in its then shape, it would be one of the most fatal Acts to be found in the history of that body. The funds out of which the improvement was to be paid for were to be collected in the City, and then it was proposed that those funds should be handed over to a foreign body for expenditure on those works. Such a proposition would, if carried, be destructive to the independence of the Corporation. The right hon. Gentleman had spoken of the shadowy character of the funds referred to by the Corporation in their offer. But how stood the credit of the City of London? Had not, he would ask, every undertaking of the Corporation, in a pecuniary point of view, been most honourably carried out? In the formation of new streets the Corporation had exhibited a marked contrast with the body to which the right hon. Gentleman was anxious to intrust his new work; for the former had always completed them within the estimate, while the latter had executed them largely in excess of the estimate. According to the Bill, £650,000, furnished by the ninepenny coal duty, was to be appropriated to the construction of a street from Blackfriars Bridge to the Mansion House, whereas the Corporation of the City of London were ready to execute the work if they received £300,000. The funds promised by the City of London had been spoken of as being uncertain; but surely the character of the Corporation ought to stand them in some stead in such a matter. The right hon. Gentleman desired to see the source of the funds, but he had no right to ask for that information. The City was a great corporation, and had hitherto done its work honestly and successfully; and if the Corporation could show that large sums were ready to be appropriated for the formation of the new street, and if, in addition, they were willing to give their bond that the work should be completed within a given time, the right hon. Gentleman had no right to attempt to exert an inquisitorial power and try to obtain information respecting the private property of the Corporation. The Corporation were ready to agree, that if they did not complete the work within the stipulated time, the matter should be taken out of their hands, and placed in the hands of others.

MR. NORRIS said, he could assure the right hon. Gentleman that the fund of which the hon. Member (Mr. Crawford) had spoken was no ghost, but an existing reality; and that if the Bill were referred to a Select Committee, there would be abundant evidence to prove that all that was proposed on the part of the Corporation could be effectually carried out. Some time ago a body in some measure akin to the Metropolitan Board of Works—namely, the Commissioners of Clerkenwell—were appointed to make a new street in connection with Farringdon Street, but they altogether failed to do so. The works stood still for a time, and were then taken up by the Corporation of London. In the progress of that work the Corporation of London invested somewhere about £300,000 in the purchase of a vast district of dilapidated property. Before they had an opportunity of turning that property to any account, some enterprising men devised the Metropolitan Railway. That undertaking was struggling with commercial difficulties, and the Corporation, seeing an opportunity of improving their property, advanced £200,000 in the purchase of shares, which they had since sold at a profit; while their property round about the Metropolitan Railway had become greatly augmented in value. From these two sources the Corporation could readily derive funds sufficient to meet their share of the expense for constructing the new street. The Corporation also possessed freehold and other property to the extent of perhaps £250,000 a year, which, after deducting certain charges upon it, left an income of £80,000 or £100,000 a year, which was now appropriated to promoting public works in the City, encouraging charities and building schools. Sooner than allow of the intervention of a body of men who were created, as it were, but yesterday, and whose authority to come within their territory they had a right to question, the Corporation were willing to divert from its legitimate channel a large portion of that £80,000 or £100.000, to go in aid of the making of the new street. Within the last century the Corporation of London had expended out of its independent resources two millions of money, and had been the means of laying out for public purposes a sum amounting to nearly £3,000,000, making nearly five millions of money which had passed through the hands of that great public body. If the right hon. Gentleman dare not trust the Corporation of London, how was it possible he could have any confidence in that body which he seemed so much to favour by the course which he took with respect to this measure? He hoped the House would see the propriety of allowing the Bill to be re-committed to the Select Committee.

MR. DOULTON said, he could not but express his surprise that the hon. Member for the City, who had brought forward the Motion under discussion, should have done so, when he was in point of fact one of the Members of the Committee who voted for the preamble of the Bill. With respect to the fourpenny coal tax, Parliament had from time to time dealt with that tax, and he could no longer look upon it as the property of the Corporation. The hon. Gentleman who had just sat down, and the Lord Mayor, argued the question as if the House were about to adopt a new principle; but not many years ago the Metropolis Local Management Act was passed, the preamble of which declared that for the purposes of the Bill the City of London was to be deemed part of the metropolis. The Thames Embankment Bill confirmed the principle, because a considerable portion of the work was to be done within the precincts of the City. The Corporation of London also conceded the principle when it suited their own purposes, for they came week after week and month after month to the Metropolitan Board of Works for small sums of £50 and £100 to assist in carrying out the metropolitan improvements, and three members of the Corporation sat at the Board. The Lord Mayor could scarcely entertain such a splendid conception of the administrative abilities of the Common Council as to believe that those members were there because the Metropolitan Board could not carry out their works without their assistance. Something had been said about the Corporation accounts. Now, there was the utmost difficulty in getting at these accounts, and a still greater difficulty in understanding them. The Corporation refused access to documents on which they founded any claim, and objected to disclose to any person who resisted their claims the grounds on which those claims were made, except under compulsion of a court of law. With regard to the estimates for City works, they had frequently been more than doubled. The estimates for the New Cattle Market were exceeded by £60,000, and Farringdon Market, instead of costing £150,000, cost £250,000. With reference to certain documents which had recently been placed in the hands of hon. Members, those documents were intended to deceive, not simply by misrepresentations, but by gross misstatements of facts; and the most charitable construction he could put upon them was, that the new City Solicitor had been imposed upon by those who were acquainted with the real facts of the case. The documents to which he was referring mentioned certain improvements which had been carried out by this Corporation; but the fact was, that towards these improvements they had not contributed one stiver. He could, if time allowed, prove that these statements were deliberately untrue. Now, what was the Corporation? What did it represent? The merchants and bankers did not look upon it as representing the commercial interests of the City at all. The functions which once belonged to the Corporation had, one by one, been lost or abandoned. They derived a large revenue for the purpose of attending to the conservancy of the Thames; but although they still took the money, they did not perform the duties. The drainage, sewage, and lightage of the City was transferred to an independent body, the Commission of Sewers. They had nothing to do with the poor, or with educational establishments. The only establishment with which they had to deal was Gresham College, and that, under their management, had become a dead letter. The only important matters they attended to were the eating and show departments, and many hon. Members were able to testify as to the manner in which these departments were managed. He should certainly vote against the Motion, regarding it as a most unusual thing to vote for the re-committal of a Bill which had received the unanimous approval of the Committee by which it had been fully considered.

LORD JOHN MANNERS said, he could not but deprecate the tone which had been adopted by some hon. Gentlemen. He regretted that the advocates of the City had rested their case on the alleged incompetence and incapacity of the Metropolitan Board to execute the improvements intrusted to their management. On the other hand, he deplored that the hon. Member for Lambeth and some others should have been so unsparing in their invectives against the Corporation. He believed, for his own part, that the proposed work would have been efficiently carried out by the Corporation, if the Government had thought fit to intrust it to them in the first instance, and he was satisfied that it would be equally well done by the Metropolitan Board. There could be no doubt, however, that the Corporation had failed to establish such a case before the Select Committee as would have justified them either in rejecting the preamble of the Bill or in materially altering its provisions. On the contrary, they contented themselves with a temperate statement of their views, and the City Members on the Committee actually voted in favour of the preamble. Therefore, unless the City could show that some startling new facts had come to their knowledge, they ought not to ask for a re-committal of the Bill. He certainly had not been able to ascertain the existence of any facts of such magnitude as to justify the House in requiring the Committee to reconsider their decision; but, at the same time, he was quite willing, as a Member of the Committee, to go again into the inquiry; and therefore he should not vote either for or against the Motion.

MR. TITE said, he would admit that the Corporation had carried out its improvements in an efficient manner, but submitted that the Metropolitan Board was equally well qualified to perform its duties. He doubted whether the Corporation had £350,000 to expend upon the proposed work. But, after all, the important thing was to have the new street made and opened as soon as possible, and he only asked the House to give somebody the power to set about it at once.

MR. ALDERMAN SIDNEY said, he hoped the hon. Member for the City of London would withdraw his Amendment. He thought the City, by its representatives, had acted very unwisely in the case, and that they were altogether wrong in the views which they had taken. He did not participate in the feeling which had been expressed by the Lord Mayor that the Metropolitan Board were a foreign body in the metropolis, for they were a body established by Parliament and elected by the ratepayers. Parliament had intrusted that Board not only with the management of the sewers in the metropolitan district, but of the City; and he did not see what objection there could be to their making a new street, which was more for metropolitan than for City purposes. Besides, considering the immense number of improvements which required to be made in the City, he did not think the Corporation were justified in offering to expend £350,000 when Parliament did not ask them for a single farthing. Among the much-needed and loudly-demanded City improvements might be mentioned a new meat market on the site of Smithfield, the widening of Newgate Street, Tower Street, Thames Street, and the Poultry, the re-arrangement of Billingsgate Market, and the filling-up of the Holborn valley. There appeared to be work enough for the Corporation. On the other hand, he could not go along with the hon. Member for Lambeth (Mr. Doulton) in his sweeping denunciations of the Corporation, whose accounts were laid before Parliament annually, and who had always been faithful and honourable in their dealings. He had recently stood up in his place to defend the privileges of the City, and would do so again if necessary; but the making of a new street from the Mansion House to Blackfriars did not appear to him to be a question of principle. He regarded it rather as one of expediency. When he knew that the new street would be, not only for the convenience of the metropolis, but for the convenience of the City; when he knew that the corporate funds were demanded for other improvements, he thought that instead of rejecting the wise and considerate measure before the House, and giving up a large sum for the privilege of not being interfered with, the Corporation ought to concur in the decision of the Committee.

MR. WILLIAMS said, that the government of the Corporation of the City of London was the most costly of any in the world. It cost more than the management of the army, the navy, and the public debt. The Corporation asked to be allowed to make the street to a great degree at their own expense, and they would, if the House agreed to the Amendment, do nothing of the kind. They would make it out of the coal tax, which was no more the property of the City than it was his own. He should oppose the Amendment.

MR. CRAWFORD said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Board to make new Street).

MR. COWPER said, he had to propose a verbal Amendment with a view of providing that the street should be of an equal width.

SIR JOHN SHELLEY asked what the width was intended to be.

MR. COWPER said, it was important that a street which would be lined with lofty houses should be of sufficient breadth. The new Victoria Street, Westminster, was only seventy feet wide, and he was informed that it was too narrow. It would be a great misfortune if they allowed the proposed great thoroughfare to be made without securing that it should be of an adequate width. He therefore proposed that the street should be eighty feet wide. The width of the embankment would be one hundred feet.

Mr. CRAWFORD said, he wished to know what additional cost would be entailed by the alteration. An increase of ten feet in the width would invalidate the calculations originally made, and would reduce the amount to be obtained from the sale of frontages and sites.

Mr. COWPER said, he had no doubt the change would cause a considerable increase to the estimate, but the money would be well spent. If they were to lay out £680,000 in the formation of what was to be one of the handsomest streets in London, it would be poor economy to make it seventy instead of eighty feet wide.

Sir JOHN SHELLEY said, it might be well to have the new thoroughfare wider than Victoria Street; but when they remembered the value of land per foot in the City of London, he thought such an extraordinary proposal to increase the expense ought not to come before the House, as it did, by a kind of surprise. Had the right hon. Gentleman the concurrence of the Select Committee in the matter? Moreover, they ought to have a definite estimate of the extra cost of the additional width before they were asked to assent to it.

Mr. TITE said, that if the street had to be begun entirely *de novo*, it might be desirable that it should be eighty feet wide; but they must recollect that a large portion of it was already made, and that that portion was only sixty feet wide.

Mr. LOCKE said, he thought New Cannon Street was none too wide, and that it would be of advantage to make the uncompleted part of the proposed thoroughfare as wide as possible consistently with the funds available for the purpose. The present enormous traffic through the City would no doubt go on increasing, and it would be a false economy not to provide fully for its accommodation.

Mr. AYRTON said, the right hon. Gentleman had not yet answered the distinct question which had been put to him—namely, whether he had taken any means to inform himself of what would be the additional cost of carrying out the alteration which he had proposed? Whether that additional cost amounted to £100,000 or not, it must be very large. The fund available for these works was limited, and ought not to be wasted. It was preposterous to suppose that anybody wanted a street of that enlarged width, and, if made, it would be necessary to employ a gardener to keep down the growth of weeds in it. Finsbury Park, which would afford convenience and relaxation to a million of people, was in abeyance for want of funds, and now they proposed to squander their resources on a street to be made for the wealthiest part of the community, and of a magnitude that could not be wanted for the purpose of traffic.

Lord FERMOY said, he should vote against the proposition, because he was satisfied they would have to pay a great deal too much for the extra width, and they could not afford it.

Mr. GILPIN said, he must deny that the street was to be made merely for the accommodation of the West End. Cannon Street, with all its width, was frequently blocked up. As a ratepayer of the City of London, he hoped the proposal for making the street eighty instead of seventy feet wide would be agreed to.

Mr. COX said, that if any one would take his station at the corner of Queen Street, where it intersected Cannon Street, and look right and left, he would hardly ever see fifty vehicles of any kind within sight. He thought, that unless the new street stopped at Cannon Street, it would not only be useless, but it would create a positive nuisance, by completely blocking up the end of the Poultry.

Mr. COWPER said, he was sorry he had omitted to bring the matter, as he intended to have done, before the Committee on the Bill. He would not, however, press the Amendment at that time.

Mr. CRAWFORD said, that the amended scheme would occupy at least 2,000 additional square yards, which would cost not less than £100,000. After the manner in which such a proposition had been introduced, it would be necessary for the Committee to watch very narrowly every change that was proposed in the Bill.

Amendment, by leave, *withdrawn.*

Clause *agreed to;* as were also Clauses 2 to 7 inclusive.

Clause 8 (Power to make Subway.—Its maintenance).

Mr. CRAWFORD said, that he had an Amendment to propose of some importance.

The clause provided that the subway—an arched passage underneath the new street, in which gas and water pipes, telegraph wires, &c., were to be placed — a most useful and desirable improvement—should, with the various accesses to it, be vested in the Metropolitan Board of Works. He proposed that the subway, as well as the surface of the street, should be vested in the Commissioners of Sewers of the City of London—a body having charge generally of the streets. In his evidence, Mr. Heywood, engineer to the Commissioners of Sewers, had shown the inconvenience of the arrangement under the Bill. The only argument that could be offered against his proposal was, that as the Metropolitan Board of Works had the charge of the main sewer which would run under a part of the street from Blackfriars to Cannon Street, therefore the subway also should be under their control. He could not see the force of that argument, as when once the sewer was made there would be seldom any occasion to do anything to it. He thought it would be most convenient that the charge of the subway should be vested in the Commissioners of Sewers for the City of London, who were to be intrusted with the management of the surface of the street. He would therefore move a verbal Amendment to carry out that proposition.

MR. W. CUBITT said, he was of opinion, that as the subway would contain the gas and water pipes and telegraph wires, the control over it should be left to the Commissioners of Sewers. It was for the interest of the public—which was the point to be considered — that the main sewer should be left in the hands of the Metropolitan Board of Works, and that the subway should be controlled by the City, with ample powers reserved to the Metropolitan Board to enable them to perform any necessary operations connected with it.

MR. DOULTON said, as the hon. Member for London (Mr. Crawford) rested his proposition on the authority of Mr. Heywood, he would meet it with the same authority. Mr. Heywood, before the Committee, admitted that if the sewer were to be constructed under the subway, and that sewer was under the management of the Metropolitan Board of Works, then the control of the subway should be in the same body. It would be a very inconvenient arrangement, and one likely to lead to great complications, if the subway and the sewer were to be placed under the authority of different Boards. The City of London would be, in regard to the subway, in the same position as the parishes in Southwark, and what would be said if they were to come to Parliament to ask for the control of the subways under the streets, simply because the surface of the streets was under their management? [Mr. CRAWFORD: Hear, hear!] In the case under consideration the subway would extend the whole length of the embankment, and therefore it would be manifestly inconvenient to have one portion under the control of the Metropolitan Board of Works, and another under that of the Commissioners of Sewers.

MR. W. CUBITT said, it was most important that the subway should be free for the use of any persons whom the Corporation might deem it right to authorize—gas, water, and telegraph companies. The Metropolitan Board of Works could have nothing to do with allowing such arrangements in the City of London; and therefore, if they had the charge of the subway, some difficulties would arise in that respect.

MR. COWPER remarked, that what was desired was unity of management and consolidation of power. After the discussion which took place in the Committee, he had arrived at the conclusion that the Bill as it stood was right, and that the subway should be left in the hands of the Metropolitan Board of Works, who were to make the main sewer that would run under it for two-thirds of its length.

Amendment *negatived.*

Clause *agreed to.*

Clause 9 *agreed to.*

Clause 10 (Ground laid open into new Street to form Part thereof; Street to be under Commissioners of Sewers.)

MR. CRAWFORD observed, that the clause as it stood provided that the Chairman of the Board which was to perform the work was to sign the certificate that the work had been satisfactorily executed—thus in fact certifying as to its own acts. That appeared to be an irregular mode of proceeding; and he would propose, as an Amendment, that the certificate should be signed by the Chief Commissioner of Works.

MR. COWPER said, he agreed with the hon. Member, that there was an awkwardness about the clause as it stood. It would be better to call in an impartial authority to decide any difference of opinion between the body which had executed the work and the body to which it was to be transferred. He did not wish to impose on the Chief Commissioner of Works such a duty, but he had been unable to find any other authority more suitable; but if one could be suggested, he would willingly accede to its insertion in the clause. At the same time, the person who would fill the office of Chief Commissioner of Works at the time when the street was completed would probably be a person unconnected with the arrangements, and quite impartial in the matter. If no better authority could be named, he should not object to the Amendment proposed by the hon. Member for London.

MR. AYRTON said, that the Chairman was only to give his certificate when the street was completed, the object being that there should be an official document for the purpose of subsequent reference, in order that the City might know the exact date on which its title began. He thought that to set up a new tribunal would lead to a great deal of difficulty, and that the Bill was much better as it stood.

MR. COX said, the clause provided that the certificate should be conclusive evidence for all purposes, though it was to be given by the Chairman of the Board which executed the work. He thought that the first Commissioner of Works, being an impartial person, might very properly give this certificate.

MR. TITE said, he also should support the Amendment, which he had found very necessary in similar cases.

MR. ALDERMAN SALOMONS suggested that the certificate should be signed by both functionaries.

SIR JOHN SHELLEY said, he should oppose the Amendment.

Amendment *agreed to.*

MR. CRAWFORD said, he thought it highly desirable not to leave it to the tender mercies of the Board of Works to give the new street any name they pleased. In some cases, he believed, they had applied their own distinguished names to streets. He did not suppose that they would attempt to do so in that case, but it would be desirable that there should be a Parliamentary sanction to the name; and he would therefore move, as an addition to the clause, "that the said street shall be called and known hereafter as Mansion House Street."

SIR JOHN SHELLEY said, that the gentlemen of the City seemed to have a great horror of the Metropolitan Board. The Lord Mayor talked of them as though they were Red Indians, and called them a foreign body. Now, it should be remembered that that dangerous Board represented a large mass of people in the metropolis, of which the City constituted but a small proportion. If the new street was to be the great link between Westminster and the City, surely they could find some better name for it than that proposed. He would rather call it "Crawford Street," for the City had no more energetic and able member than the hon. Gentleman.

MR. AYRTON said, there was one fatal objection to the name of "Mansion House Street"—namely, that the citizens would never be able to pronounce it. Supposing that, after a long course of education, they conquered this difficulty, the name would still be suggestive of the worst feature of the Corporation. He recollected that the oldest writer who visited the City of London said he had seen many curious things within the City, but the most curious was the extraordinary amount of provision which was to be found there, and the wonderful power of the citizens in eating it. "Mansion House Street" would only suggest that one faculty of the Corporation. The hon. Member for Stafford (Mr. Alderman Sidney) was learned in the history of the City, for he had told them the other night many historic circumstances, and, among others, how they behaved in their cups; and could he not give some historic name for the street. For instance, there was Whittington—and also his cat. Why not call it Cat Street? Or there was the noble Lord the patron of the improvement, who was so anxious that it should be effected; let him be put into the new street. Why should not his name be identified with it? It would be a compliment worthy of his administration. But if there was any delicacy on the part of the noble Lord, let them have intellect represented; as there were many men of great fame who might be commemorated. Mansion House Street! He had hoped that before that time the Mansion House would have been converted into a railway station, and that the people at large would have been able to buy penny buns there instead of the Corporation feasting away all its resources. The supporters of the Corporation made very strong speeches in that House; but the conclusion of all corporate proceedings put him very much in mind of the theory of the Brahmin, that the world rested on an elephant's back, and that this animal had for his supports a turtle under each leg. He hoped his hon. Friend would not persist in his Motion. If he did, he (Mr. Ayrton) would move the substitution of the name of the noble Lord at the head of the Government.

THE CHAIRMAN: Does the hon. Member move an Amendment?

MR. AYRTON: Certainly not.

VISCOUNT PALMERSTON said, he thanked the hon. and learned Member for the Tower Hamlets for the compliment, but, with every desire for posthumous fame, he thought the baptism of the new street ought to be left to the proper sponsors.

Amendment, by leave, *withdrawn.*

Clause, as amended, *agreed to.*

Remaining Clauses *agreed to.*

House *resumed.*

Bill *reported;* as amended, to be considered *To-morrow.*

LONDON COAL AND WINE DUTIES CONTINUANCE BILL—[BILL 27.]

COMMITTEE.

Order for Committee read.

(In the Committee.)

Clause 1 *agreed to.*

Clause 2 (Fourpenny Coal Duty to be applied by Corporation of London to Holborn Hill Improvements).

MR. COX said, the clause provided that the fourpenny tax should in the first place be applied to the raising of Holborn valley and afterwards to other improvements. He wished to move as an Amendment to insert the words "Removal of Middle Row, Holborn." That would make it the first duty of the Corporation to remove Middle Row and raise Holborn valley. Ever since he had been a member of the Corporation, nearly twenty years, there had been annual discussions for raising Holborn valley, but up to that time they had come to nothing. He thought it probable that a considerable time would elapse before that improvement was effected, and therefore he was anxious to suggest a very useful work, which could be accomplished within a short period, and at a comparatively small expense. Middle Row, Holborn, could be removed in a few months, at an expense of between £45,000 and £50,000. It and Temple Bar were, in his opinion—and for the last twenty years he had been a strict observer of the obstructions in the metropolitan thoroughfares—the greatest nuisances in the metropolis. He had not been bold enough to put Temple Bar in his Amendment, because he thought it the best policy to proceed by gentle degrees, and only proposed the removal of Middle Row. Holborn was contracted at Middle Row to a space which permitted only two vehicles to pass. Several years ago the requirements of the traffic of Holborn demanded the removal of Middle Row, and recently the traffic had been increased very considerably. Middle Row was a greater nuisance than Holborn valley. He might be met with the objection that Middle Row was beyond the jurisdiction of the Corporation, but it would be a graceful act on their part to express their readiness out of the proceeds of the duty to expend the small sum required for the removal of that acknowledged nuisance. He was anxious to prove to the hon. Member for the Tower Hamlets (Mr Ayrton) that the Corporation did not rest upon turtle, but that it rested at all events on the removal of Middle Row.

MR. CRAWFORD said, he was not commissioned on the part of the City to do graceful acts; but as the money—the produce of the tax—was to be employed in the improvement of the City and the parts adjacent, he had no doubt that they would pay proper attention to the subject brought under consideration by the hon. Member. But as between the improvement of Middle Row, Holborn, and of Holborn Hill, he thought the latter had the prior claim. On the score of humanity alone to the animals that passed along Holborn Hill, the efforts of the Corporation ought first to be directed to the removal of that nuisance. If after that nuisance had been abated, enough remained to remove Middle Row, the surplus funds might, of course, be well applied to that task.

MR. ALDERMAN SALOMONS said, he was at first surprised that the hon. Member for Finsbury had ignored Holborn valley; but having learned that Middle Row was in Finsbury, he ceased to wonder. No doubt the hon. Gentleman wished to tell his constituents at the next election, that although he was a Member of the Corporation, he had proposed that their funds should be expended in effecting a great improvement for Finsbury. Of all metropolitan nuisances that of Holborn Hill first required removal.

MR. COX was afraid that the hon.

Gentleman was reckoning him up by his own measure. He admitted the nuisance of Holborn Hill, over which, by the way, there had been a recent consultation of half-a-dozen metropolitan Members to decide whether it was in Finsbury or not; but he contended that the removal of Middle Row was essential to the improvement of Holborn Hill. The hon. Gentleman was an Alderman, while he was only a common councilman of London, which showed how much more liberal one section was than the other.

Mr. AYRTON said, he thought it was a great omission not to have included Middle Row in the Bill, for it would be useless to raise Holborn Hill unless the obstruction of Middle Row were removed. They ought to be treated as one work.

Mr. Alderman SIDNEY said, he would remind the Committee that there were improvements which required to be done in the City proper, in the eastern part, of the greatest importance to commerce. The cost would be something like one million sterling. The Corporation must be just before it was generous. If after these improvements there was any surplus, it might be applied to the making of improvements "adjacent to the City."

Mr. W. CUBITT said, it was not correct, as had been represented, that the removal of Middle Row was essential to make the raising of Holborn Valley efficient, though, of course, the taking away of that obstruction would be a great improvement.

Mr. COWPER said, that Parliament had expressed an opinion that the fund under consideration should be appropriated to the carrying out of important improvements in the metropolis, and it struck one more and more every day what a disgrace those hills were to the City. To remove Holborn Hill was the thing most wanted in that part of London, and therefore it was treated as a primary charge. Whatever funds remained after that was done might be applied to the removal of Middle Row. He thought it highly desirable that power should be at once given to the Corporation to agree with the railway companies, which were buying up all the land in the vicinity of Holborn Valley; and it was quite necessary for them to know that an improvement of Holborn Hill was contemplated, and would be carried out. If the Bill were passed during the Session, the property required to carry out the improvement would probably be obtained much cheaper than after it had been devoted to some other purpose.

Amendment *negatived.*

Clause *agreed to.*

House *resumed.*

Bill *reported,* with Amendment; to be read 3°, *To-morrow.*

VACCINATION (IRELAND) BILL.

[BILL 70.] COMMITTEE.

Order for Committee read.

(In the Committee.)

Clauses 1 to 7, inclusive, were *agreed to.*

Clause 8 (Penalty for non-compliance with the Provisions of the Act, 20*s.*).

Mr. M'MAHON said, he would move, as an Amendment, that the penalty should not exceed 5*s.*

After some discussion the Amendment was, by leave, *withdrawn,* and the penalty fixed at 10*s.*

Clause, as amended, *agreed to.*

Remaining Clauses and Schedules were also *agreed to.*

Mr. MONSELL said, he hoped that some steps would be taken to procure proper vaccine lymph, as that lay at the root of the whole matter.

Sir ROBERT PEEL said, he had already called the attention of the Government in Dublin to the subject; and care should be taken to secure a good and abundant supply.

House *resumed.*

Bill *reported;* as amended, to be considered *To-morrow.*

LISBURN ELECTION.

WITHDRAWAL OF PETITION.

Mr. E. P. BOUVERIE said, he rose to present a Petition from Mr. M'Cann, by whom the notice of withdrawal of the Petition against the return of the sitting Member had been forwarded, which notice, together with the disclaimer of that withdrawal, was afterwards referred to the General Committee of Elections. In his Petition Mr. M'Cann asserted that the Committee to whom the inquiry was referred failed to ascertain the truth, because their powers were too limited, and because they were unable to administer an oath, and because they were not assisted by counsel. It further alleged that he was instructed by the persons who had petitioned against the return of the sitting Member to withdraw that Petition, and that he did so as their agent and with their knowledge, and in discharge of what he felt to be his right. The Petition concluded with a prayer that Mr. M'Cann might have the opportunity of substantiating his allegations upon oath, and that no steps might be taken upon the Report of the General Committee till further inquiry had been instituted, and that time might be given to him to take legal advice with a view to the institution of such proceedings as might be necessary for eliciting and establishing the truth of the allegations here set forth.

Petition *ordered* to lie on the table.

THE ATTORNEY GENERAL, in moving that the Report of the General Committee of Elections be considered, said, he would remind the House that on the 16th ult. it had been referred to that Committee to inquire into the circumstances under which the document withdrawing the Petition complaining of an undue election and return for the borough of Lisburn was signed by the petitioners, W. J. Knox and Moses Bullick, and whether such document constituted a withdrawal of such Petition under the Election Petitions Act (1848), and to report thereon to the House. The Committee had inquired, and found the document which was referred to them was not a withdrawal of the Petition under the terms of that Act. On ordinary occasions the General Committee of Elections would proceed to nominate the Select Committee to inquire into the validity of the Lisburn Election; but in that case, there having been a special reference to the General Committee, it would probably be convenient for the House to express its opinion upon their Report. He therefore begged to move that the Petition of W. J. Knox and M. Bullick do stand referred to the General Committee of Elections, the document referring thereto not having constituted a withdrawal under the Election Petitions Act (1848).

Report of the General Committee of Elections *considered.*

Motion made, and Question proposed,

"That the Petition of William John Knox and Moses Bullick, complaining of an undue Election and Return for the Borough of Lisburn, do stand referred to the General Committee of Elections, the Document withdrawing such Petition not having constituted a withdrawal thereof, under the Election Petitions Act, 1848."

MR. GATHORNE HARDY said, he wished to ask whether in point of fact there had been any withdrawal of the Petition, and whether the recognizances had been discharged. Because, if not, he apprehended the petitioners were in a position to proceed without any special motion on the subject. He also wished to know whether it was proposed to take any steps in reference to the Gentleman, Mr. M'Cann, on whose behalf a Petition had just been presented, and who had acted in the very extraordinary manner disclosed in the evidence?

THE ATTORNEY GENERAL said, he was not aware that any intention existed in any quarter to take proceedings against Mr. M'Cann, who perhaps was not very well advised in presenting a Petition complaining of the position in which he had been left by the General Committee of Elections. It was perfectly true that the Petition against the return for Lisburn had never been withdrawn; but bearing in mind that the House had thought proper to refer both the notice of withdrawal and the disclaimer of that notice to the General Committee of Elections, and that, pending that inquiry, the Committee could not have proceeded in the ordinary way to nominate a Select Committee to try the Petition itself, he thought the course proposed was the most advisable. His hon. Friend (Mr. G. Hardy) was perhaps technically right, but he (the Attorney General) was not acting without consultation or authority; and the adoption of the Resolution would, at all events, relieve the Committee from the embarrassment they might feel on account of their functions having been suspended. The terms of the Motion he had submitted were exceedingly well adapted to attain that end, without violating any of the forms of the House.

MR. GATHORNE HARDY said, he would suggest the insertion of the word "remain," instead of the word "stand," referred to the General Committee of Elections.

THE ATTORNEY GENERAL said, he preferred the original words of the Resolution, which had been adopted on consideration.

MR. M'MAHON said, there was a tendency in some quarters in the North of Ireland to get up Petitions against the return of Members, and then to make money by withdrawing them. A Petition, not long since, was presented against a Gentleman sitting on the Opposition side of the House, and that hon. Member, as he understood, was obliged to pay £2,000 to have that Petition withdrawn. ["Name,

name!"] No; it would not be right to name him. There was no harm in paying £2,000 to get rid of a Petition. It was, however, desirable to discourage a traffic of the kind. The election for Lisburn took place on the 21st of February. Mr. Moore, a solicitor of Dublin, attended a meeting of the electors of Lisburn on the 9th of March, with the view to a Petition against Mr. Barbour, the sitting Member. It was a suspicious circumstance that Mr. Moore obtained a form of withdrawal in duplicate of the Petition, "to be used if the Petition should become no longer necessary by the retirement of Mr. Barbour, or if they should fail in getting evidence to establish their case." On the 11th of March the election Petition against the return was presented to the House. On the 24th of March Alexander M'Cann induced the two Petitioners against the return to sign a withdrawal of the Petition. The withdrawal was short and clear. It consisted of only two paragraphs—one stating the presentation of the Petition against the election, the other withdrawing the said Petition. It was clear from the statement of these two men, although they were not examined on oath, that they knew very well what they were about when they signed that document. It was probable, that their terms not being complied with, they subsequently wished to withdraw their withdrawal. But these parties, when they signed the Petition and its withdrawal, were dealing, not with the sitting Member, but with the House. He apprehended that with the view to purity of election, and to stop all traffic in Petitions against the return of Members, the House ought to take the matter up, and not allow its Members to be terrified by Petitions backed by duplicate notices of withdrawal. It was not to be conceived that these two knowing Lisburn men would sign, a Petition against Mr. Barbour's return and then a withdrawal of that Petition, without knowing perfectly well, in both cases, what they were about. He trusted the House would not allow the Resolution to be passed at once, but would give time to Mr. M'Cann to prove the groundlessness of the imputations made against him.

Sir. WILLIAM HEATHCOTE said, the question before them was not as to Mr. M'Cann's character, but whether the House would pass a slight upon the Report of an important Committee, which, by its constitution and the names of its members, was entitled to confidence. The Committee

had investigated the case, and found what they believed were the facts. There was no doubt, that whether the persons knew what they signed or not, before the withdrawal was presented to the House they wished to recall it. At present there were two documents in the Speaker's hands. There were the Petition and the alleged withdrawal, and, to prevent confusion, the Motion of the learned Attorney General was intended to be an authoritative declaration that there was no withdrawal, and that the Petition should take its ordinary course. He must say, he thought the course suggested by the hon. and learned Attorney General was the right course to pursue.

Mr. PEACOCKE said, he believed that what the hon. and learned Attorney General wished to affirm was that the House ought to abide by the decision of the Committee, and the Petition stated as if no withdrawal had been presented. At the same time, he thought the word "remain" should be substituted for the word "stand," and he would therefore move an Amendment to that effect.

Amendment proposed, in line 4, to leave out the word "stand," and insert the word "remain."

Question proposed, "That the word proposed to be left out stand part of the Question."

Mr. HERBERT said, that having had the honour of being the Chairman of the Committee, he must be allowed to say one word with regard to the allegations in the Petition. It was true that great difficulty took place during the inquiry, in consequence of the Committee having no power to administer an oath. The evidence given was so contradictory that it could not possibly be all true; but the conclusion of the Committee was based upon what had been stated by the accused himself; and if he were to be allowed to produce further evidence, it must be to contradict his own statement.

Mr. GATHORNE HARDY said, he thought the Committee had acted with great discretion. His only object, however, was to prevent its appearing on the Journals that there could be any necessity to refer a Petition which existed, and with regard to which the withdrawal was null and void.

Sir FRANCIS GOLDSMID said, he could not see any real distinction between the words "stand" and "remain."

MR. M'MAHON disavowed any intention to cast the slightest reflection on the Committee.

MR. WHITESIDE said, he would venture to suggest that his hon. Friend need not trouble the House to divide.

Amendment, by leave, *withdrawn*.

MR. E. P. BOUVERIE said, he did not understand the hon. Member for Wexford county (Mr. M'Mahon) to cast any imputation on the conduct of the General Committee of Elections; and, indeed, it was impossible to look at the evidence given before that body without being convinced that the General Committee of Elections had faithfully performed their duty. There was, however, one circumstance disclosed which was not unworthy the consideration of that House. There were actually in existence two withdrawals of that election Petition signed by the electors who signed the Petition against the election, and they were documents which might at any time be sent to the Speaker. On reading the evidence the suspicion arose that the Petition was not a *bonâ fide* Petition, founded on evidence of illegal practices on the part of the sitting Member or his agents, but got up for a certain purpose, and the fact that two withdrawals of the Petition were signed at about the same time was a most suspicious circumstance. If such a practice were to become general, some change in the law would be necessary to protect Members of that House against possible attempts at extortion. Nothing was more disagreeable to an hon. Member, however pure his election might have been, than to have a Petition presented against his return and kept suspended over his head, to be withdrawn, in many cases, for a certain consideration; and he thought that such a proceeding as was disclosed in the evidence given before the General Committee of Elections should not pass without condemnation on the part of the House.

MR. HUNT said, that on Mr. M'Cann refusing to give up the form of withdrawal of the Petition obtained by him the petitioners wrote to the Speaker disclaiming the withdrawal, and that disclaimer, he conceived, applied to the two original withdrawals, which were likewise intrusted to Mr. M'Cann.

SIR PATRICK O'BRIEN contended that such a transaction as that disclosed before the General Committee of Elections ought not to pass unnoticed by the House.

MR. CONINGHAM said, he was of opinion, that unless the House expressed a decided condemnation of such a proceeding as that which had been disclosed, the public would believe that it was not serious in its attempts to stop bribery and corruption.

MR. WALPOLE observed, that the only question before the House was, whether the Petition presented against the return of the hon. Member for Lisburn ought to be proceeded with. He did not think that the General Committee of Elections should have inquired whether there was any impropriety in what occurred in reference to the election Petition in Ireland. The Committee purposely avoided going into that point; and had they allowed the parties to go into all the transactions connected with the Petition, he believed that the Committee would have been obliged to sit upstairs for a month or six weeks longer. The hon. Member for Brighton (Mr. Coningham) considered that to be a transaction which the House ought to take notice of; but it was rather one which the Committee to which the election Petition would be referred would do well do take notice of. If it were found that the Petition was presented, and that at the same time two withdrawals were signed by the same parties whose names were attached to the Petition, they might trust any Committee of the House to deal with those facts as they deserved. More than that he did not think it right to say. The only question before them was, whether what was called a withdrawal of the Petition really was such. The parties who presented it endeavoured to recall it on the very day on which they signed it; and when they found they could not do that, because it was in the pocket of another person, who, however, knew their desire to suppress it, they sent off a disclaimer, which was lodged fourteen days defore the withdrawal. No one, therefore, could consider that there had been a proper withdrawal. The document which was so called ought never to have been lodged at all. In his opinion these facts, instead of being detrimental to the sitting Member, would tell very much in his favour.

MR. COLLINS observed, that what the Committee would have to decide was simply the value of the evidence laid before them. The manner in which the Petition was got up or withdrawn had nothing to do with the real question which they had to try.

MR. BENTINCK said, there was a constant recurrence of the most flagrant iniquities in regard to election Petitions.

Members were kept for months in suspense as to their position, and Petitions against them were got up on the slightest possible grounds. Such practices affected the honour and dignity of the House, and ought to be considered at the earliest possible period with a view to their prevention.

Main Question put, and *agreed to.*

Ordered,

That the Petition of William John Knox and Moses Bullick, complaining of an undue Election and Return for the Borough of Lisburn, do stand referred to the General Committee of Elections, the Document withdrawing such Petition not having constituted a withdrawal thereof, under the Elections Petitions Act, 1848.

ENGLISH CHURCH SERVICES IN WALES BILL—[BILL 81.]—COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Bishop of Welsh Dioceses may licence Chapel for Performance of Divine Service in English, and nominate minister thereto).

MR. HUNT said, he would move an Amendment to the effect that of ten or more English residents, on whose application the bishop might licence services in the English language, three should be householders.

MR. WALPOLE said, he feared that the Amendment would diminish the efficiency of the measure.

MR. H. A. BRUCE said, he objected to the introduction of the term "householders" in conjunction with "English residents," as likely to prove too restrictive.

MR. PULLER suggested that the word "inhabitants" should be inserted instead of "English residents."

SIR JOHN HANMER said, he could not agree to that alteration, because casual visitors might not be included under the term "inhabitants." He trusted the right hon. Gentleman the Member for Cambridge University would keep the Bill as it stood, so that the bishop might control the whole matter.

MR. GATHONRE HARDY said, he thought the word "inhabitants" was the best which could be put into the Bill. He did not agree with the hon. Gentleman who had spoken last in thinking that the whole matter should be left to the bishop. A little was due to the incumbent, who, so long as he was ready to satisfy the wants of his parish, should not be interfered with. He hoped the Committee would adopt the words "ten or more inhabitants," of whom a certain number were householders.

MR. E. P. BOUVERIE said, the Act of Uniformity required that in Wales the Church services should be celebrated in the Welsh language. Now, many residents in Wales could not speak the language of the country, and surely nothing could be more reasonable than to allow them to hear the services in their own tongue. The condition contained in a subsequent clause of the Bill, that the persons anxious to have the English services celebrated should be liable to build a place of worship, and to provide a minister, appeared amply sufficient for all practical purposes.

Amendment *agreed to.*

MR. HUNT said, he would then move the insertion, after "inhabitants," of the words "of whom three shall be householders."

Amendment proposed, in page 1, line 15, after the word "inhabitants," to insert the words "of whom three shall be householders."

MR. AYRTON said, he objected to the Amendment. A man who was a lodger surely had as much right to religious ministrations as a householder. The practice of associating the Church and its offices with property and position was most injurious.

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 31; Noes 45: Majority 14.

MR. H. A. BRUCE said, that the incumbent was to appoint a spiritual person to officiate, and after the persons requiring his services had guaranteed the payment of the expenses the incumbent might appoint a person that was distasteful to them. He therefore, to prevent such an occurrence, proposed the omission of certain words. Should the incumbent appoint an unfit person there would be no guarantee, if the Amendment were adopted, to pay the expenses.

Amendment *agreed to.*

MR. PULLER said, he would propose the omission, after the word "inhabitants," of the words "or those who commonly use the English language." As many Welshmen spoke both languages, it might be difficult to determine which they "commonly used."

MR. LYGON said, he hoped that these words would be retained, as the whole Bill rested upon them.

MR. WALPOLE said, he thought it better to leave out the words. They would fetter the discretion of the bishop too much.

Amendment *negatived.*

MR. LYGON said, he would propose, in line 17, after "Wales," to insert "in which the ordinary parochial services are in the Welsh tongue."

THE CHANCELLOR OF THE EXCHEQUER suggested that the word "ordinary" in the Amendment should be left out, and the word "only" added. The Bill, he understood, was intended to remedy a very extreme case, without running the risk of disturbing the parochial system generally, and the position of those incumbents who were in the most exemplary manner labouring to do everything they could for the spiritual provision of their parishes.

MR. WALPOLE said, he thought the word "ordinary" should be retained in the Amendment.

MR. NEWDEGATE said, he could not see what claim a set of casual visitors to a Welsh watering-place had to more than one English service a day.

COLONEL PENNANT said, there was a large and increasing number of English residents in Wales, and it was thought that they ought not to be at the mercy of the incumbent, but that there should be an appeal to the bishop in case of need.

MR. C. W. WYNN said, the only thing that was asked was that buildings should be licensed in which ministers paid by those who required their services should officiate. It was not intended that the incumbent of a parish in which such building should be licensed should be at all responsible, either legally or morally, for the provision of such services, and neither was it intended in any way to interfere with his parochial authority. The clauses of the Bill were all framed so as to recognise and maintain unimpaired that authority, and all the incumbents with whom he had been in communication approved the Bill.

MR. E. P. BOUVERIE said, he objected to the Amendment as it was originally proposed. The Act of Uniformity required that in districts such as those referred to, the service should be in the Welsh tongue.

THE SOLICITOR GENERAL observed, that the service was in Welsh only where the Welsh language was commonly used. He found nothing in the Act of Uniformity to make the use of the English language illegal.

MR. WALPOLE said, that the words as proposed to be inserted by the hon. Member (Mr. Lygon) were not the same as appeared on the paper, and, if adopted, would defeat the whole object of the Bill.

THE SOLICITOR GENERAL said, he wished to point out that the Amendment might more properly be dealt with in another part of the clause.

Amendment, by leave, *withdrawn.*

COLONEL PENNANT said, he would move to insert in Clause 1, line 12, after the word "licence," the following words:—

"On the nomination by the incumbent of the said parish, district, or place, of a fit and proper person as minister to such chapel."

Amendment proposed,

In page 2, line 12, after the word "licence," to insert the words "on the nomination by the incumbent of the said parish, district, or place of a fit and proper person as minister to such chapel."

Question put "That those words be there inserted."

The Committee *divided* :—Ayes 32; Noes 31: Majority 1.

MR. H. H. VIVIAN said, the effect of the Amendment which had been just carried, would be to make the Bill inoperative. He should therefore move to report progress.

House *resumed.*

Committee report Progress; to sit again on *Wednesday 10th* June.

ELECTION PETITIONS BILL.

On Motion of Mr. HUNT, Bill to amend the Law relating to Election Petitions, *ordered* to be brought in by Mr. HUNT and Mr. SERJEANT PIGOTT.

Bill *presented,* and read 1°. [Bill 124.]

COSTS SECURITY BILL.

On Motion of Mr. BUTT, Bill to amend the Law relating to the giving of Security for Costs by Plaintiffs residing out of the jurisdiction of the Courts, *ordered* to be brought in by Mr. BUTT and Mr. MURRAY.

Bill *presented,* and read 1°. [Bill 126.]

PORT ERIN HARBOUR (ISLE OF MAN) BILL.

Port Erin Harbour (Isle of Man)—*considered* in Committee:

(In the Committee.)

Resolved, That the Chairman be directed to move the House, That Leave be given to bring in a Bill to authorize the taking of Harbour Dues at Port Erin, in the Isle of Man, in order to provide a fund for the Improvement of the Harbour; and for other purposes.

Resolution *reported.*

Bill *ordered* to be brought in by Mr. MILNER GIBSON and Mr. HUTT.

Bill *presented,* and read 1°. [Bill 123.]

EXECUTION OF DECREES BILL.

On Motion of Mr. BUTT, Bill to make better provision for the enforcement throughout England and Ireland of the Decrees and Orders of the Courts of Chancery, Probate, and Divorce, *ordered* to be brought in by Mr. BUTT, Mr. LONGFIELD, and Mr. MURRAY.

Bill *presented,* and read 1°. [Bill 125.]

House adjourned at half after One o'clock

HOUSE OF LORDS,

Friday, May 15, 1863.

MINUTES.]—PUBLIC BILLS—*First Reading*—Naval Medical Supplemental Fund Society Winding-up Act, 1861, Amendment* (No. 102); Security from Violence* (No. 103).

Second Reading—Duchy of Cornwall Management (No. 90); Telegraphs (No. 80); Redemption of Rents (Ireland) [H.L.]* (No. 29).

Third Reading—Corrupt Practices at Elections* (No. 94); Elections during Recess* (No. 84); Augmentation of Benefices [H.L.] (No. 99).

LUDGATE STATION AND JUNCTION RAILWAYS BILL [H.L.]—THE PROPOSED VIADUCT ACROSS LUDGATE HILL.

PETITIONS.

THE BISHOP OF LONDON *presented* a Petition from sixty-seven of the clergy of the City of London and suburbs, signed, among others, by the Dean of St. Paul's and two Canons in residence, praying their Lordships to withhold their sanction from a Bill before Parliament, which, among other powers, authorized the construction of a railway viaduct across Ludgate Hill. The petitioners expressed their conviction that the inconvenience now felt of passing along that crowded thoroughfare would be greatly increased by such an erection, while the beauty of the western approach to the Cathedral of St. Paul's would be materially injured. He would remind their Lordships that the exterior view of St. Paul's was generally considered to be more beautiful than that of St. Peter's, for the reason that the view of St. Peter's was intercepted by the Portico, whereas the whole view of the front of St. Paul's was uninterrupted. But if the Bill referred to passed, this fine view would be destroyed by a barbarous and unsightly railway viaduct. No doubt, there was a proposal to make the structure ornamental; but the petitioners were of opinion that the very attempt to make it so would be all the more likely to destroy the beauty of the cathedral. The petitioners were most anxious that the whole subject should be thoroughly considered, and that their Lordships would not allow the great injury now threatened to the City of London and the metropolitan cathedral to be completed by either the railway company, to whom the powers for constructing the work were originally given, or any other company in their stead.

LORD CHELMSFORD *presented* a Petition from 1,200 Bankers, Merchants, Tradesmen, and Residents of the City of London to the same effect, and suggesting the practicability of substituting a tunnel under Ludgate Hill in lieu of a viaduct over it. There were two Bills before the House which had relation to this subject—one to incorporate a Company for making a central station between Earl Street and Skinner Street, with junctions to connect it with the London, Chatham, and Dover line, on the one hand, and with the Metropolitan Railway on the other, and to transfer to the new Company certain powers already granted to the London, Chatham, and Dover Company, which included the formation of a viaduct across Ludgate Hill; the other Bill to extend the time within which the latter company were authorized to complete their works. The two Bills were reported on by the Board of Trade, and the President of the Council agreed with him that it would be desirable that both Bills should go into Committee, with the view of facilitating some arrangement by which the line might be carried, not over, but under Ludgate Hill. The compulsory powers of the London, Chatham, and Dover Company would expire on the 1st of August. The Bill for the central station had been withdrawn, and the only Bill now before Parliament was to extend the period within which the London, Chatham, and Dover Company should complete the works. The petitioners prayed that the Bill might not be allowed to pass, and that no further powers might be granted to any Company, until proper restrictions were imposed with respect to the means of crossing Ludgate Hill; and that their Lordships would consider in the Committee on the Bill the possibility and the expediency of substituting a tunnel instead of a viaduct; and that if their Lordships should be of opinion that a tunnel would accomodate the traffic, the promoters should be compelled to apply for the necessary powers, or that the Bill should be rejected.

LORD HARRIS desired to remind their Lordships that the original Bill had passed both Houses of Parliament. He was informed that Members of the Committee of the House of Commons to which the Bill was referred, and two Members of the Committee of their Lordships' House, had gone to the spot to assure themselves that no obstruction to traffic or unsightly interference with the view of the Cathedral would be occasioned by the erection of the proposed viaduct. He wished to call the attention of their Lordships to the fact, that upon the faith of that Act of Parliament four millions of money had been already expended upon works upon the other side of the river, and that the funds for the metropolitan extension had been raised and the whole of the works arranged on the understanding that the line would be connected with the northern railways. This was a matter of the highest importance for the convenience of the public.

LORD REDESDALE said, that the Bill for carrying out the scheme had been referred to a Select Committee which was to meet on Monday, and he did not see of what use it would be to take up their Lordships' time by discussing the subject at present.

LORD WODEHOUSE said, that having been appointed Chairman of the Select Committee, before the subject dropped he should like to know in what position the Committee would stand when it met on Monday. Of course, it would be highly irregular to express any opinion upon the merits of a Bill which was going before a Select Committee; but then the Committee ought to understand whether it was to enter upon its inquiry with its hands perfectly free, or whether it was to be fettered by any expression of opinion on the part of the House.

LORD REDESDALE said, the promoters of the Bill sought to raise a large sum of money to make a new line. He imagined, from a statement made with reference to the Bill that had been withdrawn, that the Company did not intend to go on beyond Earl Street with their line, because they had not the funds for that purpose, and that they would be glad to have the extension of the line further northwards taken up by another company. The Select Committee would probably find it difficult to do anything unless they had Instruction from the House as to what it desired to have done under the circumstances. They would, however, have the power of taking evidence, and they might then consider whether it was not necessary to apply to the House for some instructions in the matter. Considered in connection with the power already granted, this matter was one of serious importance; and it could not be disposed of in a conversation like the present. When the Committee had the parties before it, it would, perhaps, be better able to judge as to what could be done, and it might then be desirous of receiving some power or instruction from their Lordships. It might be expedient that the Bill should be adjourned. Certainly, the subject required very serious consideration from those who took an interest in it.

Petitions read, and Ordered to lie on the table.

DUCHY OF CORNWALL MANAGEMENT BILL [H.L.]—[No. 90.]

SECOND READING.

THE DUKE OF NEWCASTLE moved the second reading of the Bill (according to Order); and said that if that Motion were adopted, he would propose that on Monday the Bill be committed *pro formâ*, in order that it might afterwards be printed with Amendments.

THE EARL OF DERBY said, he did not mean to oppose the Motion for the second reading of the Bill; but he would suggest that before it was committed, the noble Duke should state the Amendments which he meant to introduce into it. In the state in which it stood it would require very attentive consideration.

LORD VIVIAN hoped that some such Bill as this would be passed, because he was convinced it would be very beneficial. He would also like to see certain of its provisions made retrospective.

Bill read 2^{a}, and *committed* to a Committee of the Whole House on *Monday* next.

HOLSTEIN AND SCHLESWIG QUESTION.

THE EARL OF ELLENBOROUGH, rose, pursuant to notice, to ask, Whether the Government are prepared to produce any further Correspondence upon the Questions of Holstein and Schleswig; and especially whether they can communicate any Representations which may have been made to the Danish Government by those of Austria and Prussia, relative to the Proclamation of the King of Denmark, dated the 31st of March 1863, and said: My Lords, it is now rather more than two years since I called your attention to the danger which then seemed to be imminent over the State of Denmark. At that time some concession was made by Denmark which was held to obviate the necessity for an immediate execution which had been ordered by the Germanic Confederation. I now desire to call your attention to a danger which is not, perhaps, so immediate, but which seems to be even greater than that which I brought under your notice two years ago. It is not so immediate, because the minds of men are so occupied by the state of affairs in Poland, and it is believed to be so necessary to hold the forces of some of the German Powers disposable for eventualties in that unhappy country, that I do not think an execution will be ordered against Denmark under existing circumstances. But it is nevertheless expedient that your Lordships should look at the dangers which are approaching, and should endeavour to avert them, rather than that you should leave them to a time at which it may be more difficult to deal with them. The period which has elapsed since February 1861 has been occupied in what is termed international negotiation, which, I regret to say, has produced nothing in the way of an approximation between the parties, but, on the contrary, increased exasperation. But to us the most remarkable circumstance connected with that negotiation is, that in September last the noble Earl at the head of the Foreign Office made a proposal with respect to the future relations of Schleswig with Denmark, which was diametrically opposed to one which, after consultation with his Colleagues, he had made in April 1861. That change of opinion on the part of the noble Lord produced a profound impression throughout the whole of Denmark. It struck the people with the greatest surprise and disappointment. I will not say it filled them with dismay, for they are a bold people, determined to look their difficulties in the face, and to stand by their rights; but they were deeply disappointed and discouraged. They had looked upon the noble Earl and Lord Palmerston as among the very best friends of Denmark. They had received great services from them both, and they were, I believe, deeply grateful. To the noble Earl and his Colleague was mainly due the acknowledgment on the part of Europe of the present succession to the Danish Crown. It was also mainly owing to them that the great Powers, and many of the smaller Powers, of Europe had joined in declaring that the integrity of the Danish States was an object of European concern—a declaration which has been held by Prince Gortschakoff as tantamount to a guarantee of the whole of the Danish dominions. During the war which took place between Denmark on one hand and Prussia and other German States on the other, many very considerable services were, no doubt, performed by the Government of this country to Denmark, in obtaining the two armistices, and ultimately in bringing about the peace; and therefore it was with great pain, as well as great disappointment, that the Danes heard of the change which had occurred in the opinion of the noble Earl. Under these circumstances, deserted as they appeared to be by the noble Earl and his Colleagues, the Danes took their own course. They did that which they thought at once right and expedient. They conceded to Germany, as I understand it, all that the noble Earl had asked, and they retained that possession of Schleswig, in connection with the kingdom of Denmark, which the noble Earl had proposed they should retain in April 1861. The noble Earl, therefore, if he adheres to his own better-considered opinions, shared by his Colleagues, ought to rejoice at the step which Denmark has now taken, for it is in accordance with what he lately desired, and it is in accordance likewise with what he proposed in 1861. For my own part, my Lords, I have always felt a great sympathy for the Danish people. I am, unfortunately, old enough to recollect the attack upon Copenhagen, in 1807, when the Government of this country, driven to that measure, perhaps, by the extreme necessities and difficulties of their position, in a time of peace with Denmark, sent an army and a fleet against the Danish capital. I recollect also the dissolution of the union which had existed for so many years between Denmark and Norway, when Norway was taken from Denmark, to be used as a bribe for Bernadotte, to induce him to join the allies against Napoleon. These were hard measures. They may have been required by necessity, but they were harsh and well calculated to inflict a deep wound upon the feelings of the Danish people. Yet we have not found that they have, in any degree, lessened the goodwill of the Danes to this country. On the last occasion on which we sent a fleet to the Baltic, nothing could have exceeded the kindness with which it was received by the Danish people. I confess, too, that my feelings in favour of Denmark are not weakened when I regard her as a free State, rejoicing in her new freedom, and improving her constitutional management every year. Our place is with the free. I am convinced that is the policy which we should at all times follow. My Lords, I ought shortly to place before your Lordships some little information relative to the peculiar position in which Denmark now stands. Your Lordships are aware that Denmark has not the advantage of being a country like this, where all the people speak the same language, and are subject to the same Government; but it is a country in which the Danes form only a part of the population, the rest being Germans. It consists of four States:—The Kingdom of Denmark, the Duchy of Schleswig, the Duchy of Holstein, and the Duchy of Lauenberg. Schleswig is a part of Denmark. It has been so for four hundred years; they have always considered it part of Denmark; it was originally called South Jutland, and it is only in recent times that there has been an irruption of German settlers, who have, to a considerable degree, altered the character of the southern portions of the country. In saying that the Duchy of Schleswig does not belong to Germany, I do not advance a new doctrine, or one which has not powerful supporters. I can cite the King of Prussia in its favour. In 1823 the Prussian Plenipotentiary to the Diet, with reference to a claim Holstein had preferred to a right of union with Schleswig, distinctly declared that—

> "Upon the maintenance of the union between Holstein and Schleswig (apart from all other scruples which might suggest themselves against it), the Federal Diet cannot exercise any imaginable influence, for this reason—that the Duchy of Schleswig does not belong to the German Federal Territories, and consequently lies altogether beyond the influence of the Confederation."

That was the law; that is the law; but it is not now the practice of Germany. Your Lordships will recollect the species of insanity which pervaded almost every part of Europe, and no part more than Germany, after the breaking-out of the French Revolution in 1848. Within one month after that event, an insurrection commenced in Schleswig. That insurrection, however, had been long prepared. It was prepared by the Duke of Augustenberg, with the cognizance and complicity of the King of Prussia. It broke out on the 24th of March, 1848, and on that very day the King of Prussia wrote a letter to the Duke of Augustenberg, giving his approval of its object, in direct contradiction to the declaration of the Prussian Plenipotentiary in 1823, that with Schleswig Germany had nothing whatever to do. Immediately Prussian troops were marched into Schleswig and Holstein; and some years afterwards the Prussian Minister, Baron Arnim, said that the main reason for despatching those troops was to afford them an opportunity of setting up the character of the Prussian army, which had been very much shaken by their being beaten in the streets of Berlin by the mob. Thus, the Prussian Government became conspirators against the peace of Denmark. The war had not lasted more than a few days when the noble Earl opposite offered the mediation of England. Germany was obliged to accept that offer, because not only England, but Sweden, and as soon as she could extricate herself from her troubles, France, and, above all, Russia, spoke in the strongest terms of reprobation of the conduct of Federal Germany. The insurrection broke out on the 24th of March, and the offer of mediation was made on the 16th of April. The Federal Diet of Germany, having on the 4th of April acknowledged the services of Prussia and encouraged her to proceed, on the 12th of that month acted in direct contradiction to the law of the Confederation. Actuated only by ambition, and reckless of consequences, the Diet issued a declaration to the effect, that unless Schleswig were evacuated, the Danes were to be driven out by force; and in vindication of the right of Holstein to a union with Schleswig they went further, and said that they were convinced that as the safest guarantee for that union would be attained by the accession of Schleswig to the German Confederation, Prussia should be requested to keep that object in view as much as possible in the course of mediation We know well enough what was the reason which induced the Diet to act in that way. They were animated purely by ambition. They desired to get possession of Schleswig, because they entertained the notion that it was necessary for Germany to have a navy. *Optat ephippia bos.* It would be difficult to menion any State to which a navy could be of less use. Germany exists as a great Power in consequence of the strength of her army. She has no superfluity of means. It is just as much as she can do to maintain her soldiers; and if, in addition, she were to burden herself with a navy, the army would go to ruin, and her influence in Europe would be greatly diminished. There is no advantage in having a small naval force. It would be blockaded and destroyed at the commencement of a war. Germany has no need of a navy. She has very little commerce to protect; and even if she had a fleet, it would be of no benefit to her. For the sake of this cherished object, however, Germany did not scruple to violate the rights of Denmark and the laws of the Confederacy. The armistice took place on the 26th of August, 1848; hostilities were resumed in 1849. There was a second armistice on the 10th of July of that year, and the peace of Berlin was concluded on the 2nd of July, 1850. In the course of these transactions the Prussian troops did not find an opportunity of regaining that character which their Government thought they had forfeited. In the peace of Berlin not one word was said about Schleswig. That was thrown over altogether. The compact merely said that the parties were to reserve their rights—an operation which was extremely easy on the part of one of them, as it never had any at all. In point of fact, the peace was an indefinite suspension of arms. It was said that Denmark might ask the Confederation to occupy Holstein and interfere for the purpose of restoring her authority there. Denmark, unfortunately, did request the assistance of the troops of the Confederation for that object. The troops came in due course, but Denmark had the greatest imaginable difficulty in getting rid of them again. It was not till the beginning of 1852 that they were at last removed, and that was done only in consequence of certain diplomatic arrangements which had taken place. Those arrangements were to the effect that Schleswig should not be incorporated with the kingdom of Denmark proper; that equal rights and effective protection should be given to both nationalities; that there should be separate administrative and political institutions for the separate parts of the kingdom; that a common Constitution should be formed, with the acquiescence of the Diets; and that equal rights should be allowed to all the composing parts of Denmark. In a proclamation, issued about the same time, the King of Denmark announced that the fundamental law of Denmark was to be retained, and that the consultative powers of the several States should be made deliberative. There has been a good deal of discussion as to the degree of validity which should be given to these diplomatic arrangements. I should be exceedingly sorry to say a word which could, in any way, diminish the sacredness and authority of any diplomatic engagement, because I know that upon their sacredness depend, in a great measure, the peace and security of Europe. But I must say, that if the same rule were applied in our judgment of diplomatic compacts which is applied in regard to compacts between individuals, it would be a matter of great doubt how far the diplomatic arrangements in this instance are binding. The highest obligation possible for a man to incur is that which takes the form of an oath. Moralists, however, hold, that if a man take an oath to do what is wrong, the oath will not bind him, because he had a prior obligation to the contrary. In the same way, when the King of Denmark agreed to sanction these diplomatic transactions, he had a prior obligation to the contrary. He violated his first duty to his people, which was to exclude from all interference in his domestic Government the influence of foreigners. I think the several Powers who imposed these conditions on the King of Denmark are equally to be blamed. They, too, had a prior obligation to perform. It is contrary to international policy that any State should have the power of interfering in the domestic arrangements of another; and I hope that ultimately, when these differences are at last settled, one of the alterations insisted on will be that the diplomatic engagements of 1851 and 1852 shall cease to have validity as far as they have regard to Schleswig, and that Denmark shall reassume her position as a really independent State. To the other provisions contained in these diplomatic arrangements I know of no very weighty objections, except that, in point of fact, Denmark was directed to create a constitution in an impossible way. There were, however, some points in those diplomatic directions which were strictly in consonance with the policy which any country desirous of the good of its people ought to have pursued of its own accord. Denmark made a common constitution, but not in the way prescribed. She did not procure the acquiescence of the several Diets, because, if she had sought that, she would never have framed a constitution at all. This constitution was established in 1855, and in 1858 Denmark was compelled by the Diet to rescind everything that related to Holstein and Lauenburg, which they held to be a part of the German Confederation. Thus Schleswig alone remained with a representation in the Parliament of Denmark. To give your Lordships an idea of the sort of difficulties that would have been experienced had the Danish Government really attempted to obtain the acquiescence of the separate Diets, I will read the declaration of the Holstein Estates in 1853—

> "That a beneficial co-existence of all parts of the State could not be obtained, except by the re-establishment of an absolute Government with only consultative assemblies in all parts of the monarchy."

It is, undoubtedly, matter of great regret that a portion of the period which has elapsed since the diplomatic arrangements was not spent by Denmark in improving the condition of the people in the Duchy of Schleswig. I think that in that respect the Government of Denmark made a very great mistake; and that they would have put themselves in a much better position if they had at once, through the Diet, proposed all the alterations which were absolutely necessary to place the people of Schleswig on a level with the people of Denmark. Let me say one word with respect to the subject of the alteration proposed by the noble Earl—namely, the union of Schleswig with Denmark, and the admission of deputies from Schleswig to the Parliament of Denmark. I inquired whether, by the admission of these deputies from Schleswig, anything was taken from the power of the Diet and the people of Schleswig, and I found that nothing was taken. On making further inquiry I found that which I expected, that the admission of the representatives of Schleswig to the Parliament of Denmark is a mere act of grace and concession on the part of the Crown, which had called upon them to participate in the exercise of parts of the prerogative and Royal power, which before were exercised by the King himself, or by the King in conjunction with the Rigsraad, which he had created. Now, I apprehend, that what a Sovereign grants of his own authority to the people he cannot withdraw without their consent. But there is nothing unlawful in the concessions made by a Sovereign to his people, and the people of Schleswig were only too happy to get this concession. They had the good sense to send their deputies to the Parliament of Denmark. I need not trouble your Lordships with reading what the noble Earl recommended in 1861. Holstein was to have advantages equivalent to all those which the Federal States of Germany required. The noble Earl required also that Schleswig should continue to send deputies to the Parliament of Denmark, and that her Diet should continue to be held according to the existing law. I think the noble Earl made a mistake in this respect, for the existing law as regards the constituency of the Diet of Schleswig is to the last degree objectionable. It has all the defects of the worst parts of our constituencies before the Reform Act. It never can have been intended to perpetuate a law which gives all power to knights and nobles. Generally, to what the noble Earl proposed the Danes no longer could have any objection, if they had at any time, because they now offered to the noble Earl the very same thing; and I must say, that on looking at the correspondence, the noble Earl and the Government appear to have abandoned their propositions in 1861 on very light grounds. They involved, no doubt, one provision, that of a special guarantee by the four intervening Powers of the Duchy of Schleswig to Denmark, to which Prince Gortschakoff stated unanswerable objections, holding that that special restricted guarantee of Schleswig would weaken the effect of the acknowledgement of the great Powers and many of the smaller Powers of Europe in 1852—

> "That the maintenance of the integrity of the States of Denmark, as connected with the general interests of the balance of power in Europe, was of high importance to the preservation of peace."

An acknowledgment, he considered, equivalent to a general guarantee by all those Powers of all the dominions of Denmark. It is my impression, that to the other provisions contained in the noble Earl's proposition in 1861, there would not have been found, on the part of the intervening Powers, any serious objection—none certainly was stated—and the noble Lord should have gone forward, and in the state of things there was every reasonable prospect of his proposal having been accepted by the Powers and Denmark. What the Danes contended for was, that Schleswig should remain connected with Denmark, for they thought they saw in the separation which the noble Earl now proposes not only the destruction of the honour of Denmark, but the ruin of her strength. The noble Earl at the time he made his proposal admitted that the most important point which was settled by diplomatic transactions was no longer to be looked for—namely, the common constitution. That was entirely given up, because it was thought impracticable; but, after all, it was the most important of the diplomatic arrangements. I must express my hope that it will not ultimately be found impracticable. I confess I see the pressure now placed on Denmark, and the necessity of making this concession with respect to the position of Holstein, yet I perceive in the separation of Holstein from Denmark a great diminution in the reputation and strength of Denmark. I look forward to the time when, under happier circumstances, it may be possible, free from all embarrassments on account of these diplomatic transactions, for Denmark to have a common constitution. I will not read to your Lordships the notes of Austria and Prussia; but the result of them is, that neither of these two States would be satisfied, unless in the making of the common constitution the Germans, who are in a minority of one to two, should have a veto or a majority. The Danes will not take a constitution from the hands of the King of Prussia. They know him as a conspiritor against them for the last fifteen years; and if they adopted that which he recommends, they would only adopt with their eyes open that which would be the destruction of their monarchy. The noble Earl, in addition to proposing that Schleswig should be separated from Denmark, also proposed that what he called a normal or ordinary budget should be voted separately by Denmark, Schleswig, Holstein, and Lauenburg, and that all extraordinary expenses should be raised in the same way. The noble Earl has had a long experience of popular assemblies and in the management of the House of Commons, and he may think that nothing could be easier than to manage not only one House of Parliament, but to manage four popular assemblies at the same time, and for the same purpose of obtaining money votes. But there is a material difference between those assemblies and the House of Commons. The latter is an old and practised constitutional body, and loyal; but these representatives of the people of Holstein and Schleswig, as I understand the case, are not merely in a state of general opposition, but in a state which could hardly be otherwise described than as a state of general rebellion to the Government; and it is not to be expected that there could be obtained from them first a normal and then an extraordinary budget. They would not spare money in matters which concern themselves, but would refuse giving anything towards the general defence of the country. In fact, Denmark is very much in the position with respect to her duchies in which England is in respect to her colonies—all the expenses of defence fall on ourselves, and all the revenues arising in the colonies are expended for their own proper benefit. The state of things which has grown out of the several transactions I have brought before your Lordships is of a very serious character. Desirous as we are of maintaining peace in Europe, and having a deep interest in the integrity of the Danish dominions, I think, if I may venture to form a decided opinion, that Her Majesty's Ministers, in conjunction with the Government of France, should distintly declare that these differences between Denmark and Germany, having once been brought within the domain of international diplomacy, should there remain, and that they will not permit Germany to attempt to execute an act of invasion against Denmark. Let this be distinctly understood, and all difficulties will vanish. It is the hope of success through the threat of this invasion which keeps alive the ambition of Germany. It is the fear of this invasion which produces general uneasiness in Denmark, and impedes its progress to prosperity. I believe the noble Earl does not regard a Conference or a Congress otherwise than as the last measure to which we may be compelled to have recourse; but if ordinary international diplomacy should fail in producing a settlement, then, I must confess, I do look to a conference of all the States of Europe which were represented at Vienna, with the addition of Italy, as the only way of solving this question. I hope that the noble Earl, after further communication with his Colleagues, will consent to return to the more prudent opinion which he formed in the year 1861; and that if he should appear in any Congress which may meet to consider this subject, it may be in a position which must be more congenial to his feelings than that which he has recently occupied, because it would be the position of one who came to protect the weak against the strong. And I trust, that going there with that intention and that spirit, the noble Earl will be at last triumphant over the machinations of those who for fifteen years have been conspiring against the independence and the integrity of the Danish Throne. I wish, in conclusion, to ask, Whether the Government are prepared to produce any further correspondence upon the questions of Holstein and Schleswig; and especially whether they can communicate any representations which may have been made to the Danish Government by those of Austria and Prussia relative to the proclamation of the King of Denmark, dated the 31st of March, 1863?

EARL RUSSELL: My Lords, before I answer the noble Earl's question, I must offer some observations on the very singular speech which he has delivered, and the very extraordinary doctrines he has laid down for the guidance of Her Majesty's Government. The noble Earl has treated the questions at issue between Denmark and Germany. With regard to many parts of his statement—as to the proceedings between 1807 and 1813—it is surely quite unnecessary that I should trouble your Lordships with any remark. But with regard to what has occurred of late years between Germany and Denmark, and in which transactions I have had some part, I will give explanations which will correct some of the statements of the noble Earl. So long as I have looked at this question, it has appeared to me that both Germany and Denmark — both the Germans and the Danes—having recollections of former political complications, collisions and the employment of force, have fallen into errors of conduct—that they have in some cases made demands which ought not to have been made, and in others required the performance of acts which ought not to have been performed. Now, I confess that it has always appeared to me that Germany—that the Diet of Germany and the Governments of Austria and Prussia, and more especially Prussia—in asking a common constitution for Denmark, and requiring that that constitution should have certain conditions involved it it, asked for that which was an interference in Danish affairs and which it would be dangerous for Denmark to allow; and, on the other hand, it has seemed to me that Denmark, having made certain promises, and entered into certain engagements, the King and Government of Denmark were bound to fulfil those promises and comply with those engagements. Therefore, while I have thought that Germany was quite wrong in her demands, I have thought that Denmark was also wrong in not fulfilling the promises which she had solemnly made. Well, then, the noble Earl laid down a startling doctrine on this subject, such as I have seldom or never heard in either House of Parliament. The noble Earl referred to those diplomatic engagements taken by Denmark—especially to those engagements, as he truly recited them, by which Schleswig was not to be incorporated with Denmark, that the German subjects of the Sovereign of Denmark should have the enjoyment of the same rights as his Danish subjects. The noble Earl says he disapproves of those arrangements; and because he disapproves of them, although they were solemnly agreed to, and although the Emperor of Austria now says (and I believe truly says) that the Austrian troops and the other German troops were withdrawn from Holstein and the Danish territory on the ground of those engagements, the noble Earl says they ought not to be fulfilled. [The Earl of ELLENBOROUGH dissented.] I understood the noble Earl to say so.

THE EARL OF ELLENBOROUGH: No. What I said was, that there were rules which applied to transactions between individuals, but which would not apply to diplomatic transactions.

EARL RUSSELL: The noble Earl certainly said that he trusted, that if ever new arrangements were made, no diplomatic engagements would be altered or repealed, but be made subject to the decision of a Congress. But, at the present time, having to deal with the subject, and looking at it in a very simple manner, with the ordinary light of ordinary men, I have thought that promises ought to be fulfilled and engagements ought to be observed. I did not think that the noble Earl had greater or more sublime views; but such being the state of things, and such being the engagements of the King of Denmark, I think I was right in saying that the King of Denmark was bound to fulfil them. Then, with regard to any advice I had to give, it could only be, under the circumstances I have described, in the nature of a compromise. It was quite clear, in the first place, that the engagements with regard to the constitution were of an extremely complicated nature, and it was obvious that both parties were inflamed against each other. Well, what I looked to was the possibility of finding some practical solution. The noble Earl says truly that in 1861 I proposed that Schleswig should send its representatives to the Diet at Copenhagen. I did not propose, as the noble Earl says, that the constitution of Schleswig and the Diet of Schleswig should be kept perpetually in the same state; what I maintained was, that the King of Denmark had no right to alter the constitution of that Assembly without the consent of the Assembly itself. I looked to the time when passion would be cooled down, and when there might be an agreement that the constitution should be reformed; but I certainly maintained that there was no power in the Crown to alter rights established by law. That proposal met the reception which the noble Earl has mentioned; it met with the assent of Russia; but it did not meet with the assent of France. I believe that the French Government, having found that neither Austria, Prussia, nor any of the German States would agree to that arrangement, thought it was useless to pursue it any further. I certainly thought that the chances of success were very small. I thought, that there being so little agreement on the part of the non-German Powers of Europe, and so great a disagreement on the part of the German Powers, the plan had little chance of success. Well, I proposed another arrangement in 1862. I proposed it as a plan which I then thought and still think would maintain the integrity and independence of Denmark, and reconcile Denmark to Germany. That it would have reconciled Denmark to Germany there can be, I think, no doubt; because, although it did not give that common constitution by which Germany and the German inhabitants living under Denmark would have more of the influence of Denmark in their favour than was their just proportion, yet the Governments of Austria and Prussia, and many other Powers with whom I conferred, were willing to consent to that arrangement. With regard to the altered proposal, it did not seem to me that it contained any provision which would have trenched upon the independence of Denmark. With regard to Holstein and Lauenburg, the Danish Government themselves were ready to admit that these duchies were part of the German Confederation, and, that being so, had a right to separate Diets. There remained, therefore, only the question of Schleswig. What I proposed with regard to Schleswig was, not that it should be united to Holstein, which has been repeatedly asked, and is asked even at this time, by some parts of Germany, but that it should be entirely separate—that its Diet should be separate, and its Legislation and Votes of money separate. Now, the noble Earl says, it would be impossible to manage these four Assemblies, and to get the Votes required. But the noble Earl has entirely omitted to notice that what I proposed was, that there should be a budget — a general, ordinary budget, as we say — to be voted for ten years. The Assemblies having been brought together, and Germany having agreed, the probability is, that they would have voted a budget for ten years, and that for those ten years there would have been peace. I think that the necessary amount of money required for the Danish monarchy would have been voted by each of the four Diets. On the other hand, it was for Denmark to consider, whether she would reject or support the proposition. If she thought it dangerous to the independence of Denmark, she was quite right to reject it; but at the same time it might have been foreseen, and no doubt they can now foresee, that great troubles will probably follow from the continuance of such a system. We must consider Germany as entirely united upon this subject. Whenever we look at the debates—in the Prussian Assembly, in the Austrian Assembly, or in that of Saxony, or indeed in any other popular Assembly—they say with one voice that the German subjects of the King of Denmark are persuaded that they are suffering under a deprivation of privileges that they ought not to endure. I am not saying that it is wise for a country to give any other country power to interfere in its internal concerns, but with that question we have now nothing whatever to do. If the King of Denmark in 1850 had chosen to refuse any power of interference in his internal affairs, he would have had just as much right to do so as had the Emperor of Russia in 1814, with regard to Poland. If he had said, "I will have no interference with respect to my German subjects," it was perfectly competent for him to say so; but he made the engagement, and having made it, his Government ought to keep it.

This is the utmost extent to which I go. Now, with regard to the German subjects of the King in Schleswig, they make various complaints. They complain, for instance, in one village that they had no church in which they could listen to a sermon in their own language, and to which they could send their children to be taught according to their own ideas; and, under these circumstances, it was not strange that they should desire to send a petition to the Sovereign to ask for redress. But, according to the law that prevails there, not more than three persons can venture to sign a petition, and therefore it is impossible that they can ever take that mode of asking their Sovereign for redress. They also complain, that while the press is free, they are not allowed to have their own newspapers. Of course, there are Danes, who are very much attached to their own nationality; but I confess that it has always appeared to me that it is for the interest of the Danish Government, and of the King of Denmark, that both Germans and Danes should be treated alike, and that they should both have the same rights and privileges, and be covered by the protection of equal laws. This is the utmost that the Germans have a right to do. They have asked a great deal more; they have asked what I consider amounts to an interference with the internal Government of Denmark; but, I repeat, that what they have a right to ask is that the German subjects of the King of Denmark should be treated with equal laws and privileges as his Danish subjects Then we come to that great question which the noble Earl has approached with such extraordinary boldness, namely, whether the Germans, finding that their rights with respect to Holstein are not, in their opinion, regarded by the Danish Government, and proposing to proceed to an "execution," the German Diet should be told that they have no right to proceed to an execution in Holstein, according to what they declare to be the law of the German Confederation. In fact, I understood the noble Earl to say, that this country and France should not permit an "act of execution"—an act of invasion he calls it—by the German Diet. A more serious question than that cannot be raised. With regard to Schleswig, that is an international question. Austria and Prussia and the German Diet say, "We have made certain treaties and diplomatic arrangements with regard to Schleswig." That, therefore, is a question between nation and nation;—whether they did so or not, and whether this arrangement can be modified in such a manner as to preserve the peace of Europe, are international questions upon which the influence of this country, and of France, of Russia, and of Sweden, may be usefully exerted. But with regard to the rights of Holstein, should the whole of Germany declare—as perhaps it may declare within six weeks from this time—that according to the law of the Confederation there is a cause and a necessity for an act of execution in Holstein; and if England should say, "We will not permit it; we will overthrow the act of the German Confederation; we will take upon ourselves to set at defiance that solemn act for which the German States are bound together, and we will declare that it had no power in reference to Holstein and Lauenberg,"—that, it seems to me, would be the most arbitrary act of international violence that I ever heard of. That is what the noble Earl invites us to do. He invites us to interfere between Germany and Denmark in this question by force of arms, and to go to war for the purpose of preventing Germany carrying into effect laws which every State of Germany declares it to be the undoubted right of the Confederation to enforce. There are two things I have always said with regard to this question, and which I say now: one is, that with regard to the laws of the German Confederation, the German Confederation is itself the true judge; and as regards the engagements between Germany and Denmark, whatever they may be, the King of Denmark is bound in honour to fulfil them. It appears to me that these two maxims ought to be our guide in this matter. Germany does not possess the smallest claim over Schleswig; but with regard to the engagements between Germany and Denmark, I think they might be easily performed by Denmark. I am sorry to hear that the noble Earl gives some countenance to a notion which has prevailed in some of the States of Germany, but happily not in the most important ones—namely, that the arrangements, engagements, protocols, and treaties of 1850, 1851, 1852, should be set aside, and that the law of succession to the Crown of Denmark should be held to be invalid, and that we should revert to the state of things that existed in 1846. I know that the noble Earl does not look at the subject in that view. He looks at it with the view of getting rid of the treaty of 1852, made under the Administration of the noble Earl opposite. [The Earl of DERBY: Not made—signed.] Exactly; signed under the Administration of the noble Earl, but prepared and arranged by my noble Friend Lord Palmerston, when Foreign Secretary. The noble Earl (the Earl of Ellenborough) wishes to get rid of that treaty, in order to make a better position for Denmark. But Lauenberg, and some of the German States also, look to get rid of the treaty, their object being to make a better position for Germany. I am for maintaining the treaty. I do not wish it to be got rid of, either for the sake of Germany or Denmark. I am sure that the best position for the English Government to hold is to maintain and adhere to treaties that have been made, and not to advance on this dangerous and questionable path of denying to Germany those rights which fairly belong to her. Our best position is, with any difficulty that may arise, to look rather to peace and conciliation than to the extreme issue of war.

THE EARL OF DERBY:—My Lords, before I make any observations—and they shall not be many—on what has just fallen from the noble Earl opposite, I think it only due to him to take the earliest opportunity of withdrawing an imputation which it may be thought that I had thrown on him when, on the first day of the Session, I imputed to him that I thought he had interfered gratuitously, and without sufficient cause, for the settlement of this question of Schleswig and Holstein. I had at that time no means of information beyond what was furnished by the public journals, and I certainly was not aware of the length and elaboration of the diplomatic correspondence which had taken place, and I was not aware how entirely the noble Earl's interference was justified by the consent of the different Powers. But having said that, I must confess that I listened with considerable anxiety to hear what answer the noble Earl would make to the very clear, temperate, and judicious statement of my noble Friend. I cannot but concur with my noble Friend that the noble Earl's original conception of what was the duty of this country, of what was just between the two parties, and of what was required by policy as well as justice, was much more accurate than that which, apparently under the pressure of circumstances, he has since adopted. I concur also in thinking that the proposition which the noble Earl offered in 1861 was such as either party might, without any sacrifice of honour, principle, or policy, have very well accepted; for, with the exception of the guarantee to which Russia took objection, the reasonableness of which the noble Earl has admitted, it had the concurrence of that Power which, with the exception of France, had the least direct and personal concern in the matter. The noble Earl says that he had not the sanction of France. I am not aware that there is anything in the papers which have been laid before Parliament that would indicate that there was any objection on the part of France to the proposition of the noble Earl, other than the same objection which was made by Russia to the item of the guarantee. Let me say at once that there is one point on which I entirely agree with the noble Earl. I entirely concur with the noble Earl that we have no right to interfere with the exercise, within its own bounds, of the power of the German Confederation. I agree also that the King of Denmark is bound, not by treaty, but by honour, and is required by a sense of justice and policy, to carry into effect the engagements he entered into in 1851-2 with regard to the German portion of his dominions. Whether it was politic or not to admit the interference of any other country with regard to any portion of his territory, or the interference of the Germanic Confederation with that portion of his dominions which he holds as a member of that Federation—I do not pretend to discuss. It may have been impolitic; but the promise having been given, I do say that the King of Denmark is bound in honour and fairness to fulfil it. But the matter we have to consider is what charge the noble Earl can bring against the King of having failed or having shown any intention to fail in carrying out his promise. Let me say that I am much mistaken if there is not an important distinction with regard to these engagements which the noble Earl has not drawn. With regard to Holstein, with respect to which the King of Denmark exercises his rights subject to a certain supervision and jurisdiction on the part of the Federal Diet, the Federal Diet has a perfect right to interpose, and if their rights are interfered with, to carry into effect what is called a Federal execution. But, if I rightly understand the noble Earl, the engagements to which he referred are engagements entered into, not with the Federal Diet, but made severally with the sovereigns of Austria and Prussia: the German Federal Diet is no party to these engagements, and consequently has no right to enforce them. I am not contending that Austria and Prussia have no right to insist on those engagements, but what I do contend is that the Federal Diet has no right to enforce them. This is a distinction which is not immaterial when we come to consider that portion of my noble Friend's speech which has been greatly misrepresented—of course, through being misunderstood—by the noble Earl opposite. He represented my noble Friend as saying, that if the Federal Diet attempted to put in force by an execution any portion of the rights of the infringement of which they now complain, that it would be the duty of this country not to permit such execution, but to prohibit it by the extremest measures, even, if necessary, by war itself. I did not understand my noble Friend to hold any such language. What I understood him to say was, that if, in consequence of the difficulties now arising, Russia and France and ourselves were agreed with regard to what was right and just under the treaty, we ought not to permit the German Diet, who had nothing to do with it, and we ought not to permit Austria and Prussia, against law and right and against the opinion of the other Powers, to interfere to oppress Denmark in violation of her rights; and my noble Friend argued, I think quite correctly, that such a state of things this country could not regard with indifference. I will not go through the various phases which this question has passed through, or the various negotiations to which it has led. But what have been the real difficulties in the way of any settlement since 1851? I say the main difficulty has been the obstinate refusal of Holstein, backed up by a secret understanding with the German Powers, not to allow of any possible arrangement within the terms of the treaty. Conciliatory propositions have been made by Denmark, but they have not been discussed or entertained by Holstein—they have always been met by a fixed determination doggedly to lay down principles from which they would not depart, and which rendered any arrangement between the parties absolutely impossible. The very first suggestion was an attempt to frame a constitution common to both countries, a common representation, and a deliberative Assembly common to the whole Danish kingdom. That was absolutely refused by Holstein; and the State of Holstein informed the world that the summoning of a united Parliament was a proposal to which, under no circumstances, they would consent—not even under the monstrous proposition put forward by Germany, that each duchy of Holstein, Schleswig, and Lauenburg, being in the aggregate considerably less in population than the single division of Denmark Proper, should each of them have an equal numerical share in the representation of the country, and thus should not only be able to control their own affairs absolutely, but actually to exercise an administrative and controlling power over the affairs of the Kingdom of Denmark Proper. What was the next declaration of Holstein—one made only the other day? It was that the States had come to a determination that no arrangement could be accepted by Holstein which did not recognise the ancient and indissoluble union between Holstein and Schleswig. That ancient and indissoluble union, however, had been practically abolished for a very considerable period, and the fact had been recognised in diplomatic negotiations that the union did not subsist, and that it should not be sought to be re-established. That was one of the points of negotiation in 1851, and it has been since affirmed by all the Powers; and now it has been laid down by the States of Holstein that it was a condition without which it was impossible to come to any amicable arrangement with Denmark, under any circumstances whatever. The question, however, is not with reference to Holstein, but only with reference to Schleswig. For the King of Denmark, having found out that it was impossible, either by means of a united Parliament or by separate legislation, to come to any terms with the Assembly of Holstein, made up his mind to a great sacrifice on the part of Denmark; although he did not admit the extent to which the Federal Diet pressed their claims over the administration of Holstein, yet he consented, for the purpose of leaving them no loop-hole for any pretence of interference with the rest of his dominions, to give to Holstein all, and more than all, she had herself asked, except the union with Schleswig, and more than the German Powers, on the part of Holstein, had ever required. He gave to Holstein a complete autonomy; he gave her the administration of her own finances; he gave her exclusive legislation within her own territories; the control over her own Budget and her own laws; and though by doing so he materially weakened Denmark, yet he consented to all this, and went even beyond the demands which they had any right to make for the protection of Holstein. In doing so, however, he was careful to protest against the doctrine, that beyond the duchy of Holstein the Federal Diet had any more right to interfere with the affairs of Denmark than they had with those of any other Power in Europe. It is as Duke of Holstein that the King of Denmark is subject to the control of the Federal Diet, and, as regards Schleswig and Denmark Proper, he is as independent a Sovereign as the Sovereign who sits on the throne of these realms. As far as the Federal Diet is concerned, it clearly has no *locus standi;* and when all the claims of Holstein are satisfied, for the Federal Diet to interfere with the other portions of the Kingdom of Denmark, would be a piece of gratuitous impertinence. Austria and Prussia, I admit, are right in saying—You entered into certain arrangements in 1851, and those arrangements you are bound to execute. I agree with the noble Earl in what he said with respect to Denmark. I do not say that Denmark was wrong in refusing to combine—in the settlement of their affairs and dealing with different Powers—this question of Holstein with the question of the management of other portions of the kingdom; but I do regret that of his own motion and spontaneously the King of Denmark did not take upon himself to remove, by the power he possesses, any just and reasonable cause of complaint which the inhabitants of Schleswig may have against the administration and the mode of Government. But the question is, to what extent do these grievances exist—what is it which has been complained of?—in what respect has the King of Denmark violated any engagements into which he may have entered? The main engagements were two—first of all, that Schleswig should not be incorporated into the Kingdom of Denmark; and secondly, that the Danish and German subjects should be treated on an equal footing. Now, my Lords, it is not to be denied that Schleswig has been made a stalking-horse for the ambition of Germany. It is not to be denied that a considerable immigration of Germans has taken place into Schleswig. There is no pretence for calling it German territory, but it is a territory in which a large number of Germans have settled. Nearly half the population of 400,000 are Germans who have settled there, and they demand equal laws and equal justice. The points in dispute concern comparatively trifling matters—though I do not by any means imply that they are unimportant—but trifling comparatively speaking, when you look at the enormous and important consequences which would result from a serious misunderstanding; but they really amount to this—that there is a very large number of Danes in some of the villages, whereas in others there is a very large number of Germans; and there is a good deal of difficulty in dealing with a mixed population, when the German and Danish elements are mixed up together. There is a difficulty in respect to the language used in the schools and in churches, especially where the two elements are mixed up in equal proportions. That difficulty the King of Denmark has not hitherto been able satisfactorily to solve. Is it then a ground of charge against the King of Denmark (there being no other charge against him) that he has not been able to solve that difficulty, and having expressed his readiness to do what he could to solve it in future years? Are you to compel him to enter into an engagement which, in the opinion not only of the King, but of every subject he has, amounts to a violation of the integrity of his kingdom, and a dissolution of the monarchy? The noble Earl's original proposition was a fair, just, and reasonable one. He repudiated the union between Schleswig and Holstein—he repudiated the extravagant claims for equal representation of small minorities—he repudiated any right of interference with regard to Schleswig except in so far as the engagements which the King of Denmark entered into in 1851 were concerned; and in regard to every point there stated, I entirely concur in the policy of the noble Earl. But where is it laid down in the engagement of 1851, or where is it contemplated (although it might be contemplated), that Schleswig should not be incorporated with Denmark? Where is it contemplated, or the expectation held out—on the contrary, was not that expectation most carefully and sedulously negatived?—that Schleswig should ever be separated from the Kingdom of Denmark? Holstein, according to the arrangement now proposed, is as completely separated from Denmark as Hanover at any time was separated from this country. They are bound together by no other tie than the personal tie to the Sovereign; and it is that separation probably which the noble Earl contemplated between Schleswig and

Denmark Proper—namely, that Schleswig shall be as independent of Denmark and as unconnected with it as Holstein claims to be. Have not the King of Denmark and the people a right to say, "We consent, for the purpose of obviating the chance of embarrassment from claims which are very inconvenient, but which we cannot resist—when you assert certain claims of the Federal Diet over Holstein, we agree it is separate almost altogether from Denmark, connected only with the personal tie of the Sovereign; but when you ask us, for no reason on earth, but because there are certain colonies of Germans who have taken possession of a large portion of this territory in Schleswig, which is a duchy that has been connected with Denmark for four hundred years, and intended by all parties studiously to be kept in connection with the Crown—when you call on us, without any ground shown or any good reason alleged—such as exists in the case of Holstein—still further to weaken the monarchy by the complete separation of Schleswig, you call on us to do that which you have no right to ask us to do." If it would be, as I believe, an act destructive of the integrity of the monarchy of Denmark, it would also be an act no less of signal injustice and signal impolicy. The integrity of the monarchy of Denmark is of vital importance to this country. She is a small country, but with a most resolute, determined, honest, and honourable population. She is a country in which there is a large—probably the largest—amount of personal and political freedom of any country in Europe next to our own; and she is a country, moreover, which is well disposed to England. Whatever interruption of friendship there may have been from time to time, she is a country which—apart altogether from that recent tie which I hope will connect us closer still—has interests and feelings and affections in common with this country. Small as she is, yet the character of her people, her naval power in comparison to her population, and her geographical position on the map of Europe, are such as to render her, in the event of a European war, no contemptible ally even to a Power so great as England. I say it is policy, as well as justice, to support against any claims which ambitious nations may urge against Denmark her fair and equitable rights. It is our duty, as it is our policy, to protect her against aggression. And although God forbid that the last extremity should be forced upon us! yet, I say, that if a question arose as to whether the Danish monarchy should be dissolved, or should lose its integrity and be frittered away—(still more that it should be placed by collateral means through indirect influences in the position of a dependency of the German Confederation)—I say there is no alternative which would not be preferable, on the part of England, than that a policy should be adopted which would lead to consequences so disastrous as the dissolution of the Danish monarchy, or its transformation into a dependency of the German Confederation. On these grounds, I deeply lament that the noble Earl has departed from his original proposition. I think he has acted without sufficient ground. I feel certain that a firm attitude held by us, in concurrence with Russia, and I believe also with France, while we have already shown the German Powers that we were not disposed to withhold from them any of their just rights, would, on this occasion, have shown them that we will not be content to allow with impunity any uncalled-for aggression on the rights of Denmark.

LORD WODEHOUSE entirely agreed with what had been so well said by the noble Earl. He fully agreed with the noble Earl at the head of the Foreign Office, that engagements, however inconvenient, ought not to be departed from; but if Denmark was bound in honour to fulfil her engagements, Germany was equally bound in honour not to put insurmountable obstacles in the way of their fulfilment. But this, he maintained, Germany had deliberately done. Those engagements, as had been fully explained to the House, were simply three:—Denmark engaged to give a common constitution to the whole of her dominions; she engaged that she would not incorporate Schleswig with the monarchy; and that she would give equal rights and protection to the German inhabitants of Schleswig. He agreed with his noble Friend that Denmark was clearly bound by these engagements. And how had the Danish Government endeavoured to fulfil them? They gave to the whole of their dominions a common constitution; but, as the noble Earl had pointed out, the State of Holstein never allowed that constitution to be carried out. They made another declaration — they said that they would never consent to any arrangement which did not restore the ancient connection between Schleswig and Holstein. That was a direct repudiation of the engagement of 1851. He agreed with the noble Earl opposite in thinking that in this dispute Holstein had been backed up underhand by the German Powers. The German Powers said that the question as to Holstein was a domestic question, with which the rest of Europe had nothing to do. That might be so; but then they made Holstein the pretext for interfering with Schleswig. He next came to the subject of the incorporation of Schleswig with the Danish Kingdom. The intention, no doubt, had been that there should be a common constitution for all the different States of Denmark; but that common constitution could not be carried as regarded Holstein and Lauenburg. Denmark, however, maintained a common Parliament for Schleswig and Denmark, which sat at Copenhagen; and in that the Danes insisted that they had not violated their engagements with Germany. Denmark did not interfere with the Diet of Schleswig for the separate management of local affairs. He must say, that placed as they had been in this matter, they had not acted unreasonably in adhering to the ancient connection between Schleswig and Denmark. With regard to the engagement of Denmark to grant equal rights and privileges to the German inhabitants of Schleswig, he entirely concurred in the opinion that the Danish Government had been ill-advised in not carrying out that portion of their engagements. The Danish Government had constantly said, that if they made these concessions to the German population of Schleswig, they would be used as a handle against Denmark, and that they must therefore postpone making them until the agitation on the subject was over. That, he thought, was an unwise policy. Why should the inhabitants of Schleswig be prevented from petitioning, or denied the use of the German language in their churches and schools? These were petty grievances for the Danish Government to keep up, but real and irritating grievances for the German population to suffer; and he trusted, therefore, that the Danish Government would lose no time in extending to the people of Schleswig, whether Germans or Danes, all the privileges which the people of Denmark enjoyed. With respect to the proposals made by his noble Friend the Foreign Secretary, he must say he looked upon the proposal of September 1862 as being very much worse than the one made in May 1861. The proposal of May 1861 was wise, safe, and well-considered. True, it did not meet with the success it deserved; but that did not render it necessary to make another proposal, which, if more acceptable to Germany than the last, was far less acceptable to Denmark. That was, in fact, only shifting the difficulty from the one side to the other. The last proposal had this great objection—that it was an encouragement to Germany in her extravagant pretensions, while it aggravated the difficulty of settling a question already sufficiently complicated. In defending that proposal the noble Earl said, he believed that the normal budget would have been voted by the Estates. He was surprised, after the temper exhibited by those bodies, that his noble Friend should have imagined there was the slightest chance of such a budget being agreed to. But, even assuming that a minimum or peace budget would be voted, what was likely to happen in the event of a war? Was it likely, that animated with a strong German feeling, and not well affected towards Denmark, these bodies would then readily vote the required supplies? Prussia and Austria had intimated, that if their demands were not conceded by Denmark, they might recede from the solemn treaty engagement into which they had entered in 1852, relative to the Danish monarchy. But the instrument settling the succession to the Crown of Denmark had no reference to the engagements which Denmark entered into with the German Powers in 1850 and 1851. The treaty stated that it was important for the preservation of the peace of Europe that the independence and integrity of the Danish monarchy should be maintained. When, therefore, the German Powers declared, that if their demands were not complied with, they would not be bound by a treaty into which they had entered not only with Denmark, but with England, France, and Russia, he must say, they cast an imputation on their own good faith, which he hoped was entirely undeserved. [Earl RUSSELL: They do not say so.] He admitted his noble Friend's superior means of information, but he must venture to repeat his own opinion. In the published despatches of the Prussian and Austrian Ministers, there were, if his memory did not deceive him, passages in which they suggested, that if their demands were not conceded by the King of Denmark, they would be obliged to regard the Treaty of 1852 as void. There had been great violence both on the part of the Danes and the Germans on this question, and it was exceedingly difficult to observe a strict impartiality in regard to it; but he could have wished that his noble Friend had said something in the way of encouragement to the Danish Government — something which would have led the House to hope that that Government would, in this dangerous crisis of its affairs, receive, as far as justice would permit, the support of Her Majesty's Government. It was highly important for this country to maintain the independence and integrity of the Danish monarchy; but it would be extremely difficult to do so if we gave any countenance, either by words or acts, to pretensions put forward by Germany, which would make the integrity and independence of the Danish monarchy a mere shadow.

Earl RUSSELL was understood to say, that at the present it would not be convenient to produce the despatches for which the noble Earl had asked; but they would be laid on the table at a later date.

TELEGRAPHS BILL—(No. 83.)

SECOND READING.

Order for Second Reading read.

Lord STANLEY of ALDERLEY *moved* that the Bill be now read the second time. Various telegraph companies had obtained, by private Bills, which were unopposed, powers which would not have been granted to them if the Bills had come before Parliament as Public Bills, and the object of the present Bill was to restrict and regulate these powers.

The Marquess of LANSDOWNE said, that some of the provisions of the Bill were objectionable, particularly those which enabled telegraph companies arbitrarily to deal with property without the consent of the owners. There would, however, be an opportunity to bring the matter under their Lordships' notice in Committee.

Motion *agreed to:* Bill read 2ª accordingly, and committed to a Committee of the Whole House on *Monday* the 1*st of June* next.

AUGMENTATION OF BENEFICES BILL [H.L.]

(No. 99.) THIRD READING.

The Queen's Consent signified.

The LORD CHANCELLOR *moved*, That the Bill be now read the third time.

Lord ST. LEONARDS said, he did not mean to oppose the measure, the object of which he entirely approved. But he had to express his regret that some plan had not been adopted by which the augmented livings would pass into the hands of clergymen as a gift from the Crown.

The LORD CHANCELLOR said, that it was an essential element in the measure, that the benefices should be placed at the disposal of the new purchasers. He would take that opportunity of adding that His Royal Highness the Prince of Wales having been informed that the Bill might possibly interfere with his rights in respect of certain livings in the Duchy of Cornwall, his Royal Highness, acting in concurrence with the opinion of his legal advisers, had expressed his readiness to forego any such rights, and his unwillingness to offer any obstruction to the success of what he hoped would be so useful a measure.

Bill read 3ª; Amendments made; Bill *passed*, and sent to the Commons.

ILLEGITIMATE CHILDREN (IRELAND) BILL—(No. 83.)

Commons Reasons for disagreeing to certain of the Amendments made by the Lords, *considered* (according to Order): Then it was *moved* not to insist on the Amendments to which the Commons have disagreed; on Question, whether to insist? *Resolved* in the *Negative;* and a Message sent to the Commons to acquaint them therewith.

DUBLIN METROPOLITAN RAILWAY BILL—[H.L.]

Lord TALBOT DE MALAHIDE said, that this Bill, which would, if passed, interfere with the beauty of Dublin, would be opposed on the third reading, and therefore, in order that their Lordships might be acquainted with all the facts of the case, he moved that the evidence taken by the Select Committee should be printed. He entreated noble Lords to give their consideration to this matter, as he was sure they would not willingly do anything to mar the beauty of the second city in the United Kingdom; and it had been represented that other schemes were more convenient, and that there would be no difficulty in carrying out an underground railway.

Moved, That the Evidence taken before the Select Committee on this Bill be *printed.*

The Earl of CLANCARTY suggested that such statements of counsel as would serve to direct attention to the more important portions of the evidence should also be printed.

LORD LLANOVER said, that as Chairman of the Committee, he did not object to the utmost publicity being given to their proceedings; but he thought the Motion now made an unusual one. The Committee considered every scheme brought before them with respect to railway accommodation in Dublin, and the decision at which they arrived was the unanimous decision of the Committee.

THE EARL OF DERBY understood that the Bill was originally introduced to establish a central terminus in Dublin in communication with all the railways in Ireland, it being proposed to form a connection with the northern railways by a bridge over the Liffey. The Admiralty had objected to that part of the scheme on account of the navigation; and the consequence would be that all the railways in the north of Ireland would have no additional communications by the operation of the Bill, which consequently failed to carry out the original intention. If that were the case, it was desirable that the House should be in possession of the evidence which induced the Committee to come to their conclusion.

LORD LLANOVER said, that the noble Earl was quite right; but, after the objection of the Admiralty was allowed, the Committee were of opinion that the scheme was still a most convenient one, and that access to the line might be had from all the other railway stations.

LORD REDESDALE said, that it would occasion expense to print the evidence, and he did not think there existed any reason why it should be printed. There was no doubt that every noble Lord who would take part in the discussion on the Bill would make himself acquainted with the facts of the case.

On Question, *Resolved* in the *Negative*.

House adjourned at half past Eight
o'clock, to Monday next,
Eleven o'clock.

HOUSE OF COMMONS,

Friday, May 15, 1863.

MINUTES.]—SUPPLY *considered* in Committee* —Committee R. P.

PUBLIC BILLS—*Ordered*—Fisheries (Ireland)*.

First Reading—Vice-Admiralty Courts (*Lords*)* [Bill 129]; Dockyards Protection Act Amendment (*Lords*)* [Bill 130].

Committee—Statute Labour Roads and Bridges (Scotland)* [Bill 63]; Statute Labour Roads and Bridges (Scotland) Transfer* [Bill 64].

Report—Statute Labour Roads and Bridges (Scotland)*, and Statute Labour Roads and Bridges (Scotland) Transfer*; and *re-committed* [Bills 127 and 128].

Considered as amended—Thames Embankment (North Side)* [Bill 94]; Vaccination (Ireland)* [Bill 70].

Third Reading—London Coal and Wine Duties Continuance* [Bill 27], and *passed;* Sale of Mill Sites, &c. (Ireland)* [Bill 105], and *passed.*

REPORT ON THE RIVER SHANNON.

QUESTION.

COLONEL FRENCH said, he rose to ask the Secretary to the Treasury, When Mr. Bateman's Report on the Shannon is to be laid upon the table of the House?

MR. PEEL said, in reply, that the Report had been received, and would be laid on the table in a few days.

THE "CHALMERS TARGET."

QUESTION.

MR. ASPINALL TURNER said, he wished to ask the Secretary to the Admiralty, Is not the principle upon which the "Chalmers Target" is constructed the same as the plan furnished by Mr. John Clare, junior, per Admiralty Order dated 22nd June 1855, on the 25th June 1855; and is not the principle upon which the *Erebus, Terror, Thunderbolt, Warrior, Black Prince, Resistance, Defence, Achilles, Hector, Valiant, Minotaur, Northumberland*, &c., are constructed, the same as the Plans furnished by Mr. John Clare, junior, the 9th and 16th July 1855, as published in Parliamentary Returns moved for by Mr. Maguire, 3rd March 1863, developing the mode of placing Timber between Metal as a non-conductor of vibration?

LORD CLARENCE PAGET said, in reply, that the other day he had answered a very similar Question. The history of Mr. Chalmers' Target was this:—That gentleman proposed, at his own expense, to construct a target, and allow the Admiralty to test it at Shoeburyness. The target was tested upon these conditions, but the Government had purchased no vessel and had built no vessel in the form of that target. They had merely given the target a trial at Mr. Chalmers' request, and therefore it was not the province of the Government to decide whether this construction was or was not an infringement of any existing patent. With regard to the second part of the Question, he had to say that that cause had been already tried in the Court of Queen's Bench, and it had been decided that Mr. Clare's patent had not been infringed.

THE CASE OF MR. HARVEY.

QUESTION.

Mr. NEWDEGATE said, that the Question he was about to ask related to a gentleman who, forty years ago, when he entered the service, was induced by the late Government of India to subscribe to the Fund on the understanding that the Government would supplement the contribution by an addition which would make that investment far more advantageous than any of a similar character. He now wished to ask the Secretary of State for India, Whether any, and what, Reply has been given to the letter of Mr. Harvey (late Accountant General for India), dated the 29th December 1862, and addressed to the Managers of the Bengal Civil Annuity Fund, in which application is made for the refund of the excess of his contributions above the half value of his Annuity; and whether he will lay upon the table of the House a Copy of the above Letter, with any reply thereto; and if no reply has been given, whether he will lay upon the table of the House a Copy of the above Letter, together with Copies of the Despatches and Documents therein referred to?

Sir CHARLES WOOD, in reply, said, that the letter referred to was addressed to the Managers of the Bengal Civil Fund, which was a private body. Whether they had sent any reply or not, he was not aware, and he could not undertake to produce a reply of the existence of which he was not aware. He had received Mr. Harvey's letter to the Bengal Annuity Fund as an inclosure from India, but he could not say whether any answer had been given to it. With regard to the conditions of subscription, one of them was that no refunding of the surplus subscriptions should ever be made. Those conditions having been accepted by the subscribers, he did not admit any claim to refund.

Mr. NEWDEGATE said, he wished to ask if he might understand that the right hon. Baronet would produce the letter of Mr. Harvey?

Sir CHARLES WOOD said, he should object to produce the letter of Mr. Harvey alone, because it would not give a correct notion of what was the state of the case. If the hon. Gentleman wished to have the whole case of these funds brought forward, so far as it was contained in the public despatches, he (Sir Charles Wood) would have no objection to lay those despatches on the table.

COMPULSORY LABOUR IN EGYPT.

QUESTION.

Mr. DARBY GRIFFITH said, he would beg to ask the First Lord of the Treasury, Whether the Despatch from the Turkish Government, prohibiting the compulsory employment of forced labour on the works of the Suez Canal, which has obtained publicity, be authentic; and, if so, whether Her Majesty's Government will support the Sultan in carrying that object into effect?

Viscount PALMERSTON: It is well known, Sir, that Egypt is part of the Turkish Empire, and is under the suzerainty of the Sultan. The law of Turkey is, and has been for a long time, that there is no power to compel labour. But in Egypt the system of compulsory labour has, until a very recent period, prevailed. The Pasha and the Sultan have now determined to put an end to all forced labour in Egypt. Of course, that applies to the Canal and to any other work which is going on. Her Majesty's Government entirely approve that determination, and have assured the Sultan that he will receive, and the Pasha will receive, the most energetic and active support of England in enforcing that which is obviously a proper law for the whole empire. I do not understand whence any opposition can arise, because, in the first place, the Sultan has a perfect right to legislate for his own subjects, and, in the second place, England and France, as two of the five great Powers, have entered into an engagement by treaty to respect the independence of the Sultan and the integrity of the Turkish Empire. Therefore, I apprehend that both England and France would feel themselves bound in honour to support the Sultan in so wise and humane a resolution, and I do not understand from what other quarter any opposition could arise.

THE BOURBON-NEAPOLITAN COMMITTEE IN ROME.—QUESTION.

Sir GEORGE BOWYER: I rise, Sir, to ask the noble Viscount at the head of the Government the Question of which I have given him notice. I am informed that the noble Viscount, in the most public manner, lately made a statement very much affecting the honour of the French Government. I will read to the House that statement. The noble Lord said—

> "In Rome there is a French garrison. The French garrison protects the ex-Royal family of Naples. Under the shelter of that foreign garrison [that is the French garrison] there exists a Committee of, I believe, no less than 200 people, whose constant employment is to organize bands of murderers, the scum and refuse of every nation, and to send them forth into the Neapolitan territory to commit every sort of atrocity."

The Question I have to ask the First Lord of the Treasury is, What are the proofs of a statement that there exists at Rome a Committee of no less than 200 persons, by whom bands of murderers are organized and sent forth into the Neapolitan territory to commit every sort of atrocity; and whether he will lay upon the table any Official Correspondence or other Documents in support of that statement?

Viscount PALMERSTON: Sir, if the hon. and learned Baronet had read fully what I stated, he would see that I said I spoke from belief—that I had no positive proof of that which I stated, but that to the best of my belief it was the fact. I have no documents to lay upon the table. The truth is, that I am in the habit of receiving from time to time very interesting information with regard to men and things in many parts of the world; and if I were to state to this House the names of the persons from whom that information is derived, I should very soon know as little about things as the hon. and learned Baronet himself seems to know. But, Sir, I think I can refer the hon. and learned Baronet to an authority which, probably, he will admit to be a good one; and from that authority, I have no doubt, he will be able to obtain the most accurate information with regard to this, not secret Committee, but this Committee of Bourbonists sitting at Rome. I happen to have seen to-day a statement which I apprehend is correct, that on Sunday, the 3rd of this month, a certain Jesuit Father Curci, in the Church of Santo Spirito dei Napolitani, preached, by selection of the Cardinal Sforza, Archbishop of Naples, a sermon to the ex-King of Naples, the whole of his Court, and a large Bourbonist congregation; and in that sermon he told them that—

> "He was sorry to find that they could not submit to the decrees of Providence, and make their minds up to that state of things which for them unfortunately existed, and he reproached them and said that by promises of money and inflammatory writings they kept stirring up the ignorant masses in Southern Italy, and kept hounding them on to pillage and slaughter; and while they were ready to pay for the outfit of brigands, they would not give a single bajocco to their suffering fellow-countrymen in Rome, who, but for the charity of the Romans, would die of starvation."

If the hon. and learned Baronet would only communicate with Father Curci, I have no doubt he will obtain most accurate information of the numbers of which this Bourbon-Neapolitan Committee in Rome consists.

THE MAIL-PACKET SERVICES.

QUESTION.

Mr. DUNLOP said, he wished to ask the Secretary to the Treasury, Whether he proposes to take on Monday the Votes for those Mail-Packet Services for which new contracts have been recently entered into, without having previously laid upon the table those contracts, in accordance with the Resolutions of the House of the 24th of July 1860.

Mr. PEEL said, the control of the House in the case of these contracts had been fully provided for, and would not depend on the time at which the Votes were taken. At the same time, the Government thought it only proper that those new contracts should be approved by Parliament before Votes in full were asked for them. Under these circumstances, it was proposed to take only a Vote on account next Monday, exept in the case of the Dover contract.

Sir STAFFORD NORTHCOTE said, he wished to ask the right hon. Gentleman in what form it is proposed to take the Votes on account. He wished further to inquire whether it will be competent to any hon. Member to move the omission of the qualification annexed to the contract with Mr. Churchward; and, if so, whether the Government will accept a Vote on that Motion as a decision on the question whether the contract is to be put an end to or not at the time proposed by the Government?

Mr. PEEL said, the Votes would be moved in the terms of the Estimate. He could not undertake to say whether it would be competent to any hon. Member to move the omission of the qualification referred to by the hon. Baronet; but the Government would accept a Vote on that question as an expression of the opinion of the House on the continuance of the contract.

CHARITABLE BEQUESTS IN IRELAND.

QUESTION.

Mr BLAKE said, he would beg to ask Mr. Chancellor of the Exchequer, Whether he intends withdrawing Resolution 18 in Ways and Means, relative to imposing Legacy Duty on Bequests intended for charitable purposes in Ireland; and, if not, on what day after the Whitsuntide Recess he will be likely to move the said Resolution?

The CHANCELLOR of the EXCHEQUER replied, that the proposal referred to by the hon. Member had formed a portion of the plan brought forward by the Government in respect to the taxation of charities. That plan having been abandoned, it was not his intention to move a Resolution imposing Legacy Duty on charitable Bequests in Ireland.

ALLEGED OUTRAGE IN CIRCASSIA.

QUESTION.

Viscount RAYNHAM said, he would beg to ask the First Lord of the Treasury, Whether her Majesty's Government are aware of certain outrages that have recently been committed by Russian Troops on the Circassian Tribes of the Eastern Shores of the Black Sea, with which were combined an insult to Her Majesty; and whether Her Majesty's Government are prepared to support those clauses of the Treaty of Paris which provide for the free navigation of the Black Sea in the cases of certain vessels which are about to trade with Circassia? It was reported that some troops of the Czar, availing themselves of the absence of the guards of certain outposts on the Circassian territory, had fallen on defenceless persons, and killed a number of them, including old women and children.

Viscount PALMERSTON: We have no report, Sir, of the occurrence to which my noble Friend alludes. At the same time, there have been so many acts of the same kind committed by Russian troops in different parts of world that I do not at all dispute the accuracy of the information to which the noble Lord refers. As to the navigation of the Black Sea, the Treaty of Paris was very clear on the subject. With regard to the coast of Circassia, my noble Friend is aware that for a considerable time there have been some very undecided questions connected with it, because the Russians contend that by the Treaty of Adrianople Turkey gave them possession of the whole coast of Circassia. I believe that Turkey did not possess the whole of that coast; and she could not have given that which she did not legally possess. I am not, however, aware that there is now pending any particular controversy by which that question is raised; and as regards the provisions of the Treaty of Paris, for securing that the trade of the Black Sea shall be open to all nations, I do not think there is any doubt with respect to those provisions.

THE WHITSUNTIDE HOLIDAYS.

OBSERVATIONS.

Viscount PALMERSTON: Perhaps the House might allow me to mention that I think it will be for the convenience of the House if I propose on Tuesday next that the House should adjourn till the Thursday week following. According to our usual practice we should not sit on Wednesday next (the Derby Day), and I do not think it would be worth while for us to assemble here on Thursday for one day. I hope this arrangement will be considered satisfactory by the House.

THE TRAFFIC IN DISEASED MEAT.

QUESTION.

Viscount RAYNHAM said, he wished to ask the right hon. Gentleman the Vice President of the Committee of Education, Whether Her Majesty's Government have received Professor Gamgee's Report on the traffic in Diseased Meat; and, if so, whether there is any objection to its being laid upon the table of the House?

Mr. LOWE said, the Report had been received, and he hoped it would be on the table very shortly.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

REGIMENTAL QUARTERMASTERS.

PAPERS MOVED FOR.

Sir FREDERIC SMITH rose to bring under the notice of the House the necessity of improving the condition of the Regimental Quartermasters of the Army, and to move for certain Correspondence relating thereto. Though soldiers were occasionally raised from the ranks and received commissions as Adjutants and Ensigns, Quartermasters were invariably raised from the ranks, and there existed therefore a very natural ambition amongst the young men of the regiment by good conduct to entitle themselves to the position of Quartermaster. He was one of the last men in the House to bring forward a question interfering with the discipline of the army, because he felt that it could not be left in better hands than in those of his Royal Highness the Field Marshal Commanding-in-Chief, who devoted his attention almost exclusively to improve the condition and comfort of the soldier, whilst maintaining at the same time the discipline of the army. This question, however, was one of pure finance, and he thought that as such it was one which he was fairly entitled to submit to the consideration of the House and the Government. It was notorious to all regimental officers that no duties were more difficult, more responsible, or more severe, than those of the quartermaster. He was promoted generally from the staff sergeants of the regiment, each of whom received a pay of 4*s.* 5*d.* a day, and he was required merely to keep up the position of a non-commissioned officer. Yet, when a staff sergeant was promoted to the rank of quartermaster, he became a commissioned officer, and received 6*s.* 6*d.* a day only. Now he (Sir Frederic Smith) asked the House and the Government whether they thought it possible for an officer to maintain a respectable appearance, and to support a wife and family (for they were generally married men), upon so miserable a pittance? Formerly the quartermaster was also purveyor of the corps; he assisted the colonel in the clothing of the regiment, for which he received a gratuity, and he was allowed a profit on articles sold retail to the soldiers, which he purchased wholesale; and he was enabled by the perquisites and profits arising from his dealings to add perhaps £100 a year to his ordinary pay. Since 1854, however, a different arrangement in that respect was made, and the quartermasters were no longer allowed to possess these advantages. He was not now allowed to trade in any way—he did not interfere with the clothing—he merely received his bare pay with fuel and lodging. In 1861 a memorial, signed by ninety-one quartermasters of the army, was forwarded to the General Commanding-in-Chief, in which they stated their grievances, and prayed for redress. In consequence, however, of that proceeding being irregular on the part of those officers, that memorial could not be officially received; but if a copy of it had been preserved at the War Office, he should be glad to have it laid on the table of the House. In 1862 a second memorial, signed by twenty other quartermasters, containing similar statements to the former one, was transmitted to the Horse Guards or War Office through General Pennefather, then commanding at Aldershot—that gallant and distinguished officer fully concurring in the justice and equity of the claims set forth in the document. He (Sir Frederic Smith) supposed he should be told that that memorial could not be received either, inasmuch as it was deemed a somewhat irregular proceeding. In order to get over this difficulty of form, a memorial was subsequently presented to the War Office, signed by one quartermaster only, but which embodied very nearly all the arguments and statements contained in the two previous memorials. A reply was given to that memorial, to the effect that something had been done for those officers in the previous year, and therefore that nothing more could be granted them. Now, what had been done for them? Nothing whatever, either in the shape of increased pay or rank; but the quartermaster was told that at the end of his service, when he would be no longer required, that he should have an honorary rank and a larger retiring pension than before—namely, 10*s.* instead of 8*s.* 6*d.*, not in fact rewarding him for present, but for past services—a more absurd principle could hardly be conceived. He should be the last Member in the House to press upon the Government a claim that would not stand on its own merits; but when he saw adjutants, often taken from non-commissioned officers of a lower standing, receiving 8*s.* 9*d.* a day, while the quartermasters only got 6*s* 6*d.*, he thought that was a state of things which ought not to continue; and when the Army Estimates next came before the House, he (Sir Frederic Smith) hoped that there would be no objection to give this meritorious and responsible class of officers increased pay. Many of these quartermasters, though they were now reckoned as non-combatants, had been promoted for distinguished services; and he believed that if some small increase of pay were granted to them, there was not an officer or soldier in Her Majesty's service who would not rejoice. He did not go the whole length of the memorial, because it asked for advantages of rank which perhaps could not be given; but the additional pay might be sanctioned. Those officers were placed in the position of gentlemen, but were not given the means of living as officers are expected to do. The paymaster received 10*s.* a day, but his responsibilities were not nearly so much as those of the quartermaster. The quartermaster was responsible for the clothing and accoutrements, and the ammunition of the regiment. He was obliged to attend day by day, from an early hour in the morning to a late hour at night, from the 1st of January to the 31st of December, in order to discharge the multifarious duties of his office. Even the sanitary arrangements connected with the corps came within his inspection. There was scarcely a duty of administration performed in the corps that did not devolve on the quartermaster (excepting those performed by the commanding officer and the adjutant). He was obliged to keep the account books of purchases and stores, and to communicate with every department connected with the army; and the only help he could avail himself of was that of the quartermaster sergeant. Remembering that they ought to select the best man out of a thousand non-commissioned officers and privates to fill the office of quartermaster, it was important to avoid everything calculated to weaken the ambition of the young soldier, who should be encouraged to endeavour by good conduct to merit promotion to the rank of quartermaster. The Government, however, might rely upon it, that if a change did not shortly take place in this matter, they would not have their best men striving to deserve to fill the office of quartermaster. He (Sir Frederic Smith) was himself first an adjutant and then a commanding officer, extending altogether over a period of nineteen years, and was a close observer all the time of the duties of the quartermaster. From his experience he was convinced of this fact—that however good the adjutant or commanding officer might be, all would be confusion in the regiment if there was not also a good quartermaster. All that he asked for that officer was an addition to his pay of 2*s.* 3*d.* a day, which would make his allowance equal to that of the adjutant. If the noble Lord (the Marquess of Hartington) would take up the case, he would be but performing a simple act of justice, and would become a most popular man with the army; he would do a service that would never be forgotten, and would make men contented who now felt themselves aggrieved. There were two ways of performing one's duty—according to the letter and according to the spirit of the Regulations; and if hon. Gentlemen had seen, as he had done, the greater proportion of the quartermasters, and knew the stuff of which they were composed, they would say they were public servants deserving every consideration. The quartermaster was obliged, out of his wretched allowance, to subscribe to the band and to the mess fund, though he could not afford to live at the mess, or to drink wine. That was a state of things which he was sure neither the House of Commons nor successive Secretaries of State ever contemplated. But it was time justice should be done, and every day was a day too long while it was deferred. Let the pay of the quartermaster be compared with that of the paymaster. The pay of the latter, upon his first appointment, was 10*s.* 0*d.*, that of the quartermaster 6*s.* 6*d.* After ten years' service the paymaster got 15*s.* a day, the quartermaster 10*s.*; and when the paymaster got 17*s.* 8*d.*, the quartermaster still got only 10*s.*, if he lived so long; but by that time the chances were two to one that he was either dead or obliged to retire from being worn out. The quartermaster never could have more than 10*s.*, whereas the paymaster might have £1 2*s.* 6*d.* That being so, either the duties of the paymaster were more important and valuable, and his responsibilities greater, or great injustice was done the quartermasters. The reverse, however, was the fact, for the quartermaster had sometimes stores to the value of £5,000 in his charge; and if anything was lost or destroyed, he was held responsible. But in such a case this poor man, who had been raised from the ranks, had no friends to fall back upon for help. All he had was his 6*s.* 6*d.* a day. The lieutenant got larger pay, and had generally friends to fall back upon if in difficulty. But what were the duties of a lieutenant as compared with those of a quartermaster? The quartermaster was always at work; there was no relaxation, no holiday for him; from the 1st of January to the 31st of December he was ever at work. Indeed, whatever work was not laid out for somebody else always fell to the lot of the quartermaster to do. He (Sir Frederic Smith) was desirous for the production of a copy of the memorial he had referred to received at the War Office, which he believed contained all the material statements made by the 111 quartermasters who had signed the two previous memorials. He also wished a copy of the Correspondence relating to the present subject. Though he was not the senior officer in point of rank, he believed that he was the oldest officer in the service in that House;—he therefore thought he was justified in bringing this matter under the consideration of the Government. He hoped that he had succeeded in showing that the case of the quartermasters was a hard one. The boon of increased pay would be received with gratitude by a meritorious class of men, and it would hold out great encouragement to the young soldiers. On the other hand, if the noble Lord (the Marquess of Hartington) could hold out no hope, it would be a great discouragement. The noble Lord could not better inaugurate his accession to office than by giving a fair consideration to the case. He did not ask the Chancellor of the Exchequer to find the money this year, but he did hope the Secretary at War would ask for it next year. The money to be provided by the Chancellor of the Exchequer would be inconsiderable, but the boon to the quartermasters would be gratefully received.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copy of Correspondence relating to the condition of the Regimental Quarter Masters of the Army."

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

The Marquess of HARTINGTON said, he quite concurred with the hon. and gallant Gentleman in thinking that the Motion which he had just made, though to a certain extent connected with the discipline of the army, involving as it did essentially a financial question, might very properly be brought under the notice of the House of Commons, and he thought there could be no possible objection to discussing the matter in Parliament. After the somewhat pathetic appeal which the hon. and gallant Gentleman had addressed to him, he could assure him that he experienced no feeling of satisfaction in being obliged to oppose the claims which had been set up on behalf of the quartermasters. The hon. and gallant Member had held out to him the prospect of becoming the most popular man in the army merely by assenting to this proposition. It no doubt might be very easy for one holding his position, as well as for any of his Colleagues, to render himself very popular, at least for a time, if the Chancellor of the Exchequer would supply him with the funds necessary for increasing everybody's pay. In the present instance, two schemes had been proposed to remedy the grievance complained of—the one involving an outlay of between £2,000 and £3,000, or £4,000; the other of about £5,500 a year. These were not large sums, but he should, he thought, be able to show the House that they did not embrace the whole expense which assenting to the Motion of the hon. and gallant Gentleman would involve. The officers in question, meritorious as he admitted them to be, had all risen from the ranks in the most praiseworthy manner to the position which they now held. Their elevation, although undoubtedly the result of acknowledged merit, had been to them a very great advance—an advance in his profession which scarcely any young man could look forward to with much hope when he enlisted as a private soldier. That being so, although he admitted that the sum of 6*s.* 6*d.* a day, which they now received, was not a very large amount, yet their position was not, he must contend, so bad as had been represented. On appointment they got 6*s.* 6*d.* a day in the infantry and 8*s.* 6*d.* in the cavalry; after five years, 8*s.* 6*d.* in the infantry and 10*s.* 6*d.* in the cavalry; and after ten years' service, 10*s.* and 12*s.* a day, which came to about from £182 to £218 a year. They also received a pension on retirement of 10*s.* a day. The ground on which this application for an increase of pay was based was that it was impossible for a quartermaster to live on his pay and adequately keep up his position. If, however, that plea were to hold good, how much more strong would be the claim of the ensign, who received, instead of 6*s.* 6*d.* only 5*s.* 2*d.* a day, for an increased allowance? The hon. and gallant Gentleman, indeed, contended that an ensign could fall back upon his friends; but nearly half the officers of the army had no such resource, and were obliged to live on their pay. If, then, an increase of pay were granted to the quartermasters on the grounds for which they asked for it, he did not see how a similar increase could be refused to ensigns, lieutenants, and captains, or, indeed, to any of the various other grades in the service. Within a very few years the pay of all the non-combatant officers had been raised; but it was a fact that for the last fifty years no increase of pay had been given to the combatant officers. For these reasons, although he would not hold out to the hon. and gallant Gentleman any hope that the Government would deem it to be consistent with their duty to increase the pay of the quartermasters, they had no objection to have their case laid before the House, and to see it discussed in the freest manner possible. He was therefore prepared to produce the greater portion of the correspondence which had been asked for. Indeed, he had no objection to the production of the whole of it, with the exception of the memorial of the ninety-one quartermasters forwarded from Malta, and the twenty-one from Aldershot. The reason why he refused to produce these memorials was, that it was looked upon as calculated to be injurious to the army to permit an organized agitation for increase of pay to be set on foot in the ranks of the army; so that the memorials had not been officially received. He would, in conclusion, suggest to the hon. and gallant Gentleman the expediency of withdrawing his Motion, with the assurance that he should have all the papers except those which he had just mentioned.

Colonel DUNNE, while admitting that there were in the army no more meritorious officers than the quartermasters, thought it would be found that the higher their rank in the service the worse military men were paid, taking all things into account. The amount necessary to give the addition of pay asked for the quartermasters might easily be saved, without calling on the Chancellor of the Exchequer, by the abolition of certain useless staff appointments. He did not think that the supposed peculation of former quartermasters was a ground for increasing the pay of the present ones, nor could he recognise a wife and children as a military reason; but on other grounds he thought that the quartermasters were entitled to an addition to their pay, and that it would be a measure of sound economy to grant it.

Sir JAMES FERGUSSON said, he was sure that it must have been a thankless office for the noble Lord to have to resist the claims which he must feel were well founded, of a small and deserving class of Her Majesty's service. The question as to the quartermasters was not one merely of pecuniary advantage—a much larger question was involved in it, and that was whether we were to hold out to superior men who joined the ranks any hope of advancement as a reward of long and faithful service. During the Crimean war the service suffered considerably from the smallness of the inducements which were held out to non-commissioned officers to accept commissions. He remembered an instance in which eight non-commissioned officers successively refused a commission, because they felt they would not by accepting it be improving the position of themselves and families, but rather the reverse. In fact, the ensign or cornet had less money left at his disposal than he had while he was a non-commissioned officer. The position of adjutant or quartermaster was one which could be held without the serious disadvantages attaching to the ordinary officers; yet it was a lamentably poor remuneration that he received. An ensign or cornet, as adjutant, received in the Cavalry 11*s.* 6*d.*, and in the Infantry 11*s.* a day; as rifle instructor, 10*s.* 6*d.* or 7*s.* 9*d.* But the quartermaster received only 8*s.* 6*d.* or 6*s.* 6*d.* a day; and it was only after twenty years' service that he received the higher allowance. Nor was his service during that period merely that of a store-keeper or clerk. In the ranks through which he had to pass he served as a combatant, in all climates and in all parts of the world. Again, he could not sell his commission. During the Crimean war non-commissioned officers did accept commissions as adjutants and quartermasters, and when the war was over they found themselves so embarrassed that they were obliged to leave the service. Seeing that these were the only commissions which the non-commissioned officer could hope to hold without being damaged, if the House meant to give a boon to intelligent men in the ranks, they must take care that the position of those men was not one which should be looked upon with disinclination and regret. If the Motion were now withdrawn, he hoped his hon. and gallant Friend would bring it before the House on a future occasion in a substantive form, and that the House would then do justice to a valuable class of public servants.

Amendment, by leave, *withdrawn.*

CHINA—RELATIONS WITH CHINA.

PAPERS MOVED FOR.

MR. LIDDELL rose to call the attention of the House to events in China, with a view of obtaining an expression of opinion from the House upon the course of policy pursued in that country. He felt that much apology was due from him to the House in asking attention to a subject so important, yet so vague, as our relations with the Chinese empire. But, he did so as an act of public duty, and without concert with any one, because he felt that the time had come when the House ought to review what had occurred in China, ought to inquire and scrutinize strictly what was now going on in China, and—most serious consideration of all—ought gravely and deliberately to weigh the responsibility which necessarily attached to our position in that country. It was a long time since any debate on Chinese affairs had taken place, and during the interim very grave events had occurred. It was often remarked how great and how growing an interest was felt by all classes of this country in all matters relating to the conduct of our foreign affairs. The people had found out that upon our foreign policy—according as that policy had been unobtrusive and conciliatory, or otherwise—the burdens of the people mainly depended—they rose and fell according to our foreign policy; and the result was, that the public mind had reached a juster appreciation than formerly of the principles which ought to guide our conduct with foreign nations. What was the principle professed by the Government, and which had received the solemn approval of the country? It was non-interference in the affairs of foreign nations, as far as that was possible. This was the principle which was sternly and steadily pursued in our relations with America, during the whole course of the unhappy contest which was now raging there, and they had adhered firmly to it in spite of the appeal that would probably have been addressed to the House by the starving millions of Lancashire, and in spite of no small amount of provocation. It was curious, too, to observe the analogy existing in the position of America and China at the present time; each was using its utmost efforts to put down a vast internal insurrection—each apparently with about an equal chance of success. But what was the policy we were pursuing in China? It was of a totally different character. It was a policy of active interference in the internal affairs of a friendly State. And, what were the means by which we were carrying that policy out? We were endeavouring by force of arms to prop up a weak and corrupt Government against the efforts of its own subjects, who were bent upon subverting that Government; and this we were doing on behalf of a Government which we had done more than any other nation to weaken and degrade in the eyes of its own subjects. This was a policy difficult to conceive; still more difficult to execute. The noble Viscount (Viscount Palmerston) said, the other night, "It is not fitting for one nation to interfere in the internal affairs of another." With all deference and respect to the noble Viscount, he wished to ask him to explain how he reconciled the expression of that opinion with the policy he was now pursuing in China. He (Mr. Liddell) had said, that the Government of China was an effete and corrupt Government, and in proof of that he would adduce several high authorities. He would call the attention of the House to the opinions expressed by persons on the spot. Mr. Consul Meadows, writing to Earl Russell in February 1861, said, that the Imperial Government, which had hitherto become weak by internal causes, had received its death-blow from the external action, first of the British arms alone, and then of the French and British combined. Mr. Parkes, in writing to Mr. Bruce a little later, said, that the people had abandoned all hope of protection from the Government. One of the Chinese Viceroys had expressed to Mr. Parkes his opinion that the vice of the Government lay in the falseness of its system. That being the condition of the Government, he would leave the House to judge of the difficulty of the task we had undertaken of maintaining it. He would now call the attention of the House to the state of China. A great rebellion existed there. He was not about to detain the House with any speculative notions on the subject of the religion of the Taepings; he was sceptical on that subject, and thought that too much attention had been given to the earlier representations of missionaries, which had since proved erroneous, in reference to their profession of Christianity. But what he wished the House to remember was, that the Taeping rebellion was an established fact of eleven years' standing, and that the rebels had for ten years held the ancient capital of the Chinese empire, Nankin. In the year 1853, one of the most remarkable military movements on record was conducted by the Taeping chiefs. Issuing from Nankin, they marched in a northerly direction by two routes towards Pekin, a distance of some 1,600 miles; and he believed that if they had effected their intended junction, Pekin would have fallen, and the Tartar Government of China would have long since ceased to exist. So much for the duration of the rebellion. It was a difficult task to attempt to justify the conduct of the rebels, and he should not make any such attempt; but he wished to remind the House that China was in a state of chronic anarchy. China was carrying on a civil war of immense magnitude. A civil war, as it was well known, was always accompanied with anarchy, rapine, bloodshed, and every horror that could disturb and distress a nation. Then, there was the habitual disregard of human life, which had always been a painful and distinguishing feature in the Chinese character. It belonged to the people, and its intensity has been increased by the excitement of civil conflict. He wished the House to bear this in mind, and not to be led away by eloquent declamations respecting the bloodshed and slaughter which had been perpetrated—for however great these cruelties had been, they were not confined to the rebels, but were chargeable to both sides. There was another thing which ought to be considered. Anarchy and civil war called into action all that was vicious and bad, all the worst elements in a country, and these elements were at work at this moment in China, and bands of marauders, wholly unconnected with the Taepings, ravaged the country in every direction, north, west, and south. No one in this country or even in China could tell how much of that country owned the Imperial rule, or what was the actual extent of the insurrection. It was however very important that we should consider what was the feeling of the rebels towards us; and he would endeavour, on the authority of persons on the spot, to show the real feelings of the Taepings in that respect. Consul Meadows, writing to Earl Russell in the early part of 1861, said there was a long succession of proofs that the Taepings desired to have friendly and commercial relations with us. Mr. Parkes, in his memorandum respecting the capture of Ningpo, in December 1861, said that the Ningpo rebels had shown the utmost desire to be on friendly terms with foreigners. Consul Harvey, writing some weeks after, stated that the insurgents continued to conduct themselves with moderation towards the Chinese, and showed a strong desire to cultivate a good understanding with foreigners; but he attributed this moderation to fear and want of means. Mr. Harvey, writing to Mr. Bruce in March 1862, three months after the capture of Ningpo by the rebels, said—

> "I have no bias one way or the other; and indeed I should state personally that I have received every mark of courtesy and proper regard from the Taeping chiefs; and further, I have found in official dealings with them a rough and blunt sort of honesty, quite unexpected and surprising after years of public intercourse with the Imperial mandarins. Nevertheless, the Taepings, with their frank demeanour and bluff energy, have a fume of blood and a look of carnage about them, from which I, for one, recoil with horror."

He would leave the House to form its own estimate of these impressions. But he might say that Mr. Harvey's opinions were subject to sudden convulsions, and when Ningpo was re-captured his horror of carnage faded: when shot and shell from English men-of-war were poured into the crowded city for five hours without intermission, nothing more was heard about it. He must now go a little backward, and show that if a change had occurred in the feelings of the Taepings, it must be attributed more to our conduct towards them than to any design or intention on their part to injure British interests. He had read every sentence in the papers, and could not find a single proof that they had ever intentionally injured either British life or property in China. Let him remind the House of what had occurred at the close of the year 1860 at Shanghai. The attack on the part of the rebels was made by some 3,000 ill-armed men and boys. It had been doubted whether that was a *bonâ fide* attack or not. It was supposed that they had approached the city under a misunderstanding, partly deluded by the language of the missionaries, and partly by the promises of traitors, expecting to be received with open arms by the ill-disposed inhabitants within the walls as in 1854. They did not anticipate any resistance to their taking possession of the city, and had no intention of injuring the settlement. However, we opposed them with our forces, and they were mowed down by grape shot and musketry, and seeds of hostility were then sown in the minds of the whole rebel population of China. The only injury done to Shanghai was done by the French, who burnt down the Water Suburb, the wealthy quarter of the city. That was the first collision with the rebels, and he would refer the House to a remarkable passage in the address or proclamation of the rebel leader after our defence of Shanghai—

> "Should any of your honourable nation regret what has occurred, and hold friendly relations with our State to be best, they need have no apprehension in coming to consult with me. I treat people according to right principles, and will not certainly subject them to any indignities. Should, however, your honourable nation still continue to be deluded by the Imperialists, and follow their lead in all things without reflecting on the difference between you, you must not blame me if hereafter you find it difficult to pass along the channels of commerce, and if there is no outlet for native produce."

This showed an alteration in the feelings of the people, brought about by the action of the British forces in China, and Mr. Forrest, writing from Nankin in March 1861, said—

> "I have heard, and believe it true, that the Taepings are making such efforts to take the Yang-tze ports, on the idea, that if a foreign consul is once established in any of them, the same protection will be afforded to the place as is given to Shanghai."

On the very same day, August 18, that the French fired the suburb, Sir R. Napier led his troops to attack the northern forts, and a few days later Lord Elgin commenced his triumphal march to Pekin to extort a treaty of peace from the weak and defeated Emperor. Thus, while we were knocking down the Emperor of China with one hand, we were fighting his rebellious subjects, the Taepings, with the other, and loudly proclaiming neutrality as the only course to pursue. He had mentioned these matters that the House might know the exact state of feeling of the rebels at the period to which he was about to allude. The tactics of the Taepings appeared to be to possess themselves of towns and garrisons, and to expel the inhabitants, so that they might have fewer mouths to feed. Their great object was to possess themselves of the towns and ports on the Yang-tze river. By the 10th article of the Treaty of Tien-tsin, it was expressly provided, that inasmuch as the upper and lower valley of that great artery of Chinese communication were disturbed by outlaws, the opening of the river to trade should be conditional, and subsequent to the establishment of peace; and it was only after a considerable amount of negotiation and the most urgent demands of Mr. Bruce, addressed to Prince Kung in the autumn of 1860, that two ports were opened, and the trade was confined to them. This was a concession which we had no right to demand, and one which the Chinese need not have granted. The whole river was opened for trade by notification by Admiral Hope and Mr. Parkes in March 1861, though it appeared from a memorandum of Mr. Bruce that at least half the provinces at the mouth of the river were in the hands of the rebels. They overrun vast tracts of land on both sides of the river, and Mr. Parkes described a remarkable scene at Hankow. News had arrived that the rebels were in the neighbourhood. Their emissaries poured into the town, spreading a report of their coming, on which the whole population of the city, amounting to a million souls, fled to the water side, and embarked in boats in the course of the evening. The city was evacuated, and the rebels walked in while the whole population of three large cities was moving slowly up the stream. Mr. Bruce, in writing to Earl Russell in August 1862, said—

> "The notice issued by the Admiral and Sir Henry Parkes, on their return from Hankow in the beginning of 1861, had thrown open rather hastily the whole course of the river Yang-tze to trade."

In another passage he said—

> "I look upon our position on the Yang-tze as provisional, so long as the insurrection is in force in that quarter. We have no right to be there at all. It is unreasonable to expect that trade can be carried on in a district which is the seat of civil war, without the inconvenience and restraints due to that unhappy situation."

And, again, he said—

> "I regret that the river was declared open in spite of the objection of Sieh (superintendent of trade at Shanghai, who had protested against it), and that the question was not referred to Pekin in the first instance."

The concession made by the Chinese was, that two ports, and two only, should be opened. What was the consequence of the opening of the river? The very consequences that were anticipated by Lord Elgin. An immense illegal trade sprung up—and as the Chinese Prime Minister foresaw—arms and munitions of war were supplied to the rebels. Illegal settlements were formed at all sorts of places, which had not been sanctioned by treaty, which were not under the superintendence of our consuls, and which were free from any control whatever. Lorchas, manned by pirates and adventurers of every class, and commanded by most unscrupulous persons—most of them Europeans—were employed by Chinese traders to carry on the salt trade, from which foreign nations were precluded by treaty. By the employment of these lorchas, an immense amount of smuggling took place up and down the river; and the acts of these people were in consonance with the character of the trade they carried on; the Chinese Customs authorities were set at defiance; payment of duties was refused, violence followed, and bloodshed took place. Memorials were presented to Mr. Bruce, and complaints were addressed to him by the Chinese. Mutual recriminations ensued, and the natural result was that the Chinese officials became exasperated, and, in some instances, illegal seizures and the detention of *bonâ fide* cargoes took place—on one occasion a cargo of tea was detained in the river; and he was afraid that on some of these occasions the conduct of our officers had not been such as to allay the irritation which had been created. In one instance we had seized war junks which had been stationed at a barrier for its protection, and we carried off the custom-house officer and other persons. He referred to this proceeding, which was strongly condemned by Mr. Bruce, to show the consequences of attempting to open 600 miles of a river to trade, when the country was torn by civil war, and it was difficult to say in whose hands it really was. Mr. Bruce had also condemned the use of force to obtain sites for our settlements, the applicants refusing to give the price which the proprietors asked. That was what we were accused of; and Mr. Bruce himself condemned our proceedings. He would now ask the House, was it wise on the part of a foreign nation, established in a country against the wishes of the people for the purposes of trade, to enforce treaty stipulations at the cannon's mouth? and was such conduct likely to reconcile the elements of opposition? Did it not rather afford a handle to the party opposed to foreign intercourse? These unscrupulous proceedings and illicit trade had produced numerous complaints from the Chinese Prime Minister, and recriminations passed between him and our Minister; but the Chinese did not offer forcible opposition, and did not even attempt to check the outrages, as we had taught them by bayonet and shell the consequences of interfering with foreigners. One of the great evils consequent on such a protectorate as we had assumed over China was that it was destructive of the authority of the Government and the self-reliance of the people, and the Chinese preferred to allow these practices rather than make an effort to stop them. On looking through these papers, he had arrived at the conclusion that the good sense of the Chinese Prime Minister had done more to prevent a collision between the British and Chinese authorities than any good management on the part of our officers. Another result of opening out to trade a district in a state of civil war was that we were brought into collision with the rebels. He did not wish to blame officers who acted under orders, but to point out that collision was incidental to the position of a Power which attempted, in a period of civil war, to occupy however small a portion of the country. We had undertaken to give protection to British property and life in China, and to protect a certain space around the treaty ports—a radius of as much as thirty miles in the case of Shanghai—and hence we had been in constant conflict with the rebels in the neighbourhood of Shanghai and of Ningpo. He had no doubt that the combined naval and military operations of the allies had been admirably performed, and several towns had been captured, on the express condition that they should be garrisoned by Chinese troops. These troops, however, had either not been forthcoming or insufficient; so that as soon as we retired, the garrisons had been ejected by the rebels, who subjected the people of the towns to the greatest cruelties. Some of these towns had been captured and recaptured two or three times, and the reprisals had been horrible. In the operations around Shanghai the English Admiral had been wounded, and had narrowly escaped being taken prisoner; a French Admiral was killed, and General Ward was killed in September 1862. Ningpo was captured by the rebels in the autumn of 1861; in May 1862 we re-captured it, and placed the Imperialists in possession. Ningpo was opened to foreign trade in 1843; and it was not until six weeks after it fell into the hands of the rebels in December 1861, that Consul Harvey discovered we had no legal settlement there at all. "No definite foreign concession," he said, "had ever been obtained." Admiral Hope, writing about the same time, said, "I found, on my recent visit to Ningpo, that no foreign settlement had ever been obtained at that port;" and in a state of some trepidation he wrote to Mr. Bruce—

"I request that you will bring the measure, which is at present provisional, to the notice of the Imperial Government at Pekin, in order that the district set apart for the settlement may as soon as possible be made the subject of a joint concession to the treaty Powers, in order to give their consuls and subjects that legal status which is indispensable to their security and the continuance of their rights."

He wanted to know where the answer to that despatch was. He could not find it, and he did not believe that any legal settlement had ever been assigned to us by the Imperial authority. Writing to Earl Russell, in January 1862, Mr. Bruce said—

"The Government has addressed me, requesting me to warn British merchants to leave the place [Ningpo] as it will shortly be blockaded. They hope thus to prevent foreigners trading with rebels."

He wished to speak with every respect of Captain Dew; but he must express his opinion that the gallant officer required a very wide area for his operations. Under the pretext of protecting a settlement which we did not possess, he moved his vessel into the direct line of the fire of a rebel battery erected to defend the place against the Imperialists; and when the Imperialists came up, being in the direct line of fire, of course his vessel was struck by some musket-balls —an injury which was at once resented by the bombardment of the town. The position of China at this moment was a remarkable one. As an author said, Russia overshadowed China in the north, France sapped up to her from the south, while England was calmly planted in her centre. But a fourth Power was in the field, and the position of America there was more secure than that of any other country, for it had been obtained by conciliation and forbearance. Here were four of the greatest Powers in the world contending for commercial supremacy in a country torn by civil war, and where no government deserving the name existed. We had assumed a joint protectorate, and was it not likely to lead to complications? The foreign settlements in China were sites of land originally granted in consequence of the Chinese dislike to foreign intercourse, so as to isolate the places of business and the residences of foreign merchants; but, in these times of anarchy and confusion, these settlements had become crowded by enormous Chinese populations, who sought safety under the protection of foreign bayonets. There were 72,000 Chinese located within the Ningpo settlement. The price of land had risen to an enormous extent; and, of course, there was a great inducement on the part of the foreign settlers to sell the land to natives. Every one of these natives making such a purchase claimed to be ex-territorialized, as it was called—that is, exempted from Chinese jurisdiction for any infraction of the law; and to punish one of them the Chinese Government had to obtain the permission of the consul of the nation to a subject of which the site which he had bought had been granted. In the position of these settlements he saw a source of endless embarrassment. He wished to hear from the Government how long they intended to keep up the policy of defending the radius of thirty miles. Did they intend to form an Anglo-Chinese Empire? Did they mean Chusan to be a new Island of Bombay, Shanghai a second Fort George, and Ningpo another Fort William? The only parallel to our present position was to be found in the history of India. It was well known how the French and the Dutch and the Portuguese settlers had faded away before the energy of the Anglo-Saxon in India; and might not the same result follow here? The foreign element in the Chinese custom-house was a most unpleasant matter. There was growing up there a large civil service drawn from the diplomatic ranks of foreign countries; and the only excuse which could be urged for all this interference with the internal affairs of a foreign State, which he understood the noble Lord at the head of the Government to deprecate a week ago, was to give protection to trade. Were those connected with the Chinese trade satisfied with the Chinese customs regulations? On the contrary, the merchants complained, and the Hong-Kong Chamber of Commerce and the Shanghai merchants had memorialized Earl Russell, complaining of the despotic conduct of the custom-house officers, and showing that they stood in more need of protection than they did when the system was worked by Chinese officers only. Lord Elgin himself had borne testimony that the precautions which the mercantile body in their own interest requested the Government to take were directed against the difficulties which might be expected to arise from the introduction of the foreign element, American or British, into the Chinese custom-houses, and he added that the former administration of the Chinese custom-houses was singularly liberal. That was a very extraordinary admission, coming from a man who, to use his own words, had extorted at the mouth of the cannon a treaty of peace and commercial privileges from the Chinese Government. He believed that the Chinese were natural traders. He did not want to defend the excessive claims of the foreign traders, but he would say that the only justification that could be offered for a military and naval occupation of China was to obtain facilities for trade, and the facts which he had submitted to the House would show that the Chinese, if left to themselves, would give all the facilities that could be desired, provided we did not mix up politics with trade. How very differently our trade was conducted with China before 1833, and after that date, when the Company's charter expired. During the time that the East India Company's charter existed commercial operations were conducted peacefully, but after 1833 we sent a Commissioner to China, who mixed up politics with trade; and this brought on all the subsequent embarrassments. Yet we still continued the same system. The merchants also had added to the confusion by their precipitancy, and had sought to plant themselves where they would be beyond consular control, in the interior of the country, in opposition to the provisions of the Treaty of Tien-tsin. Let it be remembered that two-fifths of the Chinese custom-house revenue was paid over by way of indemnity for the last war, and the English taxpayer was told that in this way he was being recouped the costs of the war; but the merchants told a very different tale. The Shanghai Chamber of Commerce told us, that in consequence of the additional duty levied for war purposes in the interior, on silk and other articles, the burden fell not upon the Chinese Government, but upon the foreign trade. And therefore the British taxpayer was in this position—that he was actually paying in increased prices the indemnity which he was getting for his expenses in the Chinese war. If it were not for the seriousness of the question, he should say that the position of the English taxpayer was ludicrous. He should like to see put in one column of the account the cost of our fleets and armies in China—the cost of the navy, he believed, was at least £300,000 annually, and probably the cost of the army was about the same—and the amount of indemnity received in another column, and then we should see on which side the balance lay. They had heard a good deal about an expedition fitting out for China, and he believed almost all the ships composing it had left these shores; but he wished to remind the House, that when application was first made to select men and to permit officers to engage in the service of the Emperor of China, the Home Office had not regarded the project with favour. They had described Mr. Ley's request as an unusual one. He looked upon the matter with the eye of a civilian, and as an English subject he felt sorry that the services of such distinguished officers as Captain Osborne and those who accompanied him should be lost to Her Majesty for an indefinite term—not to say anything of the 600 picked men who accompanied them. These men wore Her Majesty's uniform, with the exception of the crown on the button, and even wore the same kind of lace as the Royal navy. What would the Admiral commanding on the Chinese station think, when he knew that the Anglo-Chinese Admiral was receiving a larger salary than himself? He did not know whether this was to be looked on in future as one of the prizes of the naval profession. But he wanted to know what this magnificent expedition, with such fine officers, such picked men, and with such improved arms, was required to do? He presumed that one object for which they would be required would be to control the Chinese navy, of which a notorious pirate was at present commander-in-chief; and he supposed another object would be to put down English smuggling in the Yang-tze-Kiang. Why was it, when the Foreign Enlistment Act was being carried into execution against honest English traders with a rigour that was offensive to the feelings of the people, that it was to be set aside by Royal proclamation in favour of the Emperor of China? He had always thought that mercenaries were looked upon with disfavour in this country, and discouraged from enlisting in quarrels where neither their religion, their laws, nor their liberty was concerned. Yet here we have an expedition setting out in aid of the Emperor of China, under the command of a distinguished British officer, and relieved from the penalties of the Foreign Enlistment Act. No doubt the stake for which we were playing was a high one. He believed that the Chekiang province, of which Hang-chow was the capital and Ningpo the port, with a population of 26,000,000, and the Kiang-su province, of which Nankin was the capital and Shanghai the port, with a population of 38,000,000, formed two of the finest trading sites in the world. But a higher than human power controlled human events—

and the success or failure of an enterprise depended materially on the justice of the means employed to carry it out. He had not ventured to approach the international part of this question—he would not say whether they had violated neutrality—he would not say whether or not we had kept our promises and pledges; but this he would say, that much would be said and written by high legal authorities and historians on the international bearings of this question. Sooner or later our conduct in all these matters must be brought before the searching tribunal of public opinion, and much, no doubt, would be said before a verdict is pronounced decisively in our favour. Under these circumstances, he asked the House of Commons to weigh well the responsibility which attached to our present position in China. For himself, he believed, that unless we changed our policy in China, that civilization which we proposed to extend there, instead of being the pioneer of peace and progress, would be accompanied with the stain of blood. That trade, from which we expected such benefits, would be a permanent burden upon our resources, and irritation and discontent would be created in the minds of a naturally peaceful and contented people. He would now conclude by moving, by way of Amendment, that an Address be presented to Her Majesty for Copies of all further Correspondence relating to this subject.

Another Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copy of a Letter, dated the 24th day of March 1863, and addressed to the Secretary of State for Foreign Affairs, by Colonel Sykes, M.P., together with a Translation of Copy of the Taeping Customs Tariff accompanying the said letter; Copies of all instructions given to Captain Dew, of Her Majesty's Ship 'Encounter,' by Admirals Hope and Kuper; Copies of all Communications received from or addressed to Admiral Kuper by the Board of Admiralty relative to Naval operations in China; Copies of all Communications between Sir Frederick Bruce and the Chinese Government at Pekin relative to the Foreign Settlement at Ningpo; and, Copies of all further Correspondence relating to China, in continuation of Papers presented in 1863,"

—instead thereof.

Mr. H. Baillie said, he was not at all surprised that his hon. Friend should have brought the subject to which he had just drawn attention under the notice of the House. The cost of maintaining a military force in China at the present moment amounted, he believed, to £1,000,000 sterling per annum, and it behoved the representatives of the people to see whether that large sum, which amounted to an additional penny of income tax, was or was not being wisely expended. It behoved hon. Members also to learn what was the end proposed to be attained by all those desultory military and naval operations in China, and what were the views with regard to them of Her Majesty's Government. Any one who had read the despatches of the noble Lord the Secretary for Foreign Affairs on the subject, must, he thought, have arrived at the conclusion, that when the Chinese war was brought to a close, and when the joint occupation of Tien-tsin by the allied forces terminated, it was the intention of the Government to withdraw all our forces from the Chinese Empire. Such, however, did not appear to have been the view entertained by the Emperor of the French. He had sent a large body of troops to that distant part of Asia for the purpose of punishing the Tartar Government of China for atrocities committed on the persons of certain French priests; and having succeeded in accomplishing that object, when the time arrived for the evacuation of Tien-tsin by the allies, a portion of the French troops were sent to Shanghai, with the ostensible aim of defending the mercantile establishments of that place from the threatened attack of the Taepings. What the real object of the French Government in thus inaugurating a crusade against the Taepings was it was difficult to understand. By some, it was attributed to religious motives. It was alleged that the Taepings had embraced a spurious Christianity from the teachings of certain Protestant missionaries, and had imbibed a hatred against the ceremonials of the Roman Catholic religion which they did not hesitate on all occasions to display. But if the Taepings had incurred the hatred of the French on account of their fanaticism, they had no less incurred the hostility of the Anglo-Indian opium merchants because of their rigorous and successful prohibition of the use and consumption of that pernicious drug. Both the parties to which he referred, therefore, might feel themselves aggrieved by the Taepings; but why Her Majesty's Government should have set themselves in opposition to the Taepings, unless to redress the wrongs of the French and the opium merchants, he was at a loss to discover. They had displayed no hostility to our religion or trade, nor had they, he believed, ill-used any British subject. Our Government, nevertheless, thought it desirable to send a British force to Shanghai, to which the most stringent orders were addressed by the Secretary for Foreign Affairs. That noble Lord, in writing to Mr. Bruce on the 24th July 1861, said—

> "You will understand that Her Majesty's Government do not wish this force to be used against the rebels in any case except for the actual protection of the lives and properties of British subjects."

On the 8th of August, in the same year, the noble Lord, writing again to Mr. Bruce, observed, that if British subjects were taken prisoners, he should do his utmost to protect them from capital punishment, but that he should abstain from all interference in the civil war. He added, on the 7th of September following, that the Government agreed with Rear Admiral Hope in regarding an attack on Nankin as highly impolitic; but that it might be expedient to defend the treaty ports, if the Chinese consented not to use those ports for the purposes of aggression. Nothing, therefore, was more clear than that the noble Lord was then desirous of abstaining from all aggression against the Taepings. No sooner, however, had the English and French forces assembled in Shanghai than they immediately proceeded to concert measures with the view of prosecuting active operations against that very people. Expeditions had been sent into the interior, and towns and fortresses captured from them. The next step was to undertake the disciplining of a large body of Chinese troops, and this force of 10,000 men was placed under the command of an American officer, named Ward, and acted in concert with the English and French forces; and the last was the arrangement made by Mr. Bruce, at Pekin, by which the surplus of the customs duties received at Shanghai, which was not required to pay the indemnity to France and England, should be applied to the purchase in England of vessels, to be manned and officered by Englishmen, and employed in operations against the Taepings upon the rivers of China. Thus, step by step we had been led on, until we found ourselves engaged as partisans in the bloody civil war which had been ravaging China for the last ten years. In a remarkable work lately published, it was explained how the Cabinet of Lord Aberdeen, having been entangled in a French alliance, had been led, step by step, into the war with Russia. It was their duty to take care that the Government now presided over by the noble Lord should not drive us into a war, the results of which it was impossible to foresee. The noble Lord at the head of the Foreign Office, who had ever been the great champion of nationality, and who maintained the doctrine that nations had a right to self-government, and to select that form that best suited the wants and necessities of the people, was now engaged, in connection with the Government of France, in endeavouring to prop up the Tartar Government in China, contrary to what appeared to be the wishes of the great body of the population of that country. They might be told—as they had been told before—that the Taepings were a host of barbarians who ravaged the country with fire and sword, and were the enemies of the human race. He would undertake to say that those statements were not founded in fact—the statement was disproved both by the evidence contained in the blue-book and by independent testimony. No doubt, the war had from its commencement been carried on with great barbarity on both sides, the prisoners having been slaughtered, and captured cities having been plundered and devastated. But there was quite as much barbarity exercised on the part of the Tartars as on that of the Taepings. Commissioner Lin, during the time he administered power in China, caused about 60,000 persons to be put to death. It was not correct to say that the Taepings laid waste or committed any atrocities in the towns where the inhabitants submitted to their Government. A commercial traveller in the employment of Messrs. Hart, of Ningpo, had travelled through the whole of the province of Chekiang, which was in the hands of the Taepings, and he stated that the poor were contented and happy, the country in a most flourishing condition, and the crops promising well, and that it was only on approaching Shanghai and the area of our hostile operations that the people were found to be wretched, poor, and suffering. This account was confirmed by a letter addressed by General Staveley to the Secretary of State for War, on the 3rd of July 1862, in which he stated that the Europeans who visited the rebel country for the purposes of trade were treated with civility, that large quantities of silk had been brought into Shanghai during the previous fortnight, and that trade seemed to be in a thriving state. The enormous increase in the exports from Shanghai was a proof that the Taepings, in whose hands was all the country from which the produce came, were not the ruthless destroyers that they had been represented to be. In 1858-9 only 17,000,000 pounds of tea were exported from Shanghai; in 1861-2 the quantity was 53,000,000 pounds; in 1853-4 only 58,000 bales of silk were exported; in 1860-1 112,000 bales. Mr. Roberts, a missionary, passed more than a year at the head-quarters of the Taepings at Nankin, and though he was disappointed with their religious condition, he stated that they were not all bad, as the hon. Gentleman opposite represented, but that the evil was mixed with good. It was impossible to believe that our desultory operations upon the coast of China could exercise any influence upon the result of the great contest, and it therefore became a question whether, as far as our commercial interests were concerned, they would not do more harm than good. Almost all the produce which we received from China, whether tea, silk, or cotton, came from the country which was under the government of the Taepings, who could, if they thought proper, stop the trade. They must be well aware that we had undertaken to collect the customs duties, and they must soon learn, if they did not already know it, that a portion of the money so collected was to be applied to the purchase in England of ships which were to be employed against them. Could we suppose that when they saw such active measures taken in support of their enemy, they would exhibit so much forbearance as to look on and take no steps to help themselves. It appeared to him that the Government had placed themselves in a false position, from which it was equally difficult to advance or recede; in their anxiety to advance our trade with China, they had, in his opinion, unhappily adopted a course which, in all probability, would lead to its destruction.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Mr. SPEAKER having thereon put the Main Question "That I do now leave the Chair,"

MR. COBDEN said, he did not know that in the whole course of his experience in that House he had encountered such a proceeding as they had just witnessed. An hon. Member opposite brought forward a most important question, to which he had devoted considerable labour, and which he had stated to the House with considerable ability; and undoubtedly there were other hon. Gentlemen who were prepared to have taken part in the discussion which was naturally expected to arise. After the speech of the hon. Member had been followed by the speech of the hon. Member for Inverness, it was naturally expected that some answer would be made by some Member of the Government. He thought that not merely ordinary routine, but common respect for the hon. Gentlemen who had spoken, and for the House, ought to have led the Under Secretary for Foreign Affairs to have made some reply to the very important statement of facts which had been laid before the House. But utter silence had been preserved on the Ministerial bench. He considered the question as affecting our relations with China, whether viewed with relation to our commerce, viewed as a great political question, or viewed in reference to the interests of the great mass of the people of this country, to be one of the most grave and perilous that could be brought before Parliament. He believed that the forms of the House would not then allow the discussion to go on, and he could only repeat his extreme astonishment at the course taken by the Government.

MR. HENRY SEYMOUR said, he wished to express the same sentiments as those just uttered by the hon. Member for Rochdale (Mr. Cobden). He had never witnessed such a scene before. One of the most important questions, affecting our relations with China, which had been introduced in an able and elaborate speech, was treated with something like contempt by the Members of the Government. To abstain from all notice of the speeches that had been made was treating the House and those hon. Members who had spoken with gross disrespect. He was of opinion that this question ought to be brought on again with the view of insisting upon an explanation from the Government. It appeared that forces were to be sent out to China, that the Foreign Enlistment Act was to be suspended, that the general policy of the country was to be altered—some persons entertained a belief that a conquest of China was in the contemplation of the Government, and that Captain Sherard Osborne was to be a second Clive, and that the first victory was to be a second Plassy—and yet not one word was uttered by the Government. Such a course, on the part of Her Majesty's Ministers, appeared to him to be the grossest disrespect to the House. He hoped that another opportunity would be afforded to hon. Members for the expression of their opinions upon this important question. He did not think that they would be doing their duty to their respective constituents if they did not insist upon knowing what the precise policy of the Government was in this respect.

Lord NAAS said, that during the fifteen years he had had the honour of a seat in that House, he never recollected a precedent for the conduct of the Government that evening. It appeared to him that of all the questions that could occupy the attention of Parliament during the Session that of China was the most important. Notice of the hon. Gentleman's intention to bring forward the subject had been given for a month, and now it had been brought forward in a manner that ought to have commanded the calm consideration of the House and the Government. The hon. Member brought the subject forward in no party sense, but wished only to obtain an expression of the opinion of the House and of the Government as to the extraordinary course taken by Her Majesty's Ministers in respect to China. If the Government chose to conduct the business of the country in that way, totally disregarding the usages and courtesy of the House, they might continue to deprive them of the opportunity of the discussion to which he looked forward. The Under Secretary for Foreign Affairs and the noble Viscount at the head of the Government were in their places, and made no sign whatever of rising upon this question. He (Lord Naas) thought that the country would experience considerable disappointment when it found that this great question had been treated in this cavalier manner by the Government. He now gave notice that upon the earliest opportunity he would call the attention of the House to this subject, and the Government could not now complain if he interposed upon nights of Supply.

Mr. WHITE said, it was a rare thing for him to come forward as the apologist of the Government; but he thought, when they recollected how few Members were in the House during the speeches of the hon. Gentlemen who addressed the House upon this subject—sometimes not more than ten or twelve—when they saw so small an interest excited on the matter, it was not surprising the debate should have collapsed as it had done. Personally, he deplored the fact that the Government did not reply to the statements made by the hon. Members opposite. But when such an apathy was shown on the part of the House, he did not think that they should display such a measure of wrath at the conduct of the Government.

Mr. LAYARD hoped he should be allowed to say a word or two in explanation.

Mr. SPEAKER: The Question is—"That I do now leave the Chair."

Mr. LAYARD wished merely to explain. If his very warm and enthusiastic Friend the hon. Member for Poole (Mr. Henry Seymour) had looked at the paper, he would have seen, that if he (Mr. Layard) had spoken upon the Motion of the hon. Member for Northumberland (Mr. Liddell), that he would have been precluded from speaking again, although there were no less than five Questions on the paper (one of them being another on China from the hon. and gallant Member for Aberdeen), that would have demanded answers from him. He naturally did not like to preclude himself from the power of again rising, but intended in the one speech to reply to all the Questions that were on the paper. If the hon. Member for Rochdale (Mr. Cobden) took an interest in this question, he wondered that he had not risen to speak on it. He (Mr. Layard) thought it was most unfair of hon. Members to visit him with those observations. He came down to the House fully prepared to speak upon the question, and the reason why he had not done so before this was to be attributed entirely to the manner in which the hon. Gentleman brought forward his Motion. He had taken notes of the hon. Gentleman's remarks; and if the debate was not carried on, it was the fault of the hon. Gentlemen who had abstained from taking part in it.

Mr. SEYMOUR FITZGERALD said, that his hon. Friend the Under Secretary was under a misapprehension in supposing that he was precluded from speaking on the several Motions on the paper. The Question was that the House go into a Committee of Supply, and each of the notices on the paper was a separate Motion. It was therefore competent for the hon. Gentleman to have addressed himself to each Question, and to have given his views on it to the House. He was glad to find that it was owing to a misapprehension of the hon. Gentleman that this mistake had occurred, and not owing to what appeared to be a contempt of the feelings and opinions of hon. Members.

Colonel SYKES reminded the hon. Gentleman the Under Secretary that the Motion of the hon. Gentleman the Member for Northumberland included the very papers which he (Colonel Sykes) had intended to move for; and consequently, if that Motion had been carried, there would have been no necessity for the second Motion. As an independent supporter of the Government whenever his conscience would permit him, he could not but regret that a course had been adopted upon this occasion which must injuriously affect their reputation.

Sir HARRY VERNEY said, the practice of the House had been, when several subjects were brought forward, for the Ministers to reply to the whole afterwards. He would agree in bearing testimony to the ability and fairness with which the subject had been introduced to the House by the hon. Member for Northumberland; but he must say that from a study of the blue-book, and from information which he had received from other sources, he had come to the conclusion that the action of our Government in China had been taken merely for the purpose of protecting our fellow-countrymen and their property and interests. Although much was done by the Chinese Government which no one could approve, it was as nothing to the fearful atrocities of the Taepings. These latter ran over the land like a flight of locusts, destroying human life and the means of livelihood in one province, and then going off for a like purpose to another. As to the Taeping Government, there was no such thing. The conduct of our Government with regard to China had been marked by as much moderation as could be expected in a country like that. The whole state of things was exceptional; and it was not to be expected that our representatives could deal with the Chinese and the Taepings in the same manner as they would deal with Europeans. From all that he had heard, the only chance of restoring tranquillity to China was by the English Government giving a moderate support to the Chinese Government.

The Question that Mr. Speaker do now leave the Chair was then *agreed to.*

Supply *considered* in Committee.

House *resumed.*

Committee report Progress; to sit again on *Monday* next.

Mr. Seymour Fitzgerald

FISHERIES (IRELAND) BILL.

On Motion of Sir Robert Peel, Bill to amend the Laws relating to Fisheries in Ireland, *ordered* to be brought in by Sir Robert Peel and Mr. Bruce.

PIER AND HARBOUR ORDERS CONFIRMATION BILL.

Ordered, That the Select Committee on the Pier and Harbour Orders Confirmation Bill, so far as it relates to the Piers at Llandudno and Rhyl, be appointed by the Committee of Selection, in the same manner as in the case of a Private Bill.—(*Mr. Milner Gibson.*)

House adjourned at a quarter after Eight o'clock, till Monday next.

HOUSE OF LORDS,

Monday, May 18, 1863.

MINUTES.]—*Sat First in Parliament*—The Duke of Grafton, after the death of his Father.

Public Bills—*First Reading*—London Coal and Wine Duties Continuance* (No 104); Sale of Mill Sites &c. (Ireland)* (No 105.)

Committee—Duchy of Cornwall Management* (No 90); Marriages, &c. (Ireland)* (No 93.)

Report—Duchy of Cornwall Management* (No 106), and *re-committed.*

DUBLIN METROPOLITAN RAILWAY BILL.—THIRD READING.

Moved, That the Bill be now read 3^a.

The Earl of CLANCARTY: My Lords, I feel it my duty to ask your Lordships to defer the third reading of this Bill for six months. Although in delegating to Select Committees, the duty of taking evidence and reporting upon what are called private Bills, which are very often Bills of the greatest public importance, your Lordships are wont, as a general rule, to attach such weight to their decisions as practically to invest them with legislative power, I do not think that those decisions ought to be regarded as so conclusive, that when strong and sufficient reason is shown, they should not be reviewed. No five Members of your Lordships' House, however selected and however respectable, can be properly regarded as forming an infallible tribunal. Even the Judges of the land, fitted as they are by education, by learning, and by tried abilities for the judicial office, have, as your Lordships are well aware, their judgments often called into question, appealed from, and reversed. Is it, then, unreasonable to suppose that a Select Committee may form an erroneous judgment? Is it not rather to be apprehended, that though acting with the best intentions, they may sometimes come to conclusions injurious to the public, from having before them only those who have their own interests to serve, and by whom reference is only made to the interests of the public so far as they may be subservient to their own? Is it not, in fact, manifest that such is often the case, when we consider how many ill-devised railway schemes, sanctioned by the Legislature on the sole recommendation of Select Committees, have involved individuals and public companies in ruinous expenses of no public advantage, and ofttimes preventing the undertaking of works that would be of service? It certainly appears to me that you cannot, with due regard to the interests that may be involved, exclude, where reasonable grounds are shown for it, examination and review of the Report of a Committee upon a private Bill; and if this may be said in the case of an ordinary Railway Bill, how much more, when, as in the present case, the question arises with regard to a metropolitan railway, affecting the interests of the second capital of the empire, displacing thousands of its inhabitants, and disfiguring its most beautiful thoroughfares, and all for an object which, as I shall presently show, the Bill will not accomplish? Having attended very much to the proceedings of the Select Committee, and been present during the last day of the inquiry, I can truly say, that when I left the room after hearing the important evidence given, regarding an alternative line of railway, suggested as preferable to that before the Committee, and the speeches of counsel on the whole case, it was with the firm conviction that the Bill would not be allowed to proceed; great, therefore, was my astonishment when I afterwards heard that it had been favourably reported on. My surprise was, I believe, shared by every one acquainted with the cases, and it was, I think, a significant circumstance, that when I rose to give notice of my opposition to the third reading of the Bill, notice was at the same time given by a noble Lord, not now in his place, of a Motion to have the evidence printed. I regret, that when last Friday that Motion came on, it was opposed by two such high authorities in this House as the noble President of the Council and the noble Lord the Chairman of Committees. The ground of their opposition, I must say, appeared to me very unconstitutional. It was, that the decision of the Select Committee should be implicitly and without examination accepted. Such advice, after what had been urged against the Bill, was an ignoring of the duty of the House to act on the best information within its reach; it was calculated to shake public confidence in the soundness of your decisions, and it must have the effect of depriving your Lordships, should you give a third reading to the Bill, of the power of doing so with that knowledge of its having any claim to acceptance which alone could command respect for such a vote in the face of the objections that have been urged against it. My noble Friend the Chairman of the Select Committee objected to the printing of the evidence on the ground of its being unnecessary, inasmuch as the whole proceedings of the Committee had been regularly reported in the Irish newspapers. I should have expected from my noble Friend the manifestation of greater readiness to have the proceedings of his Committee examined into, for he must be aware that your Lordships have no file of any Irish newspaper to refer to. But he is very correct in saying that the Irish journals had made full reports. The inference is that the public took a very deep interest in the inquiry, and it is very much from the perusal of those reports that so much consternation and indignant feeling has been awakened that such a Bill should have passed through a Committee of this House. Should it eventually become law, my noble Friend's name will be immortalized by it, for it is known in Ireland under the title of the Llanover Disfigurement Bill. I hope my noble Friend is not ambitious thus to connect his name with a great public work, but that he will rather consent to have the Bill, and any other scheme for carrying out those public objects which in the course of his inquiry he has ascertained to be desirable, referred to a Commission sitting in Dublin. It is not very long since your Lordships put a stop to the progress of several Metropolitan Railway Bills for London, and appointed a Committee of eighteen noble Lords, selected as the most capable of forming a correct judgment, to inquire and report in what manner provision could best be made for "securing a comprehensive plan of metropolitan railway communication, with the greatest advantage to the public, and least inconvenience to the local arrangements of the metropolis." Yet even to these no power was given beyond that of inquiry and report. Why not do the same by the Irish metropolis? Is it reasonable or just, while you deal thus tenderly with the interests of London, which undoubtedly are important to the community at large, that you should ignore those of Dublin, not less important; and with regard to its architectural beauty much more highly prized by the whole Irish nation? I do not charge the noble Lords that composed the Select Committee with acting intentionally wrong. I believe, on the contrary, that they were animated by the desire of doing what was right, but they have committed a great error in reporting such a Bill to the House. I will trouble your Lordships with but a very brief statement of facts upon which I would move its rejection. The Bill as it was originally brought forward, and passed the Standing Orders, though unsupported by any portion of the Irish public, and especially disapproved of by the Corporation and citizens of Dublin, was founded on a principle the importance of which was established before the Committee, of uniting, by means of a metropolitan railway, with a central station, all the railways, five in number, having their termini in Dublin, whereby a through communication would be provided for passengers landing at Kingstown to every part of Ireland; but the Bill, as reported to your Lordships, provides only for the junction of two railways—namely, the Kingstown and Great Southern and Western, thereby limiting the advantages of a through communication to persons travelling to the districts opened by the latter railway, and cutting off from the benefit of such accommodation, and from any chance of ever obtaining it if this Bill should pass, the whole of Ireland North of Dublin and two-thirds of the West. The cause of this curtailment of the original undertaking was that the Board of Trade interposed in the interest of the Liffey navigation against the river being crossed in the manner proposed in the Bill. The Board very reasonably supposed, looking at the preamble of the Bill, that the crossing of the Liffey was an essential condition of the passing of the Bill, for their Report thus concludes—

"So far, therefore, as the interests of navigation are concerned, there would appear to be objections to the scheme. Whether there are advantages such as to outweigh these objections will be a question for the Committee. If, however, the Committee should decide upon allowing the Bill to pass, it appears to my Lords that clauses should be inserted for securing the following objects, viz.:—

"1. The bridge across the Liffey to be constructed upon such plans and with an opening span of such dimensions as the Board of Trade shall approve of.

"2. The Board of Trade to be empowered to order a local survey of any works affecting tidal waters, and to remove any such works if abandoned.

"The clauses for these purposes which my Lords would recommend to be inserted, will have been furnished by the Board of Trade to the agents of the promoters before the Bill is considered in Committee. (Signed)

"JAMES BOOTH."

The Committee appear not to have concurred in the views of the Board of Trade, for they decided upon passing the Bill without any such clauses as the Board recommended, and without its providing for what, by its preamble and title, it purported to effect—namely, the uniting of the different railways radiating from Dublin. Had the original scheme been adhered to, there is no doubt it would, though at the sacrifice of the architectural beauties of the city of Dublin, and otherwise in a manner open to much objection, have accomplished some important objects. It would have united by railway the north and south divisions of the town; it would have opened to the whole of the city, as well as the country, the extensive and growing trade of the port of Dublin, and it would have provided through communication from England with all parts of Ireland. As the Bill now is, the so-called Metropolitan Railway will be confined to the south side of the river, while the whole of the trade of Dublin, except in coals, is on the north side; and for the single purpose of effecting a junction between two railways, the most beautiful parts and most striking features of a metropolis of which Irishmen are justly proud will be irremediably disfigured, and thousands of the population displaced. This, my Lords, is the more to be regretted, as a scheme was suggested that would have accomplished all the objects to be looked for from a metropolitan railway by the construction of a line in great part subterranean, and that without injuring the appearance of the town, without any material interference with property and the habitations of the citizens, and presenting a most eligible site, in proximity to the General Post Office, for a metropolitan station. After such a scheme had been suggested and a survey submitted, in support of which the most eminent engineers were examined, I cannot acquit the Committee of having come to a very hasty and unfortunate conclusion in reporting for your adoption the very crude, imperfect, and mischievous measure projected in the Bill. Many objections of detail might be urged against the Bill, but I will not trespass upon your attention by noticing them. I must, however, advert to one circumstance in the proceedings of the Committee which appeared to me particularly unfortunate. It is, that when only one side had been heard, and even before the engineer of the proposed railway had been cross-examined, the Committee, through their Chairman, declared that they had made up their minds that the Metropolitan Railway Station should be on the south side of the Liffey. This, my Lords, was a prejudging of the whole question; and although the decision was, I am sure, announced with the best intention, it placed the opponents of the Bill in the difficult and hopeless position of having to contend against what looked like a foregone conclusion. Let me, in conclusion, entreat your Lordships to pause before you give your sanction to this Bill. It is due to the interests and feelings of the Irish people that great caution should be used in sanctioning a work of the kind proposed; and I believe that the interests as well of the promoters of it as of the public will best be served by its being postponed. I therefore beg to move that the third reading be deferred for six months.

Amendment *moved*, to leave out ("now") and insert ("this Day Six Months").

Lord LLANOVER:—My Lords, as Chairman of the Select Committee to whom the Bill was referred, I beg to assure your Lordships that we gave not only to the Bill referred to us, but to the other schemes put forward, the fullest and most careful consideration. It is now said that your Lordships ought to refer the whole matter to a Royal Commission. I confess that for my part I think that the experience we have had with respect to Royal Commissions in Ireland does not give me much encouragement to adopt that course. In the year 1860 a most important question was agitated in Dublin—namely, the supply of water to that city. Representations were made to the then Chief Secretary, Mr. Cardwell, to the effect that the issue of a Royal Commission would produce harmony on that disputed question. Accordingly, a Royal Commission was appointed; but what was the result? The Commissioner, the most eminent man in his profession, sent in his report, and a Bill to carry out the recommendations was prepared, but that Bill was vigorously contested. For more than a month it remained under the consideration of the House of Commons, but even then the opposition did not end, for it was hotly opposed before a Committee of your Lordships' House, and I can bear witness to that fact, as I was selected by your Lordships to be the Chairman of that Committee. It is said that we excluded evidence which was tendered in opposition to the Bill we are now discussing. This statement is so far correct that we excluded that on behalf of the Midland Railway Company, of which the noble Earl is an active director. I thought the Committee were right in deciding that this railway company had no *locus standi*. But wishing to be fully assured upon this point, and supposing that the question might be raised again in your Lordships' House, or elsewhere, we determined, before excluding the Midland Railway, to have the opinion thereon of the greatest authority in your Lordships' House, and I consulted with the Chairman of Committees; I am glad to say we were supported by that noble Lord. It has been objected also that the Bill was curtailed. That is quite true; the Bill was curtailed in consequence of the decision of the Admiralty and of the Board of Trade; and when my noble Friend says we did not concur with their opinions, he is in error: we did concur with them; we did not go into the whole Bill as originally drawn, but into the Bill as submitted to us, the branch across the Liffey having been withdrawn before our Committee sat; but any one of your Lordships might suppose from the observations of the noble Earl (the Earl of Clancarty) that he approved of the Bill in its original state. Not at all; the Midland Company, of which the noble Earl is a director, objected to it, though the noble Earl now says, that if the Bill passed in its original shape, it would have been all that was to be desired. The noble Earl objected to it in its entirety. Let us see the nature of the opposition offered to it. I will read to the House an extract from a speech made by Mr. Ennis at a meeting of the Midland Railway Company, on the 19th of March. Mr. Ennis said—

> "It was because that line left the Midland Railway out of the running that he was opposed to it. Was it to be supposed, that if the line gave the

Midland line the accommodation which it proposed to give to other lines, his company would be mad enough to oppose it?"

I may say we regard this scheme as a trunk line to connect the several lines running into Dublin, which made provision in the 39th and 40th clauses under which the Midland Company would have power to join this line and use the central station of the company, any differences between the two companies to be settled by the Board of Trade. It has been said, my Lords, that there was great opposition to this Bill from the citizens of Dublin; but we had from that city a petition in its favour, signed by 2,000 persons. One of the Members for the City came forward and said he was strongly against it, but admitted that his brother was as strongly in its favour. In fact, in reference to this as to all great works, there were opponents as well as supporters. But the real question is, will not this scheme be a great gain to Ireland and the United Kingdom, to have a through communication direct from England to Cork and Galway? We also took evidence with regard to the manner in which other lines might be made. Any noble Lord who has sat on railway Committees must know that engineers are in the same category as mad doctors on a lunacy question; one will say the patient is stark mad, and the other he is of sound mind. So with regard to engineers; one pronounces a scheme to be bad, the other declares it good. But in all the schemes of which I have had experience as Chairman of a Committee of either House, I never heard such evidence as the opponents of this Bill produced. In opposition to this scheme, which went right through the city, with good gradients, it was seriously proposed to put forward one which would run under the Liffey, with a gradient of one in fifty or one in sixty, then run horizontally, ascend the other side into open day, of a gradient again of one in forty, and take a circuit round the city; and in order to get those gradients, the engineer, with the example of the Thames Tunnel before us, said that we should run under the Liffey with two feet of soil between the navigable river and the crown of the arch, and eighteen inches, or two bricks of thickness, for the arch itself. I do not think any of your Lordships would venture into such a tunnel. From the evidence submitted to us we came to the conclusion to recommend your Lordships to pass this Bill, and I am sure your Lordships will see, from the clauses to which I have referred, that not only will the railway companies which are directly connected with it have access to it. But all other companies will have the power of joining and making use of the line, which will form the connecting link between Kingstown and the great ports on the southern and northern coast of Ireland.

THE EARL OF BANDON supported the Bill, which would, he believed, be productive of great national advantages. If this line were made, in four hours and a half the Government could send troops from Kingstown to Queenstown.

THE EARL OF BELMORE said, that as a general rule it was better that the House should not reverse the decision of a Select Committee on a private Bill, because it was only fair, that when the House appointed five noble Lords to undertake the onerous duty of examining into a measure, that their decision should be supported. But this was altogether an exceptional case. Here was a scheme for traversing Dublin from end to end, crossing thirty-five streets, and stopping nine more altogether—and amongst the streets so to be crossed were two of the most important in Dublin—Westmoreland Street and D'Olier Street—and that by means of bridges only about fourteen feet from the level of the roadway. These streets were to be spanned by railway bridges, and at the end of Westmoreland Street, which he might call the Regent Street of Dublin, was situated the Bank of Ireland, which was considered the finest building in Dublin, perhaps in the United Kingdom; and if the bridge across this street were to be made, the view would be obstructed to any person standing on Carlisle Bridge. Now, as to the traffic; as his noble Friend had stated, the House had, as he (the Earl of Belmore) thought very properly, refused to go to the expense of having the evidence printed; but he had very carefully gone over it, as it was fully reported in the Dublin papers, as well as the speeches of the counsel and the remarks of the noble Chairman. The promoters proposed to have a central station close to Westmoreland Street. This was to be a high level station, to be reached by sixty steps, and, as he understood the evidence, would be a very inconvenient one, nearly as bad as the present one at Westland Row. The promoters proved that there was at present a great amount of traffic passing through the streets of Dublin from the various railway termini, to be shipped at the quays. They admitted that the place at which by far the largest amount of shipments took place was from the North Wall, and he could not understand how the promoters could pretend to say that their scheme was to relieve the streets. The place of shipment was on the north side of the Liffey, and their station was to be on the south side, and above the navigation; so that all the cattle and all traffic they would bring from the South of Ireland would have to pass along Westmoreland Street, one of the most important, and Carlisle Bridge, one of the leading thoroughfares of Dublin, and so to the quays at the North Wall. But the greatest blot in this scheme was that it left the communication with the North of Ireland unprovided for. As the Bill was originally introduced, there was proposed to be a branch from the Central Station to what is called the Amiens Street Station, the terminus of the Northern lines; but this, in consequence of the opposition of the Admiralty and the Ballast Board, was withdrawn. There were three ways by which this communication might be effected—one, by the scheme already alluded to by the noble Lord opposite (Lord Llanover), and which was proposed to be accomplished by means of a tunnel under the Liffey; but this was one which he might say was quite out of the question, for it was proposed to go from the terminus on one side by a gradient of one in forty to a point seventy-two feet below the quays of a navigable river, and then to rise with the same gradient on the other side, which, in his opinion, would be a very dangerous scheme to sanction. Another plan that had been suggested was to form a communication with the Broadstone terminus of the Midland Railway, by means of a junction with what was called the Liffey branch. This was all very well, but the Midland Railway Company worked a system of railways which were competing for the traffic of certain districts with railways in the north of Ireland, which were in Dublin by means of the Drogheda terminus, and it was not natural that the Midland Railway Company should be willing to allow the Northern lines to have access to the central station by means of the powers secured to them (the Midland) of forming a junction with it. The only remaining plan for uniting the stations was by means of a high level line and a bridge across Sackville Street—a street which was considered to be one of the finest in Europe. A great deal of the traffic of Dublin was connected with trade, and the point of shipment for that was in Dublin. The passenger traffic went from Kingstown, but the goods and cattle traffic from the port of Dublin. There was one other point to which he wished to draw attention, one which had before been adverted to in that House. As the Bill was introduced originally, no less than 5,619 persons would, according to the Report of Mr. Reade, the Inspector of Lodging Houses under the Corporation of Dublin, be deprived of their homes; and as the Bill now stood, 2,846 persons, mostly of the labouring class, would be turned out of their houses; or, taking the population of Dublin at 200,000 persons, rather better than 1½ per cent of that of the whole city. It was quite true that at the instance of the Committee a clause had been inserted to provide for a daily cheap train for the benefit of the labouring class, but unfortunately it did not appear where the train was to run from. And now, as to the remarks which had fallen from his noble Friend behind him with reference to the conduct of the Committee: he felt bound to say that in what was decided on by the Committee, and what fell from the noble Lord (Lord Llanover) there was nothing to be objected to. It was quite clear that the parties who were excluded from being heard had not *locus standi.* He begged their Lordships' pardon for having troubled them with these remarks, but he felt it to be his duty as an Irish Representative Peer, considering the national interests which were involved, to ask their Lordships to interfere to prevent an irreparable injury to the metropolis of that kingdom.

THE MARQUESS OF CLANRICARDE said, he wished to take this opportunity to point out to the noble Earl the President of the Council the fallacy of the argument used by him the other night, when he said that Dublin was not to be compared with London; in the same spirit he would say that the trade of Ireland was not to be regarded with the trade of England, and did not require such extraordinary lines as that proposed under this Bill. It was unjust to the citizens of Dublin to treat the measure as a mere ordinary railway Bill, more especially as the railway companies had not been allowed to appear before the Committee. But the Irish Government had taken no steps in the matter, though they had an impartial tribunal in the Board of Trade to advise them. He hoped that Dublin would be allowed to reap the benefit of the experience which Parliament had derived with respect to metropolitan railway schemes.

LORD STRATHEDEN deprecated hasty legislation on this subject, and thought the inhabitants of Dublin should be allowed the benefit of the doubt before their Lordships passed the measure.

LORD REDESDALE said, the objections to the Bill were now too late; they ought to have been urged on the Motion for the second reading, or before the Bill was referred to a Select Committee. The Committee heard evidence on the question of the disfigurement to the city, and had reported in favour of the Bill; and it was the safest course to abide by the decisions of that Committee. Under these circumstances, he thought it would be better to take the usual course and allow the Bill to proceed; and then the opponents of the Bill would have an opportunity of raising the same points in the other House, and there urge that the measure might be referred to a Select Committee.

THE MARQUESS OF WESTMEATH said, more time should be given for the consideration of a Bill which interfered with so many streets and made such extensive changes.

THE EARL OF DERBY: My Lords, I confess that I never gave a more reluctant vote than that which I must give on the present question. On the one hand, I am of opinion that a much better plan might have been introduced. It is quite true that the objections which I have heard to the Bill I have heard from its opponents; but these objections carry with them considerable weight, and show to me that the Bill, in its present shape, is imperfect, and in many respects objectionable. According to the promoters, the line will cost £150,000 a mile; according to the opponents, it cannot be made for less than £250,000. Now, my Lords, if there was an actual necessity in the City of Dublin, as there is in the City of London, for through communication and a central station, I do not think the course taken the most advantageous one, for it will destroy valuable property, and this, too, by connecting the Dublin and Kingstown and the Great Southern and Western lines. Then I find that the majority of the inhabitants are opposed to the disfigurement of the city. There are great objections to the Bill. But, on the other hand, I am told that these very objections were weighed by the Select Committee, who were unanimous in their adoption of the Resolution at which they arrived. Your Lordships declined to allow the evidence to be printed; and as the Committee had the entire of that evidence before them on coming to the conclusion, and your Lordships have refused to have that evidence, it would be contrary to the ordinary practice of the House, and contrary to reason and justice, to set aside the verdict of the Committee. In deference to that practice, rather than in approval or support of the Bill, I shall be compelled reluctantly to vote for the third reading, if the noble Earl presses his Motion to a division.

EARL GRANVILLE had come to the same conclusion as the noble Earl. In voting for the third reading he did so without reference to the merits of the scheme, and simply because he believed that such a question could best be considered by a Select Committee. He would recommend the noble Earl not to go to a division, were it not that the last time he gave that advice he found himself in the minority.

THE EARL OF CLANCARTY said, he did not think the House should pass a measure so crude, so superficial, and so mischievous, and he should certainly take the opinion of the House.

On Question, That ("now") stand Part of the Motion? their Lordships *divided*:—Contents 65; Not-Contents 11: Majority 54.

Resolved in the *Affirmative*; Bill read 3ª accordingly, and *passed*, and sent to the Commons.

CONTENTS.

Westbury, L. (*L. Chancellor.*)

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Salisbury, M.

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Bandon, E.
Camperdown, E.
Cathcart, E.
Chichester, E.
De Grey, E.
Derby, E.
Devon, E.
Granville, E.
Grey, E.
Hardwicke, E.
Lonsdale, E.
Pomfret, E.
Russell, E.
Saint Germans, E.
Stanhope, E.
Tankerville, E.
Verulam, E.

De Vesci, V.
Hardinge, V.
Hawarden, V.
Strathallan, V.
Sydney, V.

Bangor, Bp.
Durham, Bp.
Oxford, Bp.
St. Davids, Bp.

Abercromby, L.
Aveland, L.
Belper, L. [*Teller.*]
Berners, L.
Blantyre, L.
Bolton, L.
Calthorpe, L.
Carew, L.
Chelmsford, L.
Churchill, L.
Churston, L.
Cranworth, L.
Dartrey, L. (*L. Cremorne.*)
Ebury, L.
Egerton, L.
Foley, L.
Heytesbury, L.
Llanover, L. [*Teller.*]
Lyveden, L.
Mont Eagle, L. (*M. Sligo.*)
Northwick, L.

Polwarth, L
Ponsonby, L. (*E. Bessborough.*)
Portman, L.
Raglan, L.
Redesdale, L.
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Saltoun, L.
Stanley of Alderley, L.
Strathspey, L. (*E. Seafield.*)
Taunton, L.
Walsingham, L.
Wodehouse, L.
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Westmeath, M.
Belmore, E. [*Teller.*]
Clancarty, V. (*E. Clancarty.* [*Teller.*]
Boyle, L. (*E. Cork and Orrery.*)
Castlemaine, L.
Minster, L. (*M. Conyngham.*)
Silchester, L. (*E. Longford.*)
Somerhill, L. (*M. Clanricarde.*)
Stratheden, L.
Wharncliffe, L.

METROPOLITAN RAILWAYS.

QUESTION.

LORD STRATHEDEN rose to put a Question to Her Majesty's Government with regard to the Appointment of a Commission to inquire into the Subject of Metropolitan Railways. He would remind their Lordships that the subject of the projected encroachments of the railway companies on the streets and squares of the metropolis had already occupied much of their attention, and that during the debates that had occurred there had been a great union of opinion among practical authorities, that a Commission of Inquiry, similar to that of 1846, ought to be appointed before any considerable progress should be made in the railway works affecting the metropolis; but, as matters now stood, their Lordships had no security whatever that such a Commission would be appointed. The Government had, indeed, expressed an opinion that possibly the Select Committee to which the Metropolitan Railway Bills had been referred might recommend a Commission; but inasmuch as it formed no part of the Instructions to that Committee to give an opinion whether or not a Commission should be appointed, there was no reason to anticipate any recommendation from it on the subject, either favourable or unfavourable. The question, therefore, which he had to put to the Government was, Whether they intended to appointed a Commission of Inquiry, similar to that of 1846, on their own opinion of the merits of the case, or only in the event of the Select Committee recommending the appointing of a Commission? Should the reply be that the Government would, upon their own opinion of the merits of the case, appoint a Commission, that answer would be satisfactory. If, on the other hand, the Government should answer that they would wait until the Select Committee had reported, that answer though less satisfactory, would not be useless, as it would show a large portion of their Lordships, who desired a Commission of Inquiry that some further Parliamentary proceedings were essential.

EARL GRANVILLE said, he could not hold out any hope to his noble Friend that Her Majesty's Government would appoint a Commission on the subject of Metropolitan Railways until they had had time to examine the Report of the Select Committee now sitting. As Chairman of the Committee, he could inform their Lordships that they had taken all the evidence they required; but all noble Lords who were present would agree with him in thinking that he was not at all in a position to tell them what the Report of the Committee would be.

UNITED STATES—PROCEEDINGS OF THE PRIZE COURTS.

MOTION FOR PAPERS.

THE MARQUESS OF CLANRICARDE rose to move for Copies of any Reports from our Consular or Diplomatic Agents in North America of the Decisions or Proceedings of the Prize Courts of the United States. In making this Motion, he was as sensible as any man could be of the gravity of the subject and of the difficult and delicate nature of some of the propositions which must be adverted to in the few observations which he should think it his duty to make. But it was exactly because the subject was so important—because it was one which might have the gravest consequences, both now and for all future time—because it might affect not only the commerce, but the peace and best interests of this country, that he believed that some Parliamentary notice ought to be taken of it. From what he had seen in the public papers, and in the papers which had been presented to Parliament, he thought that it was absolutely necessary that the question should be brought forward, and that Government should take more action in the matter than they had hitherto done if it were to have a peaceable solution. What was the state of the case? It was this:—A large and important portion of our commerce was at present paralysed by the action of a Government which professed to be at peace and amity with us. No legitimate justification had been advanced on the part of that Government of the acts which had been done, and which had been complained of as inconsistent with the recognised law of nations The result was that nearly the whole of our trade with the Gulf of Mexico and in the West Indian seas was arrested or put in jeopardy. Of this fact there could be no doubt; for at this moment it was impossible to effect, upon vessels trading to the West Indies, insurances on terms which would allow the merchant and shipowner any remuneration for his adventure. He had a letter from a gentleman, one of whose ships had been seized, and he asked—

> "What am I to do? Here was a ship trading in a legitimate way, her papers were perfectly regular, her conduct unimpeached and unimpeachable, and yet she has been seized and carried off, my cargo has been taken ashore and damaged, about £40,000 of my capital is locked up, and I lose my market. I make an appeal to the Government, and I am told that the matter has been referred to Lord Lyons to make a representation on the subject."

If this were a solitary instance, he should not mention it, but treat it as a case of oversight and as a wrong which must have redress. If there were any hope that these things would pass away, and that the tone of the Government of the United States would be characterized by respect for the recognised law of nations, he should wish our own Government not to be hasty or rash, nor to stand out for the utmost rights which we were privileged to enforce, but rather to make every allowance for the present embarrassments of the United States Government. But these things had gone on for a considerable time; and from the documents which had been laid before Congress, and which had also been laid before their Lordships' House, it was plain that the Government of the United States had advanced pretensions and had asserted them in a manner that was totally unheard of, and that the mercantile community and the people of this country would not stand. If such things were allowed to go on, it must come to war. It was by noticing them now, and acting in a firm but temperate manner, that we should avoid war. He had no fault to find with the language which the Government had held in the papers which had been laid before the House, and which most clearly exposed the wrong-doing of the United States Government and their officers. The noble

Earl at the head of the Foreign Office, in the clearest way, and from their own American authorities, had convicted them of their wrong-doing, and they had no answer but that it suited their position to exclude our ships and commerce from a legitimate trade. They did not attempt to justify their course by law, and yet they did not hold out the slightest hope that that course would be abandoned. He would give two or three illustrations of what he meant. The first case to which he would refer was that of the *Labuan*, which occurred as long ago as the April of last year. He did not know the particulars of that case further than this—that Mr. Seward acknowledged that the ship was illegally seized, and even went the length of giving orders that no British ship should be seized under similar circumstances. But did he order the release of the ship? Not at all; he ordered that she should be sent to a Prize Court, and told the noble Earl, who in his turn told the merchants of this country, that this remedy of a Prize Court was to cure all evils, and with the decisions of that court they were to be content. Upon those grounds, he (the Marquess of Clanricarde) thought he had a *locus standi* in asking what were the rules and decisions followed in those Courts in America. The next case was that of the ship *Adela*, which sailed from Liverpool for Bermuda last February. No fault could be found with her papers. She went to Bermuda, and thence cleared for Nassau with a legitimate cargo—though any cargo would have been legal, for she was sailing from one British port to another—but she was seized near Porto Rico. The next case was that of the *Springbock*, which sailed from London for Nassau in February. She was seized about 200 miles from Nassau, and about 400 from the American coast. The fourth case was that of the *Dolphin*, which sailed from Liverpool to St. Thomas, and from thence for Nassau, and was seized off Porto Rico on the 25th of March. The fifth case was that of the *Peterhoff*, which sailed from Liverpool for St. Thomas and thence for Nassau. She was boarded when going into St. Thomas; her papers were found to be perfectly regular, but she was afterwards seized when coming out, by orders of Admiral Wilkes, within sight of port. He had named those ships, because the cases, however different in degree, were similar in character, and there had not been a shadow of irregularity imputed to the vessels—their papers were admitted to be in regular order, and it was not alleged that they had deviated from their course. He therefore asserted, that they had been taken, not because, contrary to the rules of international law, they were attempting to run the blockade, or to run contraband of war to an enemy's port, but under a design of the Government of the United States and their officers, to stop the legitimate trade of this country, not only between England and foreign ports, such as Matamoras, but actually also between our own ports. If the Government of this country submitted to these things now, or allowed such acts to be done with simply a verbal remonstrance, they were submitting, not only to an indignity to the British flag and an injury to British trade, but they were creating precedents of the most grievous nature. None of the conditions which Lord Stowell laid down in the case of the *Betsy*, as justifying capture, could be pleaded in the case of the *Labuan*, which had never made any attempt to run the blockade. Mr. Adams, in adverting to the ground on which the *Labuan* was seized, stated, that "she was involved in the suspicion not unfairly attaching to all British vessels sailing under British colours in the neighbourhood in which she was seized." This neighbourhood, be it remembered, was that of the Havannah. The same claim was set up in Mr. Seward's despatch, in which it was laid down that the Federal cruisers had a right to seize every ship found in these seas trading to Matamoras and the West Indies; and if they sent her into a Prize Court, no complaint of such seizure could be made. In the case of the *Adela* the intervention of Her Majesty's Government was invoked, and the matter was brought under the notice of the United States Government. There was a dispute whether she was seized within two miles or ten of the coast (although that he considered unimportant in reference to the present argument). The captain of the Federal cruiser was, thereupon, ordered to send in a second and supplementary report. The captain and crew of the *Adela* declared that she was captured in British waters, not two miles from shore; but this was in dispute. The captain of the Federal cruiser, in his second report, said, that "from the speed she was making she was evidently endeavouring to escape us;" as if a British vessel were not allowed to prosecute her voyage at her own rate of speed. The captain then described the course his ship took to cut off the *Adela*, when she should put about, so as to "cross the channel going *en route* to Nassau!" Here was a ship seized when going from one British port to another, on the showing of the Federal captain himself. Where was this to stop? They might just as well have seized a vessel going into Portsmouth. It was said, that sending to Prize Courts was to be the justification of all these proceedings; but the *Adela* was taken before the Prize Court, and what was the decision?

Lord KINGSDOWN: What Court was it?

The Marquess of CLANRICARDE: Key West.

Lord KINGSDOWN: Is it a provincial court or a supreme Court?

The Marquess of CLANRICARDE presumed it was a provincial Court. He had often heard it said that certain Judges should not give reasons for their decisions, but in this case they had the reason for the decision. The Judge said, he condemned, on the ground that whatever way he decided an appeal would be had. This was the precisely contrary rule to that which prevailed for sixty years in our courts. The justification required in a condemnation for breach of blockade was clearly laid down by Lord Kingsdown in the case of the *Ostee*. Lord Kingsdown said—

> "In order to justify a condemnation for breach of blockade, three things must be proved, —first, the existence of an actual blockade; secondly, the knowledge of the party; thirdly, some act of violation, either by going in or coming out with a cargo laden after the commencement of the blockade."

Before he reverted to the decision of Lord Stowell in the case of the *Betsy*, he would remark that Lord Stowell's judgments had sometimes been considered somewhat harsh towards neutrals, and Lord Stowell himself complained of the difficulty he experienced in finding exact precedents to guide him, and that he was therefore compelled to arrive at a decision from the application of sound and just principles to the cases before him. Since this time, however, the whole civilized world, including America, had come to the conclusion that the maritime code and international law ought to be modified in favour of neutrals. He might observe, with reference to a point that had been much spoken of lately—the right of captors to open mails found on board vessels they had seized, with a view to obtain evidence to justify their capture — he found in Lawrence's edition of *Story* of 1846, the learned editor deduced — very justly and properly, it seemed to him — from Judge Story's judgment, that it was absurd to claim a right to open mails so seized for the purpose of impeaching the character of the ship by which they were conveyed. In America, as in Europe, the tendency had been in Prize Courts to decide with greater liberality towards captured vessels than was the practice in Lord Stowell's time. That learned Lord, in the judgment to which he had referred, in the case of the *Betsy*, said—

> "The law which we are to lay down cannot be confined to the British navy. The rule must be applied to captors of all nations. No country can be permitted to form an exceptional rule in its own favour. Whatever is held in England to justify an officer of the British navy will be held by the tribunals of every country, both on this and on the other side of the Atlantic, to justify or excuse the captors of their own nation. By the usage of all countries captors have a great interest in increasing the number of prizes. The temptation to send in ships for adjudication is sufficiently strong. Is it too much to say, that where no ground of suspicion can be shown, and all that the captor can allege is that he did wrong under a mistake, he should make good in temperate damages the injury which he has occasioned? Ought a captor to be permitted to say to the captured, 'True, nothing suspicious appeared in your case at the time of seizure, but, upon further inquiry, something might have been discovered. I had a right to take my chance. You have nothing to complain of. I subjected you to no unnecesary inconvenience. Go about your business, and be thankful for your escape.' We cannot think that this would be a satisfactory answer to a British neutral ship seized by a foreign belligerent."

That was the case of a ship seized only twenty miles from a blockaded port, and the noble and learned Lord felt himself bound to condemn the captors in damages, as well as to restore the vessel. Another high authority, Dr. Lushington, as late as 1856, in the case of the *Olive and Fanny*, captured by us during the Russian war, said—

> "It is true, as has been urged by Her Majesty's Advocate, that circumstances have been somewhat changed, that captors now run greater danger of being condemned in costs and damages than they did formerly; but although that may be a sufficient reason for the Judicial Committee to depart from the authority of the *Haabet*, I do not think it competent for me to adopt such a course."

The decree was that the prayer of the captors for admission of their evidence be rejected and ship restored, &c., but the Judge added—

> "My decree is founded on the conviction that no doubt arises upon the primary evidence—namely, the depositions and the ship's papers. This ship was, according to the evidence, taken twenty miles from the coast of Finland. If that was a cause of detention, and justifies the introduction of captor's evidence, any vessel navigating that gulf may be detained on similar presumption."

He wanted to know whether it was the intention of Her Majesty's Government to overturn the law as laid down by the best late and highest authorities both of Europe and America, to vary the practice that had obtained for so long a period, simply to suit the exigencies of the United States Government at this particular moment? He repeated that there did not appear to be a shadow of law or equity to sustain the acts which had been committed by the American Government, and they almost avowed that there was no such authority. There was a virtual, if not a declared determination to put a stop to British trade in those waters. He might refer to another matter, in which an attempt had been made to set aside all the obligations of international law, of direct treaties, and of usage, under the pretence of a municipal law. The New York customs officers refused to give clearance to vessels trading to the Bahamas or West India Islands. Complaints were made to Lord Lyons, who communicated with Mr. Seward, who, in reply, forwarded the report of the Collector of Customs, in which that functionary said—

> "In the exercise of the discretion devolving upon me as an officer of the Government of a sovereign people, I have prohibited the shipment of coals, of dry goods, of shoes, of quinine and other drugs, of tinware, of munitions of war, and sundry other articles to Nassau and the West Indies, and other foreign ports, when I had reason to suspect they were intended by individual enterprise, or the special contracts of British subjects, to directly contribute to the welfare of the enemies of the United States."

Thus, if the collector thought that goods carried by a British ship might possibly contribute, directly or indirectly, to the welfare of the Southern people, he, in defiance of all law and of all treaties, took upon himself to prohibit the exportation of all such goods. It was said, that if those vessels were not themselves intended to run the blockade, yet their cargoes were destined to ports which were entrepôts for the supply of blockade runners. Matamoras had become a place of great importance in the western world, and the trade of Nassau had enormously increased. But could it be endured that the United States should say, because the Confederates or others might run the blockade, the liberty of the seas and our commerce with a port of our own should cease? Such a pretension could not be allowed. No doubt it might be said, that according to the case decided in 1856, by Dr. Lushington, the parties injured would get costs to a large amount from the United States. Why, no man could seriously believe that any costs would be given. What had been the nature of their proceedings? He had shown what had been done with ships, with respect to which their conduct had been utterly unlawful; but how had they dealt with the owners of ships they had seized? A very curious case had appeared in *The Times* of this very morning. It was as follows:—

> "In the case of the *Peterhoff*, on Saturday, a motion made on behalf of the owners of the vessel to admit the testimony of Captain Jarman was opposed by the district attorney and the counsel for the captors. Upon this motion the Court took the papers, and reserved its decision. An order to allow Mr. Redgate, one of the owners of the cargo, to testify in his own behalf, was then applied for. Mr. Redgate's counsel stated that his client was born a British subject; that he was an enemy of the Confederate Government; that his portion of the cargo had been legitimately consigned to his partner at Matamoras; and that he desired to be and remain a citizen of the United States, provided he could thereby receive the restitution of his property and damages for unlawful capture and detention; but if he were to be treated as an alien enemy, he demanded that he be regarded as a British subject, and as such he should claim protection from the British Government."

Probably their Lordships would agree with him that Mr. Redgate would not be a very valuable accession to either country, for he offered himself to any one from which he might get back his property. But "the Court decided, that as Mr. Redgate was resident in a rebellious State, he was to be considered an alien enemy," although he was an Englishman. The whole transaction was illegal, and was sustained by the United States, not upon law, but entirely on expediency. It was laid down in instructions to the Collector at New York that British ships should not take British goods—not merely munitions of war, but any, even dry goods, into the Bahama waters and the waters of the West Indies, because they were liable to be taken to the Confederate States; and now it was decided by these Prize Courts, that because they happened to be resident in Confederate States when the rebellion broke out, British subjects were to be deprived of their undoubted rights. Was that to be allowed? Was he not justified in calling on their Lordships to look at the proceedings of these Prize Courts with great jealousy? These transactions commenced a year ago; they had continued up to the present day, and were British merchants to be terrified into giving up their trade, or were they still to cherish that confidence in the protection of their Government to which they were entitled? If such proceedings were not checked, they would render it impossible to avoid war. He was told by his noble Friend the other day, when he recommended a squadron to be sent to the Gulf of Mexico, that that would be war. But did the present state of things amount to peace?—our ships seized, our commerce stopped, and our flag insulted on the high seas! If war was to be avoided, the sooner such proceedings were checked the better. In July last a deputation from Liverpool waited on his noble Friend, and complained to him of their commerce being interfered with, and his noble Friend then stated that this country could not allow our commerce to be harassed in an illegal manner; but he added that Her Majesty's Government had no reason to doubt the adherence to legal requirements by the United States Government. He should be glad to hear from his noble Friend a similar assurance now. If Prize Courts were the sole resource of British merchants for justice, they ought to have full information respecting them. He begged to move for the Papers of which he had given notice.

EARL RUSSELL: My Lords, my noble Friend the noble Marquess has made a speech bringing very grave charges against the American Government and the American prize courts. He has brought, in effect, a charge that the American Government and the American courts appointed for the purpose of judging these questions of capture and prize have set aside the whole international law of the world—that they have given orders quite inconsistent with that international law; and he more than once stated that they had publicly stated their determination to interrupt British commerce. That commerce might be as lawful as they pleased, it might be as fair commerce as could be carried on upon the seas, but the American Government had decided that they would interrupt and put an end to it in the Transatlanic Seas. Certainly, in one of the sentences in which he made these charges, my noble Friend put in the word "almost," and that, like the word "if," is a great peacemaker; so that after all, even according to my noble Friend, the American Government have almost decided, but they have not yet quite decided, to put an end to British commerce. But when my noble Friend came to give proofs of his assertion, I thought he very much failed in so doing. Where are his authorities for these charges? There were, I think, three proofs on which he relied. One was in regard to the case of the *Labuan*. That ship was taken in the neutral waters of Mexico, and therefore Lord Lyons asked that both the usual and ordinary course of sending it before a Prize Court should not be pursued, but that it should be set free. But it was stated afterwards to us that the American Government did not claim a right to seize ships in neutral waters, but that there were great doubts thrown upon the facts; it was asserted that the particular position in which the *Labuan* was found was not in Mexican waters, but in the waters of the United States, off Texas; and that therefore the question must go before a prize court. Another proof of my noble Friend related to an assertion of Mr. Adams. Mr. Adams, speaking in this country, and not concerned with the particular details of capture, it appeared, said on one occasion that it was no wonder certain merchant ships had been taken, because they were in the position in which many ships had been found intent on breaking the blockade, and on carrying contraband goods to the enemies of the United States. Well, of course Mr. Adams did not mean that that was a sufficient ground of capture; and his own Government, on a representation which had been made to Mr. Seward, have said that they would direct that no merchant ship should be stopped in neutral waters, and also that it should be no sufficient ground for capture that information had been given that a ship was about to break the blockade or was carrying contraband to the enemy, but that there must be a regular search, and there must be, as the result of that search, a legal cause of capture, before the vessel could be taken and sent before a Prize Court. So far from denying the principles of the law of nations, Mr. Secretary Seward fully and completely acknowledged them. The only doubt I had was whether the officers of the United States navy were in every case instructed according to the declarations of the Secretary of State, and to the instructions he had given, by order of the President, to the Secretary of the Navy; and for that reason, having had some doubts on the subject in the case of the *Labuan*, I desired the Admiralty to instruct Admiral Milne to send a ship or ships of war to Mexican waters, that British merchantmen in those neutral waters might be protected from unjustifiable seizure. Well, it does not appear that there have been since that time in the waters of Mexico any seizures of which any great complaint can be made. There certainly was a report which the Admiralty sent the other day to the Foreign Office from one of the captains of our men-of-war who had been at Matamoras, and which said that that port was crowded with merchant vessels engaged in carrying on a commerce which now exists between this country and various countries of Europe, and the Mexican side of the Rio del Norte. The next proof that my noble Friend gives, is the assertion of a United States captain with respect to the ships which he should take. But I submit that the assertion of a captain as to what he should do—that any idle boast or loose words of such a person about what he feels authorized or intends to do—do not bind the United States Government or the United States prize courts to his doctrine; and I must hold that it would be a most unjustifiable inference if my noble Friend, having nothing to prove his case but the assertion of some naval captain, should say that the United States Government and the United States tribunals, being bound to do justice according to the law of nations, have entirely thrown aside the law of nations, and are prepared, against law and against justice, to interrupt British ships carrying on a legitimate trade in those waters.

The Marquess of CLANRICARDE: I quoted, not what the captain said he would do, but his official report of what he had done.

Earl RUSSELL: Well, that was his report of what he had done and his justification of it. Then my noble Friend went into various cases, into which I certainly do not mean to follow him. But he referred to certain decisions which he said had been made. The case of the *Adela* has been brought under the notice of the Foreign Office with respect to the judgment stated to have been given—a judgment which, if true, would be a very improper one. But, on consulting the Law Officers of the Crown, and receiving their report as to the legal effect of the matters submitted to them, I desired Mr. Hammond to write a letter to the owners of the *Peterhoff*, in which there was this passage—

> "As regards the allusion which has been made to the case of the *Adela*, before Her Majesty's Government can form any opinion as to the judgment stated to have been given in that case, they

> must have before them a correct report of that judgment, it being impossible to rely upon the general representation of its effect contained in a newspaper paragraph, founded on printed letters, especially as none of the other judgments of the United States Prize Courts, which have been reported to Her Majesty's Government during the present war, evince any disregard of the established principles of international law."

I desired Mr. Hammond to write that letter, because such was the substance of the report of the Law Officers of the Crown. I have been careful to refer every case of complaint that might come to us, whether through Lord Lyons or from the owners of vessels, to the Law Officers of the Crown; and they, after attentively watching all these decisions, say there has been no rational ground of complaint as to the judgments of the American Prize Courts. My noble Friend, reviewing the proceedings connected with the trial of the case of the *Peterhoff*, declares on his own authority that the decision, pronouncing a certain person to be an alien enemy of the United States, is a wrong decision, and he wishes the Government of this country to proceed upon his judicial determination that that decision of the United States Court is erroneous. Well, it may have been erroneous, but I confess myself totally unable to judge whether it was right or wrong. But this I say, that a great country like the United States, having tribunals constituted under its own laws for the determination of these questions of prize, those tribunals are not at once to be held to be of no value, and to have decided against the law of nations. On the contrary, our presumption must be, that as their knowledge of international law is very great, so their impartiality and their desire to do justice must be for the present unquestioned. We may be told, and it has been very often repeated, that a Judge, sitting in a national Court, and bound to decide according to the law of nations, decides for all other nations interested in these questions of international law—that he does not decide solely for the benefit of England or of any one other country. Lord Stowell, in the great Swedish case, said—

> "I am saying in a British Court what I would have said if I had been a Judge in a Swedish Court, and have felt myelf compelled to decide according to the law of nations, and the authority of great jurists and established precedents."

Are we to suppose, that the Judges of the United States Courts, who are always quoted with respect and often with admiration by the great text writers on international law, whether in Europe or America—are we at once to conclude, because a navy captain has given a very faulty account of his captures, and because in one or two cases wrong has evidently been done, that the Courts of the United States have sunk into such a state of degradation that they will not do justice to the subjects of another country? My noble Friend says that many of these vessels have been taken on very slight suspicion, and that this shows a foregone conclusion to interrupt British traders proceeding from this country to our Colonies or to Matamoras on lawful voyages. With respect to that matter, I must ask this House to attend a little to circumstances which have evidently escaped my noble Friend. Those circumstances are these:—It has been a most profitable business to send swift vessels to break or run the blockade of the Southern ports, and carry their cargoes into those ports. There is no municipal law in this or any country to punish such an act as an offence. The acting Consul at Charleston, I understand, states, that every cargo which runs the blockade and enters Charleston is worth a million dollars of profit upon the transaction. Now, it being well known that these large profits may be made, it is well known that this trade has attracted a great deal of attention in this country from those who have a keen eye to such gains, and that vessels have been sent to Nassau, which have afterwards been engaged in breaking the blockade at Charleston, Wilmington, and other places, and carry contraband of war into some of the ports of the Southern States. Well, is it wonderful—is it a matter of which we can complain—that the cruisers of the United States look with suspicion upon vessels that are bound to Nassau, or are going from Nassau—that they should very frequently stop them to ascertain from their papers whether they are not intending to break the blockade, or carry contraband of war to the Southern ports? Well, there are two positions in which some of these vessels are placed. They are sent out with a view to an attempt to break the blockade, and directions are given in the captain's papers that he is to attempt to break it, and insurances are effected against the risks of capture or destruction that may attend the attempt. There is one position, in which they very often make a most fortunate voyage and lucrative trade; and they exult exceedingly on the immense gains they make. But there is another position in which the owners of such a vessel sometimes find themselves—namely, that their vessel is captured, when the owner immediately comes to the Foreign Office with all the air of injured innocence, declares that nothing was further from his thoughts than the breaking of the blockade, and asks that the strongest representations may be made to the American Government on his behalf, and that reparation may be demanded. There are some instances in which, I have no doubt, the American cruisers have acted upon slight suspicion, and had no claim to seize the vessel; but that they should look with jealousy upon such cases as I have mentioned is by no means wonderful. We must be somewhat slow and cautious in believing all the reports which are made to the Foreign Office by the owners of ships. Above all, I certainly am not prepared to declare, nor is there any ground for declaring, that the Courts of the United States do not faithfully administer the law, that they will not allow evidence making against the captors, or that they are likely to give decisions founded, not upon law, but upon their own passions and national partialities. Another case, into which I need not enter, is that of certain cargoes going from New York, and alleged to be contraband of war. The American Government say they will not allow American ships to leave New York with certain goods, bound for certain ports; and that because they will not allow their own vessels, therefore they will prevent British ships. We have argued, on the other hand, that the municipal law is not sufficient in the case of British vessels; and I think our argument is conclusive. My noble Friend having introduced this subject very generally, I may state, in justice to Mr. Adams, that he thinks that what he did lately with respect to vessels going to the Mexican coast has not been accurately represented by me in the statement I addressed to your Lordships some time ago. He says it would appear from my statement as if he had proposed to interfere with British vessels, giving an advantage to one British ship over another, supplying a sort of certificate of character to some merchants as against others. Now, Mr. Adams assures me he never intended to give any such advantage to one British vessel over another, but he thinks he had a perfect right to give certificates to American citizens with a view to a trade with Mexico. I do not know, of course, whether any person supposed from my statement that British vessels were to be interfered with by Mr. Adams. Upon that point his own letter was not quite clear; but I confess my own opinion is, that the letter of licence given by Mr. Adams was one which ought never to have been given. I may mention that the French Government were somewhat surprised at seeing an enterprise against the French in Mexico spoken of rather in terms of praise by the American Minister in this country; but they were satisfied the American Government did not know anything of the matter, and therefore did not think it necessary to take those measures which, in other circumstances, they might have adopted. With respect, then, to the complaint of the noble Marquess, although in some cases we have reason to think the American cruisers were wrong, yet, on the whole, the indictment of my noble Friend is not borne out, and there is certainly nothing to justify his charges against the American Government, as represented by the President and the Secretary of State, or against the American Courts of Prize. We must wait and see what is the whole proceeding in the case of the *Peterhoff* and other vessels before we can judge fairly whether those Courts have acted rightly or wrongly. Meanwhile, I do not think it would be right, in compliance with the request of the noble Marquess, to lay before Parliament such loose reports as we have from newspapers of the proceedings of the American Prize Courts. If we are to give anything to Parliament at all—and, for my own part, I confess I think it extremely doubtful whether we should publish the proceedings of foreign courts—we should at all events take care that the reports are full and authentic. When we get authentic reports, there may, perhaps, be no objection to their production, should your Lordships desire to see them; but, in the mean time, we have no papers to lay on the table. A few words more, and I have done. Let it be remembered that there is immense excitement in America about the proceedings of the *Alabama* and *Oreto*, and another vessel, which the Americans say have been fitted out and armed with the connivance of the British Government, and which are preying upon American commerce. I do not think that charge can be justified. The Foreign Enlistment Act is liable to be evaded by a ship being built here as a merchant ship and then taken elsewhere to be armed; but still there is a strong opinion in America that the British Government intends to prey upon American commerce, and take part in the war; while here, on the other hand, there is just as strong, and, I believe, quite as justifiable an opinion that the American cruisers are preying upon British commerce. I cannot help thinking that the two nations are somewhat in the case of the two respectable persons who last winter, when great alarm prevailed about garotting, met and attacked each other in the belief that each was a garotter. Your Lordships will recollect reading in the newspapers how one of them, calling upon a friend later in the same evening, complained of having been attacked by garotters, and how his friend condoled with him, saying that his own son was in bed upstairs suffering from a similar assault. Then, you will remember, it turned out that the two had mutually taken each other for garotters, and had punished each other rather severely. So it is, I think, with America and this country. They are a little excited in the same way; but I am convinced the American Government do not really intend to disturb our commerce; while I am certain that neither the British Government nor the British nation have any wish to interfere in the contest now going on in America. I hope that, as in the case of the sham garotters, they will eventually be reconciled to each other; and that, seeing they are old and respectable friends, the little passing excitement under which they now labour will speedily end in the restoration of their ancient amity.

THE EARL OF DERBY: My Lords, I think the noble Earl has satisfactorily answered the remarks of the noble Marquess. I quite concur in his opinion that we ought not rashly to assume that the Courts of the United States will give decisions contrary to law and justice, and I also quite agree with him as to the temper in which both parties ought to look upon this question, and that we should make every allowance for the provocation which the Americans must feel from the large extent to which a contraband trade has been carried on with Confederate ports. I do not wish to enter into a discussion of the general question, but there are two points upon which I should be glad to have a word of explanation. In the first place, did I understand the noble Earl to say that there are captains who had instructions from their owners to break the blockade, and that the very papers showed those instructions on the face of them. I can hardly imagine that such is the case. Apart from the utter folly and absurdity of placing on the ship's papers such a statement, which must result in her detention and inevitable condemnation, I think it is so glaring a case in itself that my noble Friend must have been misinformed. I admit that a strong feeling has been excited in America in consequence of the extent to which contraband trade is carried on, and I have no doubt that a large amount of the trade to Matamoras is intended to be made the subject of illegal traffic between that port and the Confederate States. It may be suspected that a large portion of a cargo proceeding to Nassau and Matamoras is intended for the Confederate States. But does the noble Earl say that on account of that suspicion an American cruiser would be justified in doing more than ascertaining what was the immediate destination of the vessel? If a vessel were proceeding *bonâ fide* from this country to Nassau, whatever might be the nature of her cargo no American cruiser has a right to interfere with her; and, no matter what may be the ultimate intentions of her owners, even though it were meant that she should herself subsequently proceed from Nassau to the Confederate States, and endeavour to break the blockade, that would afford no justification for her seizure by an American cruiser previously to her entering the harbour of Nassau. I hope the noble Earl has not conceded to the American Government anything like an acknowledgment that under these circumstances they are justified in interfering with a vessel sailing from one neutral port to another, whatever grounds of doubt there may be as to her future course. I am sure that it will be a satisfaction to your Lordships, and to the country, if the noble Earl is able to clear away any misconception on the subject.

EARL RUSSELL: It is quite true that in one case at least an American captain found among the papers—not the regular, but the private papers—of a captured ship an order to break the blockade. In regard to the other and more serious matter referred to, the noble Earl certainly misunderstood me when he supposed I meant to say that a vessel going to Nassau, intending afterwards to make another voyage, might be captured on her way thither. What I alluded to was a case of simulated destination—that is, a vessel pretending that she is going to Nassau when she is in reality bound for another port.

LORD CRANWORTH said, that the question to which the noble Earl had just referred had been raised in a celebrated case which was decided by Lord Stowell.

In the course of our war with the first French Empire a ship proceeded from Lisbon, which was a neutral port, with a cargo apparently destined for China. She, however, carried a number of French officers, and she was seized in the Eastern seas on the ground that she was proceeding with them—they being, of course, contraband of war—not to China, but to some French or Dutch island. Lord Stowell, in deciding upon the case, stated that if she were going to China, he had nothing to do with her; but inasmuch as he had come to the conclusion that the alleged destination was but a pretence, and that she was really on her way to a French or Dutch port, he declared the seizure to be justifiable and legal. There could be no doubt that that was the law of the case, and that a neutral vessel carrying contraband of war could not be legally stopped on her way to a neutral port, whatever might be her subsequent destination.

The Marquess of CLANRICARDE said, if any inconvenience would be occasioned by the production of the papers he had asked for, he would withdraw his Motion.

Motion (by leave of the House) *withdrawn.*

House adjourned at a quarter past
Eight o'clock, till To-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Monday, May 18, 1863.

MINUTES.]—Supply—*considered* in Committee—Civil Service Estimates—Post Office Packet Service.

Public Bills—*Second Reading*—Vice Admiralty Courts (*Lords*) * [Bill 129].

Committee—New Zealand Boundaries (*Lords*)* [Bill 112]; Land Drainage (Provisional Orders)* [Bill 85]; Salmon Fisheries (Scotland) Act Continuance * [Bill 117]; Offences (South Africa) [Bill 113].

Report—New Zealand Boundaries (*Lords*) * [Bill 112]; Land Drainage (Provisional Orders)* [Bill 85]; Salmon Fisheries (Scotland) Act Continuance * [Bill 117]; Offences (South Africa) [Bill 113].

Third Reading—Prison Ministers [Bill 24], and *passed*; Thames Embankment (North Side)* [Bill 94], and *passed*; Vaccination (Ireland)* [Bill 70], and *passed*.

THE COTTON DISTRICTS.—QUESTION.

Mr. FERRAND said, that on that day three weeks, when he brought under the notice of the House the condition of the operatives of Lancashire, the right hon. Gentleman the President of the Poor Law Board stated that an Engineer had already been sent down to the distressed districts, and he had no doubt the Report of that gentleman would be made in about three weeks' time. He now wished to ask the right Gentleman, If he has received the Report from the Engineer sent down into the Cotton Districts, and if he will lay it upon the table?

Mr. C. P. VILLIERS: In answer to the hon. Gentleman's Question, I have, Sir, first to observe that he misunderstood the statement made by me on the occasion to which he refers. I do not know that I gave any ground for the misapprehension. I could not have said that I had already sent down an Engineer, for the proposal to take such a step was one which I made in lieu of the proposition made by the hon. Gentleman himself, and of the proposition of another hon. Member, as I thought it more suitable; but I said I did not think that more than three weeks would be required for a competent person to complete the inquiries. I have now to answer that the Civil Engineer who was directed to make these inquiries has this day forwarded to me a Report. He has not concluded his inquiries, but by means of great industry and energy the Report is very nearly complete. Such as it is, it will be laid on the table to-morrow.

THE AUDITOR OF THE PRIZE ACCOUNTS.—QUESTION.

Mr. LIDDELL said, he wished to ask the Secretary to the Admiralty, Whether it is true that the late Accountant General has been in the receipt of £300 per annum from the funds of Greenwich Hospital; and, if so, what duties on account of the Hospital he performed; whether his successor continues to receive the same salary and to perform the same duties; and, if not, what arrangements are made for the proper auditing of the Prize Accounts, and under what authority the remuneration for the performance of such duties is charged upon the Revenues of Greenwich Hospital?

Lord CLARENCE PAGET: In answer to my hon. Friend, Sir, I have to say, that Sir Richard Bromley late Accountant General of the Navy, enjoyed a sum of £300 per annum on account of duties, which I believe were onerous, performed by him in connection with auditing the

Prize Accounts; but that money was not taken from the funds of Greenwich Hospital, but from a fund created by a charge on all Prize Monies for various contingencies, future claims, and other matters.

Mr. LIDDELL: But those funds belong to Greenwich Hospital?

Lord CLARENCE PAGET: No; they had nothing whatever to do with Greenwich Hospital. They were naval prize monies, bounties, and other monies, of which an annual account was laid before Parliament; and if the hon. Member will look to that paper, he will find amongst the items a sum of £300 paid to the Auditor of the Prize Accounts. That was the sum paid to Sir Richard Bromley. My hon. Friend also asks what are the intentions of the Admiralty in respect to the future. The question who should be the Auditor of the Prize Accounts, and likewise what salary he should receive, is now under the consideration of the Government.

RELATIONS WITH BRAZIL.

QUESTION.

Mr. POLLARD-URQUHART said, he wished to ask the Under Secretary of State for Foreign Affairs, Has the Brazilian Minister demanded his passports, or made any communication to Her Majesty's Government to the effect that he has instructions which may require him to suspend Diplomatic Relations between England and Brazil; is any correspondence pending; and will it be laid upon the table of the House when complete?

Mr. LAYARD said, in reply, that the only answer he could give to the hon. Gentleman's question was that the correspondence between Her Majesty' Government and the Brazilian Minister was still pending, and therefore it would be highly inconvenient to lay it at present upon the table of the House.

MODEL SCHOOLS IN IRELAND.

QUESTION.

Mr. O'REILLY said, he rose to ask the Chief Secretary for Ireland, When the Returns relative to Model Schools in Ireland, which have been ordered, will be laid upon the table of the House?

Sir ROBERT PEEL, in reply, said, the Returns would be ready next Thursday, and would be laid on the table immediately after the Whitsuntide holidays.

THE SCOTCH UNIVERSITIES—ARMY COMMISSIONS.—QUESTION.

Mr. DALGLISH said, he would beg to ask the Under Secretary of State for War, Why, in the recently published Regulations for Commissions in the Army the Universities of Scotland have been omitted from the list of Universities whose Graduates holding the degree of B.A. or A.M. were enabled to get commissions without passing the usual examination?

The Marquess of HARTINGTON said, in reply, that if there had been an omission, it had been one rather on the part of the Scotch Universities than on that of the Horse Guards. No communication had been received from these Universities stating that they were desirous of the privilege to which the hon. Member referred. If they wished to avail themselves of those regulations, and satisfied a Military Council that they possessed the necessary requirements, he believed there would be no difficulty in bringing them within the rule.

VOLUNTEERS BILL.—QUESTION.

Mr. HUMBERSTON said, he wished to ask the noble Lord, If he proposes to proceed with the Volunteer Bill this evening?

The Marquess of HARTINGTON said, it was not his intention to ask the House to proceed in Committee with the Volunteer Bill till that day fortnight.

THE CASE OF MR. JAMES.

QUESTION.

In reply to Mr. Roebuck,

Mr. CHICHESTER FORTESCUE said, that the delay in producing these Papers was owing to the pressure of business in the Colonial Office and in the printer's office. They were now in the hands of the printer, and he hoped to be able to lay them before the House very shortly. The Government were in expectation of receiving some further information from Sierra Leone respecting the case, but had not yet received it.

THE NEW COURTS OF JUSTICE.

QUESTION.

Mr. ARTHUR MILLS said, he would beg to ask the Secretary of State for the Home Department, Whether Her Majesty's Government have arrived at any decision as to the course to be adopted with reference to the building and concentration of

Courts of Justice, and the sites to be chosen for that purpose; and, if so, whether he will state what measures it has been determined to adopt?

Sir GEORGE GREY said, in reply, that it was the intention of his right hon. Friend the First Commissioner of Works to ask for leave to bring in a Bill for the appropriation of certain funds for the purpose referred to in the question of the hon. Gentleman. If he succeeded in carrying that Bill, a measure would be brought in next Session to enable the Government to effect what was desired in relation to the Courts of Justice. Such a Bill as the latter could not be brought in this Session, as the necessary Standing Orders had not been complied with.

MAIL SERVICE BETWEEN DOVER AND CALAIS.—QUESTION.

Sir STAFFORD NORTHCOTE said, he wished to ask the Secretary to the Admiralty, Whether any personal or written communications have taken place between the Post Office and the Admiralty, or between any Officers of the Post Office and the First Lord of the Admiralty, with reference to the employment of Admiralty Vessels for the Mail Service between Dover and Calais, or Dover and Ostend?

Lord CLARENCE PAGET replied, that the only communication that had taken place on the subject within the last few weeks was a personal one. A gentleman from the Post Office had come to see his noble Friend the Duke of Somerset, and likewise himself, to ask whether, in the event of any difficulties, the Admiralty could give their assistance in carrying the mails between Dover and Calais and Dover and Ostend. The Duke of Somerset said it would be highly inconvenient to the public service that the Admiralty should be called upon to furnish any such assistance.

THE GLASGOW MURDER—CASE OF JESSIE MACLACHLAN.

QUESTION.

Mr. BLACKBURN said, he would, in the absence of the hon. Member for Perthshire (Mr. Stirling), beg to ask the Secretary of State for the Home Department, When the Papers on the Maclachlan case, moved for as an unopposed Return on the 4th of May, will be laid upon the table?

Sir GEORGE GREY, in reply, said, that the Papers referred to by the hon. Member were very voluminous, including as they did the whole of the proceedings at the trial, and therefore a considerable time had been required for their preparation. They would, however, be laid on the table to-morrow.

THE DEAD MEAT MARKET IN THE CITY.

QUESTION.

Sir MORTON PETO said, he would beg to ask the Secretary of State for the Home Department, If he can inform the House why the Corporation of the City of London have not proceeded to construct the Dead Meat Market in Smithfield, for which an Act was obtained in the year 1860?

Sir GEORGE GREY, in reply, said, he had possessed no means of answering the question, or giving the hon. Baronet the information he required; but that afternoon he had received a letter from the City Solicitor, written in consequence of that gentleman having seen the hon. Baronet's notice; and if the hon. Baronet moved for the letter, he would produce it.

MR. ODO RUSSELL AND THE PAPAL GOVERNMENT.—QUESTION.

Lord JOHN MANNERS said, he wished to put a Question to the noble Lord at the head of the Government. The noble Lord said that he would look through the despatches of Mr. Odo Russell and see whether there was anything in them which should be laid before the House for their information. He wished now to ask the noble Lord, Whether he is prepared to say whether those despatches can be produced or not?

Viscount PALMERSTON: The statement made by my hon. Friend the Under Secretary of State was not founded upon a despatch, and there is no despatch that will bring out the point the noble Lord wishes to elicit. From time to time my noble Friend at the head of the Foreign Office lays before Parliament despatches which explain the course of various transactions, but in this case there is nothing at present that we are prepared to lay on the table.

Lord JOHN MANNERS: Then I understand that the statement made the other night by the Under Secretary is not founded upon any despatch at the Foreign Office from Mr. Odo Russell?

Mr. LAYARD: I wish to explain. The noble Lord appears to labour under a misapprehension upon this subject. When a similar assertion was made the other evening, I refrained from saying anything, though it was my conviction that I said nothing whatever about a despatch, or anything to produce an impression upon the mind of the hon. Member for the King's County (Mr. Hennessy) that there was such a despatch. I have since referred to every report of what I had said, and I find my impression confirmed, that I never said there was a despatch, or that what I had said was founded upon a despatch.

Mr. HENNESSY: I wish to ask, then, if there was no despatch, whether there was any communication or letter on the subject? When, in the course of the debate, a statement is made by one of the Ministers contradicting what has been stated in a publication which has been laid on the table by one of the diplomatists of Her Majesty's service, it is to be supposed that the Minister makes the contradiction upon authority, and certainly we all, I believe, understood that the authority the hon. Gentleman alluded to was a despatch.

Mr. LAYARD: My hon. Friend, in his Question to me, said that there were three despatches, two of which had been placed on the table, and the third, which had not been produced, was referred to by me in my speech. As I have just stated, that was an entire misapprehension. What I said and repeat now is that there is a moral conviction on my mind and on Mr. Odo Russell's mind that the facts he had stated were true. I did not refer to any despatch, nor can I find that any of the reports of what I had stated will bear that construction.

Lord JOHN MANNERS: Perhaps I may be allowed to mention what the hon. Gentleman did really say. The hon. Under Secretary said—

> "Mr. Odo Russell well knew upon what authority he had made the statement, and he would now state solemnly to the House that Mr. Russell had justified his statement, and showed that what he said was true."

Sir GEORGE BOWYER: I wish the Under Secretary would inform the House what were the grounds of the moral conviction which he stated to be on his mind. Has the hon. Gentleman received any communication on the subject?

Viscount PALMERSTON: I must be allowed to answer the Question of the hon. Baronet. Her Majesty's Government entirely decline to furnish him or any one else with any materials out of which a quarrel can be got up and perpetuated between Mr. Odo Russell and either the French or Papal authorities.

PRISON MINISTERS BILL—[Bill 24.]

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."—(*Sir George Grey.*)

Mr. BLACK said, that the Bill was a flagrant violation of the principles of religious liberty; and in allowing it to proceed thus far the House had made a false step, which he hoped they would at once retrace. The Roman Catholics were the only Dissenters for whose advantage the Bill was introduced, and the proposals to appoint Roman Catholic chaplains to gaols would be sure to lead to frequent angry discussion at the county meetings. It was not to be expected that sturdy Nonconformists who objected to pay church rates would willingly pay a rate which was to defray the salary of a Roman Catholic chaplain. Those who opposed church rates made a fatal blunder in supporting this Bill, and the sooner they retraced their steps the better. One effect of appointing Roman Catholic chaplains to gaols would be that they must be appointed to workhouses, for it would never be endured that chaplains were to be appointed to minister to the criminal, and not to the unfortunate and the sick and the aged. No class of Dissenters excepting Roman Catholics would ever have ministers of their denomination appointed as chaplains in gaols. His own notion of the proper plan was, that a chaplain should be appointed of the faith of the majority of the country—namely, that in England the chaplains should be Episcopalian, in Scotland Presbyterian, in Ireland Roman Catholic, with permission for the visits of the priests and ministers of the minorities, and of those other religious and benevolent persons who devoted themselves to the welfare of the prisoners. Of all the persons who visited the prisons he believed none did more good than those benevolent sympathizing Christians who went into the cells and read with the prisoners, and gave them good counsel and instruction. The practical working of the present Bill would, of necessity, interfere with all this. If a second Mrs. Fry were to wish to visit the prisoners, the Roman Catholic priest might prohibit her visits. Believing that the Bill would be a violation of religious liberty, that it would lead to angry debates, that it would be injurious to the Protestant Dissenters in England and Scotland, and that it would not benefit the prisoners themselves, he begged to move that it be read a third time on that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

SIR GEORGE GREY said, the subject had been so much debated that he would detain the House for a few seconds only. The fact upon which the Bill was grounded had not been controverted—namely, that there were among the inmates of the gaols of England and Scotland several thousands of Roman Catholic prisoners, for whose religious instruction no provision had been made beyond the special request clause, the practical effect of the law being that those prisoners were altogether without religious instruction. The principle of the Bill had up to that stage been sanctioned by the House, and he trusted that they would confirm their decision by agreeing to the third reading.

MR. NEWDEGATE said, the right hon. Baronet had reminded the House that there were several thousand Roman Catholic prisoners in the gaols of this country. It was to be regretted, that in proportion to the numbers of each denomination, the largest number of prisoners should be prisoners professing the Roman Catholic religion. But had one instance yet been adduced in which a Roman Catholic prisoner desiring the attendance of his priest had remained without it? Not one solitary instance. And such had of late been the increase of Roman Catholic establishments in the country that it would be most astonishing if there had been one. The fact was, the Bill did not profess to supply an absolute deficiency, but it did profess to exclude the Roman Catholic prisoners from the teaching of any but the priests of the Romish Church; and he (Mr. Newdegate) said advisedly that it did that against the will of the prisoner. That he asserted with knowledge of the fact. The point taken by the hon. Member for Edinburgh was a very valuable one. There had been no provision hitherto made for payment of Roman Catholic priests out of the rates; and when this payment was supplied from the county rates, it would rouse a determined opposition. At present, there was opposition enough to church rates; and if the Bill passed, they would not long be without opposition to county rates. On the part of the visiting justices, he would only adduce this fact. There was not one petition from visiting justices in favour of the measure; there were sixty-eight agains it. Besides, seventy-two boards of guardians had petitioned against the Bill. The saw, as they could not fail to see, that i the measure passed with respect to prison the fact would be used as a ground fo claiming similar legislation with respect to workhouses. It was announced by the Roman Catholic body in 1859 that they then expected the establishment of Roman Catholic chaplains for union workhouses and that step once obtained would lead t a further and larger demand. Surely tha was unexceptionable testimony as to th character of the Bill. It was only a step in legislation; it was so regarded by the Roman Catholics; it was so avowed. The right hon. Baronet had stated that the Estimates of the year contained a proposal for payment of Roman Catholic visiting chaplains in convict prisons; and that the proposal was sanctioned for the first time. But how was it passed? The Estimate was taken the first night after the Easter recess. When the House met, it was very thin; and it was urged that the Estimates which stood first on the Orders ought not to be passed under the circumstances. Well, the Government postponed those Estimates, and substituted another clause, including the Estimate for visiting priests of convict prisons. The Vote thus passed the House totally without notice, and without a single Member of the House except the Government being acquainted with the circumstance. Had not such been the fact, the objection to the Vote would have been as strong as ever. But even that Vote was not so objectionable as the Bill. A Vote in the annual Estimates did not imply the establishment of an office, and yet he never knew, till the accident he alluded to occurred, that Vote to be passed uncontested. A short time since he drew the attention of the House to the fact that the right hon. Baronet had been obliged to dismiss one of these visiting priests. The right hon. Baronet refused the House the information asked on the subject. The House divided on the question late one evening, and so great was the strength of the Government that the Motion for information was rejected. But he (Mr. Newdegate) had heard more of the case since, and no Member of the Government would contradict him when he said that the clerical personage in question had urged, that in the exercise of his religious functions, he ought not to be subject to the authority of the civil Government. And this assertion was but analogous with the repeated assertions which had been made by Roman Catholic prelates of late in this country, that their authority was superior to, and ought not to be controlled by any secular authority of the Government of the Queen. There was another point to which he would advert. Mr. Oakeley, a very distinguished member of the Roman Catholic Church, and once a Protestant, said the Roman Catholic Church was beginning to feel her true position in this country, and that they would no longer consent to be herded with other Dissenters; and the other day Mr. Wilberforce, also once a Protestant and now an Ultramontane Catholic, stated at Liverpool that the Roman Catholic Church was already dominant in several of the Colonies, and left the inference that she would soon be dominant here. It was clear, therefore, that every hon. Member who voted for the Bill voted for a long stride in the direction of raising up an antagonistic authority in this country, and placing that authority in a position of antagonism which could not but lead to collisions, heartburnings, and strife, as it had done before. Such was the nature of the Bill. The House were proposing to inflict upon the visiting justices of the gaols a jurisdiction which it was scarcely in the power of Government to exercise—that was, to control the rapidly increasing assumptions of the Roman Catholic hierarchy. They were doing that in the face of circumstances in Europe which had proved how intolerable was the domination of that Church under the influence which now guided her, and they were doing it on the plea of humanity, when the prisoners would far rather remain, as at present, free to claim the service of their priest if they wished it, but free also to avail themselves of the assistance of the Protestant chaplain should they be so minded. And let the House remember that these men dare not declare themselves Protestants; for, if they did, circumstances had come to his knowledge which prompted him to state to the House, that on leaving prison they would find impediments interposed against their getting employment amounting to a terrific penalty. The House were about to place these Roman Catholic prisoners under that penalty—to declare themselves adherents of a Church from which he knew that many of them would be glad to escape.

MR. ADDERLEY said, he could not but complain of an assumption of liberality and religious toleration on the part of the supporters of the Bill, an assumption at all times ungracious, and in that instance singularly ill founded; because if there was any difference as to liberality and consideration of others between those who supported and those who opposed the Bill, it would be entirely in favour of those who opposed it. The promoters of the Bill took no care of the smaller numbers of Catholic prisoners or Dissenters whose religious requirements might be unprovided for. There might be a dozen here and half a dozen there, but they might all go to perdition for anything the Bill would do for them. But whenever a certain number were congregated in one prison, who could derive no comfort from the ministrations of a chaplain of the national religion, then for the first time the Bill came with a very pretentious provision. For his part, he should wish to see some provision made for all whose consciences would be violated by the religious ministrations offered, whether few or many, and that, he thought, might be done by means of a short and simple amending Bill. If, for instance, what was called the special request clause in the existing statute of George IV. were repealed, and responsibility was thrown upon the visiting justices of saying when special spiritual attendance was required, they being, at the same time, enabled to give such remuneration from time to time to the special minister attending as they might think fit, but without establishing for him that status which the present Bill contemplated, the Legislature would, he thought, be pursuing a more satisfactory course than in establishing rival officers to those of the national Establishment in public institutions which would create mischiefs far greater than those which it was intended to remedy. In Wales the Dissenters were 90 per cent of the population, and the Bill would enable a chaplain to be appointed for every shade of Welsh dissent in every Welsh prison by the side of the Church minister. It was, he might add, quite clear that the clergy of the Roman Catholic Church in this country considered themselves and their flocks in some sort in the position of aliens, recognising, as they did, a foreign jurisdiction; a view in entertaining which he was strengthened by a case which occurred a short time ago, in which two Sisters of Charity—members of the Roman Catholic faith—having been brought before a police magistrate for begging, pleaded in excuse the permission of the Pope. That being so, it would be seen how unfit a body of men the Roman Catholic priesthood were to be paid and salaried officials in the public institutions of this country. Another objectionable feature of the Bill was, that it would raise a Maynooth discussion annually in every county of England to which the provisions of the Bill should be attempted to be applied, and the grounds of discussion would be always changing. The Bill, in his opinion, went far beyond the occasion, and he hoped the House, though it had arrived at its last stage, would see the expediency of throwing it out, and substituting the specific Amendment of the existing law, which was all the case required. If, however, the Bill was passed, its principle must in justice be extended to all other public institutions.

Mr. BRIGHT: Sir, as I have not troubled the House during the discussions on the previous stages of this measure, I may perhaps ask the attention of the House for a few minutes while I give my opinion of it. I agree with a great deal of what has been said by the hon. Member for North Warwickshire and the right hon. Gentleman who sits on the opposite bench (Mr. Adderley). I believe that one effect of the Bill will be to create a great deal of uncomfortableness among the class which the hon. Gentlemen represent; and it may stir up angry feeling in some counties when the Act shall be put in force. I hope it will not; but if it should do so, it will be attributable to the very foolish excitement that was raised in this country ten or twelve years ago on the Catholic question. The right hon. Gentleman says it is the pretentious nature of this Bill he so much dislikes. I presume he would wish the Roman Catholic prisoners should have as much spiritual assistance from their ministers as the Protestant prisoners have from the clergy of their church. I do not charge the right hon. Gentleman with anything so cruel as the wish that Roman Catholic prisoners should be left without religious care while under the care of the Government; but he wishes to see this done in the kind of way that the Church—asserting its supremacy —generally desires to see Catholics and Dissenters treated. I presume he wishes that the Catholic priest shall not come to the prisoner when he thinks proper, but only when the prisoner shall think proper, and shall be paid a fee of so much as the visiting magistrates shall determine, and shall occupy a status quite different from that given to the minister of the Established Church. Understand me, I bring no charge against the right hon. Gentlemen; I do not say that they wish the Roman Catholic prisoner to be ill-treated, but that they are, during this discussion, leaving out of view the real wants of the Catholic prisoners, and are looking only to maintain the supremacy of their own Church. The hon. Gentleman opposite says, that in proportion the Roman Catholic prisoners are more numerous than the protestant prisoners. That arises from this simple fact, that they are a poorer class of the population, exposed to greater temptation, probably on the whole less educated, and therefore a greater number of them are under the charge of the Government, and in the public prisons. I cannot understand the liberality of the right hon. Gentleman, who keeps his eye so fixed upon the supremacy of his own Church and the status of his own ministers, that he is ready on their account to sacrifice the obvious and plain right of those prisoners and the obvious and plain duty of the Government in regard to them. I do not want to pay the ministers of the gaols at all; I could recommend a better plan than that which is embodied in this Bill, or than that of the right hon. Gentleman. I do not believe that there is in this country a city in which there is a gaol in which there are Protestant and Catholic prisoners in which city you might not find benevolent and Christian men who would devote to the teaching of those prisoners all the time that is necessary, and that without any Act of Parliament to enforce it, or any regular stipend for it. But that is not a plan which the Government recommends or to which this House would be likely to consent. You adopt the other plan—that of having a minister of your own Church, to whom you give a stipend, and to whom you appoint his duties. You have within the walls of many prisons a considerable number of Catholics; upon every principle of justice and equality, as among the population of this kingdom, these prisoners have a right to be treated with the same constant care, with regard to their education and their moral and religious training, while under the care of the State, as are prisoners of any Protestant denomination, and the members of your own Church. Therefore, I who do not want to pay either Church minister or Catholic priest, cannot, in my conscience, leave things as I now find them, and am bound to vote for this Bill. I was extremely pleased to find, from the report of a former debate, that my hon. Friends the Members for Leeds and Sheffield, than whom no two men in this House better comprehend the principles of Nonconformists with regard to religious equality, or are better entitled to speak on behalf of that great class who are not in connection with the Established Church, proved their genuine knowledge of their own principles and their sense of what is due to Catholic prisoners by giving their support to this Bill; and I am very glad to have the opportunity of saying these few words and giving a vote in its favour.

Question put, "That the word 'now' stand part of the Question."

The House *divided* :—Ayes 196; Noes 167: Majority 29.

Main Question put, and *agreed to.*

Bill read 3°, and *passed.*

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

THE CONVICT STUART FARQUHARSON.

QUESTION.

COLONEL NORTH said, he wished to put a Question to the right hon. Gentleman the Secretary of State for the Home Department with regard to a convict supposed to have lately returned to this country. William Stuart Farquharson, *alias* Frederick William Stuart, having been tried at Oxford before Mr. Baron Martin, and pleaded "Guilty" to a charge of forging the indorsement to a bill of exchange, the Judge, in passing sentence, referred to the fact that the prisoner had served as an officer in two or three militia regiments, and, by means of forged credentials, had obtained a curacy, which he held for some time, and in that capacity performed the baptismal, burial, and marriage ceremonies. Believing that his offence had been aggravated by the education and intelligence which he possessed, the Judge sentenced him to twelve years' penal servitude, at the same time expressing his regret that he was unable to award a severer punishment. The convict having been sent out to Bermuda, the right hon. Gentleman the Home Secretary, of course believing that such was the case, informed the House early in the present Session that Farquharson, with a large gang of convicts, had proceeded to Western Australia. But about ten days ago he learned, through an anonymous letter, that the *Sir George Seymour*, having this very Farquharson on board, had arrived in the Channel; and as much excitement existed in the part of the country where these evil practices had been carried on, he wished to express a hope that so dangerous a character should not obtain a ticket of leave, and be allowed to go at large. He would therefore conclude by inquiring of the Secretary of State for the Home Department, If it is true that a convict named William Stuart Farquharson, *alias* Frederick William Stuart, has lately arrived from Bermuda, and is now in Millbank Prison; and, if so, what is proposed to be done with him.

SIR GEORGE GREY said, he did not know the history of the case till he heard it from the hon. and gallant Member opposite, but on inquiry he had learned that the man was in Millbank Prison. He did not remember stating on a former occasion that the convict, by name, had been sent to Australia, because the names were not then known to him, the selection resting with the local Government at Bermuda; but on the breaking-up of the convict establishment there 200 convicts were sent to Western Australia, and the rest had been brought home. The hon. and gallant Gentleman, however, might rest assured that Farquharson had certainly not received a ticket of leave, nor under the regulations would he be entitled to one for several years to come. He would be dealt with precisely according to the same rule as other convicts undergoing sentences of similar duration.

MALTA EXTRADITION ORDINANCE.

QUESTION.

SIR GEORGE BOWYER said, he rose to ask a Question of the Under Secretary of State for the Colonies, or the First Lord of the Treasury, regarding the circumstances under which the Royal assent was given to the Extradition Ordinance lately passed by the council of Malta, after papers relating thereto had been laid before Parliament. The proposition he wished to maintain with regard to colonies with a mere constitutional form of government, which were practically governed by the Crown, was that a reasonable time ought to elapse between the laying of the papers relating to an Ordinance passed by the Colonial Government before Parliament and the Royal assent being given to that Ordinance. In the island of Malta a constitutional form of government existed, but in reality it was a mere form. The Governor was assisted by a Council, having legislative powers, and composed of a few elected members, but the majority of its members were persons holding official positions under the Crown. An Ordinance passed by the Governor in Council remained suspended for four months; and if the Royal assent were given to it within that period, it came into operation; and, on the other hand, if there was no disallowance of the Ordinance by the Crown, it by the mere lapse of time acquired the force of law at the end of the four months, and could only be repealed by another Act of Council, or by an Act of Parliament. The general practice had been not to give the Royal assent immediately, but to allow some time for consideration. Shortly before the meeting of Parliament he received intelligence that an Ordinance for extradition had been proposed by the Governor of Malta for the consideration of the Council. He was informed that it was an Ordinance of a very remarkable and unusual character, though he had been told by the noble Duke at the head of the Colonial Office that it did not include political cases. It appeared to him to be one liable to great abuse, as it included offences which might be charged merely for the purpose of obtaining the extradition of political refugees, but at any rate it comprised many offences not to be found in treaties as to extradition between this and other countries. Under the extradition treaty with France the crimes comprised were murder, attempt to commit murder, forgery, and fraudulent bankruptcy. Under the treaty with the United States the crimes included were murder, assault with intent to commit murder, piracy, arson, robbery, forgery, and utterance of forged paper. But the offences comprised in the Malta Ordinance were fourteen in number, of the most varied description—namely, unlawful arrest, detention, or confinement for the purpose of extorting money; rape, bigamy, taking away or concealing an infant or suppressing its birth, or substituting one infant for another; wilful homicide, or an attempt to commit wilful homicide, or wilfully inflicting severe bodily harm; abortion, malversation of public officers, any offences against public credit, fraudulent bankruptcy, theft, when aggravated by violence, by means, by person, or by place; fraud, in the cases contemplated in any one of the Articles 276 to 282 inclusive of the criminal laws of Malta; arson, wilfully sinking or destroying a vessel, or exhibiting any false light or signal with intent to bring any vessel into danger; and escape from a place of punishment when the fugitive was under sentence for one of these offences. Considering the number and variety of these offences, there would be no difficulty, if an abuse were intended to be made of the Ordinance, in getting up a charge in Italy against some political refugee in Malta, and obtaining the surrender of the person, who might then be tried in Italy, or not tried at all, but detained for an indefinite time, until, as the hon. Gentleman (Mr. Layard) or the Chancellor of the Exchequer had observed, the people of Italy had become thoroughly prepared for trial by jury, and were able to try persons according to the forms of English law. He would remind hon. Gentlemen, that though at present his friends were political refugees from Italy, the day might come when their friends might be in that condition. He did not therefore bring the subject forward from any party motive, but simply from a conviction that such a law was liable to great abuse. If the Italian Government wished to lay hold of a political refugee in Malta, what was easier, for example, than for the police to get some abandoned woman to swear a rape against him? There were women who would swear such a charge, if necessary, against the most respectable Members of that House; and if a deposition to that effect on oath were taken before a magistrate in Italy against a political refugee in Malta, that person must be delivered up to the Piedmontese or the Italian Government, to be dealt with as they chose. It might be said, that when a person was delivered up by virtue of the Ordinance, he was not to be tried for any offence except that for which he was delivered up. But that clause was a complete delusion, for the man might be sent to a dungeon, and might remain there—as Count Christen and many other persons long remained—without any trial whatever. And then, as the Italian Government did not bind themselves to try any person surrendered for no other offence than that for which he was surrendered, this country would have no right to interfere at all. On the 10th of February he asked for the papers regarding the Ordinance, but was told he could not have them, as the matter was under discussion by the Council of Malta. He applied to the Under Secretary of State about it, and he told him that the Extradition Ordinance was of the same character as those of other countries. The Duke of Newcastle told him the same thing. He afterwards moved an Address for the papers, which was agreed to, and on the 16th of March they were laid on the table. His hon. Friend had full notice that he intended to bring the Ordinance before Parliament; but he found a notice in the *Gazette* of the 31st of March, that the Royal assent to the Ordinance had been signified in Malta, and it therefore must have been given about a week after the papers were presented to Parliament. The result was, that the Ordinance had now passed out of the hands of Parliament. Any hon. Member wishing to interfere with it must bring in a Bill for that purpose. He thought the House was entitled to some explanation from the Government as to why the Royal assent should have been given to the Ordinance before Parliament had been afforded a reasonable opportunity of objecting to it.

MR. CHICHESTER FORTESCUE said, he was sorry if the hon. and learned Baronet imagined he had been deceived by any action of the Colonial Office. The real state of the case was this. Some time back the subject was brought under the notice of Her Majesty's Government by the Government of Malta, who, finding that from the position of the island they were exposed to an influx of criminals from the neighbouring countries, especially from Sicily and Italy, applied for an Extradition Ordinance. The matter had received careful consideration in the island and in the Foreign and Colonial Departments of Her Majesty's Government, and it had also formed the subject of negotiation at Turin, it being necessary that a corresponding decree should be made by the Government of Italy. The negotiations at Turin, on the part of the Maltese Government, were conducted by Dr. Dingli, a Maltese official and lawyer of the highest distinction. The result had been that in February last the Ordinance received the almost unanimous approval of the Council of Malta. About the same time the negotiations at Turin came to an end, certain modifications having been accepted. There had been no hurry in giving the Royal assent to the Ordinance; but the Government of Italy had a right to expect that such assent should be given without needless delay. The hon. and learned Gentleman urged that the mere fact of one Member of Parliament moving for a copy of such an Ordinance ought to have been sufficient to induce the Government to delay giving the Royal assent to it until he had had an opportunity of bringing the subject before the House. The hon. and learned Gentleman would not find many persons to agree with him in that doctrine. The Government would have been stultifying themselves if, after their long negotiations with the Government of Turin and the Colony they had longer delayed to give the Royal assent to the Ordinance. The Ordinance was passed at the request of the Government of Malta, and the Council of Malta, containing members elected by the inhabitants, had agreed unanimously to the greater part of the Ordinance. The only two points on which there was any question was, first, whether it was to be retrospective; that is, whether it should apply to persons who had committed offences before its promulgation; and next, whether the delivery of a criminal to the Italian Government should operate as a discharge of all other offences than that for which he was delivered up. The first point was settled by a clause in the Ordinance which provided that a notice of four months should be given to any person residing in Malta before it could be applied; and next, it was provided that the Ordinance should not come into effect until the Government of Malta had received from the Government of Italy a declaration protecting the person given up from prosecution for any other offence than the one for which he was delivered up. That was a protection entirely unknown in other cases. The list of offences was certainly unusually numerous; but it must be remembered that Malta was a place peculiarly exposed to be turned into an asylum for all manner of offenders. The greatest care had been taken to include in the list only offences of the gravest character, and that they should be all strictly defined. The hon. and learned Gentleman seemed to imagine that it would be easy for the Government of Italy to get hold of a political refugee by trumping up a criminal charge against him; but some degree of confidence was essential in these matters, and any Government which would act in such a way could not be dealt with by any form of treaty. The hon. and learned Gentleman's objection to the Ordinance arose, he was afraid, entirely from his unconquerable suspicion of the Italian Government. Her Majesty's Government did not believe, with the hon. and learned Gentleman, that it was necessary to provide greater safeguards against the Government of Italy than against any other Government, and they saw no reason for the suspicion and alarm which he expressed.

MR. DARBY GRIFFITH said, he was very glad that the hon. Baronet the Member for Dundalk (Sir G. Bowyer) had turned his attention to that subject, as the manner in which the Royal prerogative was exercised, with respect to the Colonies, was by no means satisfactory. It was worthy of consideration whether matters of the kind complained of were to be done in an almost clandestine manner at a time when they might be brought under the notice of the House of Commons. He (Mr. D. Griffith) had occasion lately to ask the Prime Minister and the Solicitor General how far the prerogative of the Crown would enable them to give up any possession of a Colony without the opinion of Parliament being taken thereon. The noble Viscount at the head of the Government stated that it was the prerogative of the Crown to give up any possession without the consent of Parliament; but the Solicitor General introduced an important qualification, that Parliament was to be consulted in the case of a settlement of a country by emigrants from this country, where the colonists carried out with them the laws and institutions of the mother country, and also in the case of a Colony for which this country had legislated. This would seem to introduce a very important modification of the doctrine of the noble Lord, since it might probably be presumed that there were few Colonies or possessions of the Crown the condition of which may not have been materially affected by Imperial Legislation. It was time that the country should know what the Prime Minister could do by the use of the prerogative of the Crown without the authority of Parliament.

Motion *agreed to.*

SUPPLY—CIVIL SERVICE ESTIMATES—PACKET SERVICE.

Supply *considered* in Committee.

(In the Committee.)

MR. PEEL said, he rose to move a Vote on account of £250,000, as part of the year's Estimate for the packet service, and he would call attention to the circumstance which affected equally the Vote on account and the entire Vote, that not only did the Estimate enumerate in the usual manner the various services among which the sum voted was to be appropriated, but it also named one particular service for the purpose of stating that no portion of the sum to be voted would be applied to payment for that service. He would endeavour to explain why the Government had considered it their duty to take such an unusual course, but he first wished to state that among the services enumerated were four in respect of which new contracts had been either agreed to or were proposed to be entered into. Those four services were the Galway, the Brazilian, the West Indian, and the Cape. It was intended that the new contracts for all those services should not be binding until, in accordance with a Resolution of that House, they had lain on the table for the period of a month without being disapproved by the House. The Government had not been able to lay those contracts on the table up to that moment, and they trusted that, without inconvenience, it would be possible to defer taking that part of the Estimate until the contracts had met with approval. The Galway Contract was still the subject of correspondence with the company. The contracts for Brazil and the Cape were in draught, and would be shortly signed, and instructions had been given to prepare the West Indian contract. With regard to the Cape service, the old contract expired in September or October last, and the Government being dissatisfied with the amount of contribution which up to that time they had received from the Government of Cape Colony, refrained from advertising for a contract to commence from its expiration. The service was expensive, and the amount received from the Cape was inconsiderable. The Government therefore informed the Cape Government that they were not prepared to continue the service, unless the Cape would agree to bear one-half the net loss; and understanding that the requisition would be likely to be assented to by the Colony, the Government authorized the old contractors to continue the service temporarily. Upon receiving a definite answer of assent from the Cape, they advertised for tenders; and as the offer of the old company was the most favourable, they accepted it; but the Government had stipulated that the service then going on, voyage by voyage, should be paid, from the time of acceptance, at the rate of the new contract, by which a saving to the public of £1,000 a voyage would be effected. He stated this, because it was possible that a portion of the Vote on account would be applied to payments under that agreement.

He would then proceed to explain the circumstances under which the Government had introduced the special words into the Estimate to which he had referred. They had been introduced for the purpose of giving effect to a Vote of the House which was tantamount to a declaration that it did not consider that the contract of Mr. Churchward ought to be fulfilled, having regard to the circumstance that he had resorted to corrupt expedients for the purpose of inducing the Government to prolong it. As far as Mr. Churchward was concerned, it did not matter at all that the late Government was not in the least influenced by those expedients, or that the Members of the Government upon whom the responsibility of deciding rested were not even cognizant of his having resorted to those expedients. If there had been no opinion of the House upon record, it might have been objected that the Government was taking the initiative for the purpose of relieving themselves of a contract which was binding on them, and that the proper and regular course would have been to submit a Vote for services to be performed by Mr. Churchward under his contract, leaving it to the Committee to adopt or reject that Vote, having reference to the Report of the Select Committee which had had the subject under its consideration. But the case was otherwise. The opinion of the House had been pronounced, and that opinion, deliberately and solemnly pronounced at the time, had not since been reversed. It must therefore be viewed as embodying the settled conclusion of the House upon the subject, and it became the duty of the Government, as they stated at the time would be the case, to follow the course which was indicated to them by the House. Having received no intimation of any desire on the part of the House to change the opinion at which they arrived when the subject was last under discussion, the Government had prepared the Estimate conformably to that opinion.

To explain the circumstances which led the House to come to the Vote to which he had referred, he must recur to the beginning of the year 1859. At that time, Mr. Churchward was the contractor for the services from Dover to Calais, and from Dover to Ostend, under a contract which, supposing a previous year's notice had been given, would have expired in the month of June 1863. He was paid for the ordinary services £15,500 a year; and for extra services at a rate fixed by the contract. Mr. Churchward, at the beginning of 1859, appeared to have been dissatisfied with the rate of remuneration which he received for the extra service. He complained that the number of Indian mails which he had to bring over from Calais by special boats had considerably increased, and also that the bulk of the Australian mails had become so large, that once a month he was obliged to provide special vessels for the purpose of transmitting them from this country to Calais. Under those circumstances, he made a further claim on the Government in January 1859. He was then asked to state what arrangements would meet the views for the future which he entertained, and he stated that what he desired was, first of all, that his contract, which was to terminate in June 1863, should be prospectively extended from that year to 1870; and next that he should have for his extra service a commuted fixed pay at the rate of £2,500 a year. Those proposals were favourably entertained by the Admiralty. They were forwarded to the Treasury with the recommendation of the Board of Admiralty that they should be accepted, and after some delay the sanction of the Treasury was given; a new contract was made, annulling that in existence, and taking effect from April 1859 to the middle of 1870, and providing also that Mr. Churchward should be paid a subsidy of £18,000 per annum. Now, it happened that the proceedings of that gentleman, to which he had just adverted, had taken place on the eve of a general election; and when the new Parliament met, a Committee having been moved for the purpose of investigating the general subject of packet and telegraphic contracts, and the relative authorities of the Executive and Parliament over those contracts, an hon. Member (Mr. Rich), now no longer in the House, called attention to the manner in which Mr. Churchward had negotiated for the extension of his contract. The consequence was, that the Committee which was appointed in 1859 proceeded in the first instance to investigate the subject of the extension of the contract, and made a Report before the end of the Session, from which he would ask permission to read an extract referring to Mr. Churchward himself. It was as follows:—

"It is in evidence before your Committee, that Mr. Churchward, one of the contractors, on the eve of the last general election, at the time when the extension of his contract was under consideration at the Treasury, volunteered his support as an influential elector for Dover to the Hon. Captain Carnegie, one of the Lords of the Admiralty, if he should become a candidate for that borough, on the expectation that his contract was to be extended; and expressed his intention, if required, to vote for two Government candidates for Dover. Your Committee think it right to add, that the renewal of the contract had been recommended by the Admiralty to the Treasury at least six weeks before the date of the conversation referred to."

The Committee then went on to exonerate the Government from all blame, and proceeded to say—

> "While most anxious for the fulfilment of all engagements entered into in good faith between the Government and individuals, the Committee submits for the consideration of the House whether Mr. Churchward, in having resorted to corrupt expedients, affecting injuriously the character of the representation of the people in Parliament, has not rendered it impossible for the House of Commons, with due regard to its honour and dignity, to vote the sums of money necessary to fulfil the agreement to extend his contract from the 20th of June 1863 to the 26th of April 1870."

That Report was presented to Parliament by the Select Committee in the month of August 1859, just previous to the termination of the Session. Shortly after the commencement of the next Session, an hon. Gentleman, now no more—Captain Leicester Vernon—who was a Member of the Committee, moved the following Resolution:—

> "That this House, having considered the Report and the Evidence presented by the Select Commitee on Packet and Telegraph Contracts, is of opinion, that the contract entered into on the 26th of April 1859 between the Commissioners of the Admiralty and J. G. Churchward ought to be fulfilled."

That Resolution was very fully discussed, and was negatived by a majority of forty-five in a House consisting of nearly 300 Members. He did not think it, on that occasion, necessary to argue the question, whether the decision at which the Committee of 1859 arrived was or was not right. He would simply say, that the Committee was composed of Members of position and authority; that it was presided over by the hon. Member for Rochdale; that it was constituted in equal parts from the two sides of the House; and that its decisions, though not unanimous, were still carried by such large majorities as to show, that these majorities consisting of Members from both sides of the House, the decisions come to were not merely the expression of party or political views, but the result of the judgment of Gentlemen dealing with the question submitted to them for investigation in a spirit of justice and of reason. He must further observe that the conclusion at which the Committee arrived was not opposed to the probabilities in the case. There could be no doubt that it was a great object with Mr. Churchward to obtain the extension of his contract. The subsidy which he was paid, though not excessive, was certainly liberal. He had entered into a contract with the French Government, which was to last up to the year 1870, and he had frequently stated that it was impossible to work that contract profitably to himself unless he could obtain the extension for which he asked of his contract with the English Government, so as to make it conterminous with that between him and the French. The decision of the Committee under those circumstances, though there was undoubtedly conflicting testimony given before it with regard to the language used in conversation between Mr. Churchward and Captain Carnegie, yet had the advantage of having been based upon testimony which the Committee themselves heard, while they had the whole case in all its bearings and relations under their notice in one view. Hon. Members were therefore, he must say, justified in assuming that the view of the matter taken by the Committee was the true one—namely, that Mr. Churchward did offer, in conversation with Captain Carnegie, to sell his political influence in the borough of Dover as the price of the extension of his contract. The House of Commons, in 1860, had that Report before it; and being invited by a Member of the Committee to declare that the contract ought to be fulfilled, had, as he had before stated, negatived the proposal by a large majority. Now, he need not say that it could be no ordinary circumstance which could induce the House of Commons—always so anxious to give every contractor the benefit of all the engagements into which he happened to enter with the Government, even in cases where it might deem those engagements disadvantageous to the public—to decide that they would not fulfil the particular contract in question. But if there ever was a case in which the House was morally and legally right in the course which it adopted, it was the present. The offence with which Mr. Churchward was charged was a breach of the privileges of the House; it was an attempt to interfere with the freedom of election, and with the independent choice of a Member of Parliament. It was, moreover, an attempt to make that interference a groundwork for a corrupt bargain, by which he was to bind not only the Executive, but the Parliament of the country. Was it, then, natural that the House of Commons, unless obliged to do so, should give any assistance to Mr.

Churchward to carry to a successful issue a contract for the attainment of which he had resorted to so corrupt an expedient? It was not a case which the House could ignore. They must either distinctly support Mr. Churchward or as distinctly refuse to take that course, because the words of the contract were that the payment for the services to be rendered should be made out of monies to be provided by Parliament, and were inserted for the express purpose of reminding contractors that they must depend for the payment for their services upon annual sums to be freely voted by that House. It appeared to him that the House might, under the circumstances, fairly refuse to make any further provision for the services to be rendered under the contract. There were in the contract itself many conditions, the breach of any one of which would justify the Government in annulling and setting it aside. Would, then, the House of Commons require too much if it insisted upon the fulfilment of that condition which was a vital and essential part of every contract—namely, that the parties entering into it should be free from any charge of having resorted to corrupt expedients?

Some hon. Gentlemen might be disposed to observe upon the circumstance that the vote of the House of Commons to which he had been referring was pronounced in the beginning of the year 1860, and that it was now 1863; and to ask for some explanation as to what had taken place in the interval between those dates. It should be remembered that in 1859, when Mr. Churchward entered into the present contract, he had another, which would have lasted until the month of June 1863, and it was clear that he would not have surrendered that contract except in the expectation of receiving a better one in its stead; and the passage from the Report of the Committee, which he had read, showed that all they desired was that Mr. Churchward should not have the benefit of the extension of his contract from the 20th of June 1863 to the 20th of April 1870. That being the case, shortly after the vote of the year 1860, the Treasury placed themselves in communication with Mr. Churchward and the Post Office, with the view of coming to an understanding as to the manner in which the service should be performed between that date and the present time. That correspondence, which he would read, would show that the question had not been prejudiced by the contract remaining in operation up to the present time, but that the Committee was as free to deal with the matter as it would have been if it had come before it immediately after the vote in 1860. The first letter, which was from the Post Office to the Treasury, dated 19th May 1860, was to this effect—

> "My Lords,—In accordance with the wish expressed verbally by Mr. Laing to Mr. F. Hill, Mr. Churchward was requested to call at this office for the purpose of discussing the course to be pursued in reference to the mail service between Dover and Calais and Dover and Ostend, under the late decision of the House of Commons; and in consequence of the personal communication which took place he has addressed a letter to this Department, in which he states that he is willing to continue to perform all the services specified in his contract of April 1859, upon the terms of that contract, up to the time when the contract of June 1855 would have expired—that is, June 1863, without prejudice to his right to submit the question of the validity of the contract of 1859 to a court of law, should the Government then offer him new terms or propose any alterations which he is unwilling to accept."

To that letter the following answer was given:—

> "Write to the Post Office that my Lords have no objection to the arrangement recommended by the Postmaster General—namely, that the services between Dover and Calais should continue up to June 1863, as it would have done if the renewal of the contract in 1859 had never been obtained; with this single exception that the payment of the extra services should be made at the commuted rate of £2,500 a year, instead of by the piece, as agreed to in 1859; such a commutation appearing to be more convenient, and, on the whole, not more burdensome for the public. Under this arrangement Mr. Churchward will, of course, retain whatever legal right he may consider himself to possess in June 1863; but it must be understood that Her Majesty's Government do nothing to admit the validity of any such claims, or to prejudice the decision of the House of Commons. It must be understood, also, that the Government can only pledge themselves to propose and support in Parliament a Vote for the services as proposed up to June 1863, and cannot bind the decision of the House of Commons, though they see no reason to anticipate any difficulty in obtaining such Votes for the period in question."

That correspondence showed that the Dover and Ostend service had been carried on, up to the present time, under the contract of 1859 and the agreement made by these letters. That agreement was about to terminate, and it therefore became a question for the House to decide whether it would provide funds for the continuance of Mr. Churchward's services under this contract. He was quite aware that that question would be decided by the

House upon considerations of the highest character, affecting the integrity and interest of the public service, the honour and dignity of that House, and with a due regard to what was required with a view to discourage contractors from relying upon any expedients except straightforwardness and fair dealing in negotiating with the Government to obtain contracts which they might desire.

At the same time, it might be convenient that he should state to the Committee what steps the Government had taken in anticipation of the House declining to provide funds for the continuance of that contract of Mr. Churchward after the following June. In the first place they gave a year's notice to Mr. Churchward that they should take the course which they were adopting. At present the two services from Dover were combined in one contract, but it was thought that it would be more convenient that they should be separated, and upon that footing they advertised for tenders. With regard to Dover and Ostend, they had received a tender from the Belgian Government offering to perform the service which was performed by Mr. Churchward. That service was one of three nights a week. The Belgian Government performed the service of the other three nights. They had lately established a day service on every day of the week, and they had now offered to perform the whole service for a subsidy of £4,000 a year. That was a proposal which was advantageous to this country, and it had been accepted; the acceptance being made conditional upon the refusal of the House to continue Mr. Churchward's contract after June next. [An hon. Member: What did Mr. Churchward get?] It was usually estimated that about two-thirds of the subsidy paid under Mr. Churchward's contract was paid for the Ostend service. With regard to the Calais service, the Government had received several tenders, and had accepted one of a Mr. Harrington, who undertook to perform the service for seven years at the rate of £5,000 a year, receiving a premium of £5 on every occasion, in which the journey was performed in less than the time allowed, and being paid for any special packets which might be employed to convey the India, China, and Australian mail. The number of special boats so required had, owing to the improved arrangements of the French railways, been greatly diminished; and therefore, at a liberal calculation, these extra payments would not amount to more than £3,000 a year, making altogether £8,000. Adding to that sum the amount to be paid to the Belgian Government, they should in the future pay £12,000 a year for what was now costing £18,600. Mr. Harrington's tender had been accepted on the same terms as that of the Belgian Government. Mr. Harrington at first said that he could not rest satisfied with a conditional contract, but he had since written to say that he did not intend to withdraw his tender, but that he was anxious that he should not be required to commence his service from the month of June, but should be allowed an interval of a few months to prepare his vessels. He had made all the observations which he thought it necessary to offer to the Committee in explanation of the Vote. His object was not to influence the judgment of the Committee, but simply to recall the necessary facts to their recollection, and to place the question in a convenient form for them to decide whether they would or would not provide funds for the future performance of services by Mr. Churchward under his contract of 1859. With these remarks, he would conclude by placing his Motion in the hands of the hon. Gentleman.

Mr. Peel

Motion made, and Question proposed,

"That a sum, not exceeding £250,000, be granted to Her Majesty, on account, towards defraying the Charge of the Post Office Packet Service, which will come in course of payment during the year ending on the 31st day of March 1864, which sum includes provision for payments to Mr. Joseph George Churchward, for the conveyance of Mails between Dover and Calais and Dover and Ostend, from the 1st day of April 1863, to the 20th day of June 1863, but no part of which sum is to be applicable or applied in or towards making any payment in respect of the period subsequent to the 20th day of June 1863, to the said Mr. Joseph George Churchward, or to any person claiming through or under him by virtue of a certain Contract, bearing date the 26th day of April 1859, made between the Lords Commissioners of Her Majesty's Admiralty (for and on behalf of Her Majesty) of the first part, and the said Joseph George Churchward of the second part, or in or towards the satisfaction of any claim whatsoever of the said Joseph George Churchward, by virtue of that Contract, so far as relates to any period subsequent to the 20th day of June 1863."

Sir STAFFORD NORTHCOTE said, the Vote, as explained by the right hon. Gentleman, was a very novel and peculiar one; and there had been some doubt upon his own mind and the minds of those with whom he had conferred, both as to the effect with which this Vote, if passed, would be attended, and the mode in which those who objected to the course proposed by the Government should take of giving their objections effect. But he thought, that after the answer which the right hon. Gentleman gave the other night, he might assume that by moving the omissions of all the latter part of the Vote having reference to Mr. Churchward—that was to say, of all the words following the simple appropriation of the money to the cost of the Packet Service up to the year ending the 31st March 1864—he should substantially raise the issue which those on that side of the House desired to take, and which the Government had declared they would accept as a challenge of the merits of their policy in reference to this contract. He would therefore move the omission of all words after "1864." The right hon. Gentleman the Secretary of the Treasury, in the speech he had just delivered, had rendered his task easier to himself, though not, perhaps, more satisfactory to the Committee, by resting his whole case upon the Report of the Select Committee of 1859 and on what he called the Resolution passed by the House on the 27th of March, 1860, but which was in reality no Resolution at all. [Mr. PEEL: The Vote.] The right hon. Gentleman now corrected himself; but he had spoken of it once or twice as the Resolution passed in March, 1860—resting his whole case on that Vote and that Report, the right hon. Gentleman abstained from going into the grounds on which the Committee founded its Report, or those on which the House came to its decision on the 27th of March following. Hon. Gentlemen, who had not paid any great amount of attention to the subject, might have been led by the way in which the right hon. Gentleman put the question before the House into the supposition that the proceedings of that Committee and the Vote of the House had virtually decided the question, and that nothing was now left to the House but either to confirm or reverse a decision already arrived at. But he begged to remind the right hon. Gentleman, and to inform such Members as were not acquainted with the facts, that such was by no means a fair account of the state of the case; and in proof of that assertion he would gladly have referred to one of the Colleagues of the right hon. Gentleman, but he was sorry to see that the Chancellor of the Exchequer had just left the House without waiting to hear the answer to the speech which he had delivered from the Government Bench. In order to show that Parliament was not concluded by anything which had hitherto taken place, he would refer to the debate on Captain Leicester Vernon's Motion, brought forward on the 27th of March, 1860, which was to the effect—

> "That this House, having considered the Report and Evidence presented by the Select Committee on Packet and Telegraphic Contracts, is of opinion that the Contract entered into between the Admiralty and Mr. Churchward ought to be fulfilled." [3 *Hansard*, clvii. 1331.]

Mr. Laing, at that time Secretary to the Treasury, resisted the Motion on the part of the Government, and contended that the question at issue was the continuation of the contract from 1863 to 1870, and he said that Mr. Churchward would be no loser by the course which the Government proposed, as the payments to him at the specified rate would be continued on the footing of the contract of 1859 till 1863; and Mr. Laing then went on to say—

> "At the end of 1863 Mr. Churchward would be in as good a position as any one else, able to compete with others; or his contract might be renewed from year to year until the Government chose to call for new tenders." [3 *Hansard*, clvii. 1371.]

The expressions made use of by the Chancellor of the Exchequer were still stronger; for, in the course of the debate which followed Mr. Laing's speech, different Members expressed their opinion, that if Captain Leicester Vernon's Motion were rejected, the effect would be that Mr. Churchward would be punished, and punished far more severely than he deserved. The Chancellor of the Exchequer said—

> "It is a mistake to suppose that Mr. Churchward is suffering in his receipts in consequence of any proceedings of the present Government. The difference between the old and the new contract is this—that the new contract gives Mr. Churchward a claim to a fixed sum, whereas under the old contract he was to charge for the special services which he performed." [3 *Hansard*, clvii. 1408.]

The Chancellor of the Exchequer went on to say that there was no foundation for the assertion that the payment to Mr. Churchward, under the Resolution of the Committee, for services he was actually performing, would be less than that which he would be entitled to claim under the new contract; and he added—

> "The real difference lies in the renewal of the contract from 1863 to 1870, and the course which Parliament may think fit to take upon the point is a matter hereafter to be decided."

In that passage all that had been said by Mr. Laing was confirmed and strengthened by the Chancellor of the Exchequer—a point which was extremely important in its bearing upon the result of the division, because if hon. Members had understood in 1860 that the question on which they were really asked to vote at the time was, whether Mr. Churchward's contract should or should not be finally put an end to, a different conclusion might, and he believed would, have been arrived at. What the Government then contended for was, that in adopting Captain Leicester Vernon's Resolution the House would be passing censure upon the Committee of 1859, and reversing the sentence of the majority of that Committee by a special vote, at the same time that they would be doing this without necessity, because Mr. Churchward was to be no worse off at the time, and his subsequent position was to be a matter for future consideration. That was the position of affairs in 1860, and the House consequently approached the subject now, not concluded by any vote, as the right hon. Gentleman the Secretary to the Treasury would have them believe, but as perfectly free to act in any way they thought proper as they were the day before Captain Leicester Vernon made his Motion. The case rested, then, upon that Report of 1859; and though it was perfectly true that the House ought to treat with every proper respect a Report emanating from a Committee so constituted, they ought not to accept its conclusions blindly. He would presently inquire into the grounds upon which those conclusions rested; at present he denied that the vote upon Captain Leicester Vernon's Motion added one feather weight to the authority of that document. In the discussion on that Motion, the Government not only chose to place the question on a false issue, but the whole course which they had since pursued, and, to use an Hibernicism, the course they had refrained from taking, told strongly against them. What was the natural and proper course for them to pursue, if they thought it a necessary consequence of the Report of 1859 that the contract should be set aside? They ought to have taken some positive definite course for placing that view before the House, and eliciting an expression of its opinion. They knew perfectly well that this contract was legally binding, and that if it were brought into a court of law they would find very great difficulty in opposing it. But the Government said, "We know it to be the desire of the House that the contract shall be put an end to." If that desire weighed so strongly with them, they ought to have brought in a Bill putting an end to the contract, and relieved themselves by an Act of Parliament from the necessity of making the payments for which it stipulated. [*A laugh.*] The Solicitor General laughed—he was not going to put his legal knowledge in comparison with that of the hon. and learned Gentleman; but he would ask him whether he was perfectly satisfied with the course the Government were about to pursue, and whether he thought the Vote now proposed would place the Government in an unimpeachable position in a court of law? If the Government were convinced that it was necessary to set aside this contract, in justice and in fairness they ought to have taken steps to procure from the House a positive and definite and not a mere negative decision, obtained on false pretences and false issues. So far from that, they allowed Mr. Churchward to continue operations, not under the contract of 1855, but under that of 1859. They were willing to take advantage of anything in the terms of the contract which the previous Government had concluded for them; they called on Mr. Churchward to build ships under it; they had even called on him within the last twelve months to procure two new ships at an expense of £40,000, in order to carry out the terms of that contract:—and then at last they turned round and said, "We will throw you over; we mean to give the contract to somebody else." But what became of the assurance made in the face of the House of Commons that in 1863 Mr. Churchward should be in as good a position as anybody else? Mr. Harrington, Mr. Maples, and other parties had sent in their tenders, and they were before the House. The Government knew very well that Mr. Churchward was precluded from tendering, lest his doing so might be taken hereafter in an action at law as an admission of the invalidity of his present contract. If the question had to be tried in a court of law, the Government were quite aware that they had no good and valid defence, and therefore they were desirous—he did not wish to use the word "entrap" in any offensive sense—but to lead Mr. Churchward into some act, or to induce him to make some slip, which would have the effect of placing him at their mercy. Mr. Churchward was not, as Mr. Laing said he would be, in as good a position as anybody else. He was absolutely thrown overboard, and after having served the Government well and faithfully, he now found the contract taken out of his hands and given to somebody else. The House was perfectly free to deal with the question as it thought right.

And now he would venture to say one or two words upon the inconvenience of the particular form in which the Government proposed to deal with it. There existed a legal, valid, and binding contract between Her Majesty, on the one hand, and Mr. Churchward, on the other—the Solicitor General sneered at his law, but would hardly venture to question this—and the contract would be in force until 1870. What was the defence of the Government in case Mr. Churchward, by a petition of right, sought to recover from the Crown upon a breach of contract? According to the Government, the contract provided that the money which Mr. Churchward claimed should be money voted by Parliament, and that if Parliament voted no money, then there would be no fund out of which he could claim to be paid. Now, this was a point which he (Sir Stafford Northcote) would not attempt to argue as a lawyer, but as a man of common sense, knowing something of the practices of this House; and he would ask, whether this was not the state of the case—that this House could not vote money except upon the proposal and initiative of the Ministers of the Crown? If, therefore, the Ministers declined to bring forward a Vote, how was it possible that money could be provided by Parliament to meet a claim? Or were the House to understand that the Government set up a right to act in this way with Mr. Churchward or any other contractor, for reasons which seemed to them good—first to engage that he should perform certain services, to be paid out of monies voted by Parliament, and then to decline to submit a Vote to pay for those services? Did they think that they would be able to make good such a position in a court of law? He apprehended not. The fact was, that the Government ought to have done what the right hon. Gentleman himself admitted was natural. They should have come forward and proposed this Vote on behalf of Mr. Churchward, at the same time, if they thought it necessary, calling attention to the fact, that the House of Commons had, by means of its Select Committee, and also, to a certain extent, by the rejection of Captain Vernon's Motion, shown a disinclination to provide the money; and having made this proposal as Ministers of the Crown, they should have left it to the House of Commons to decide whether they would vote or refuse the money. But what would a court of law say to their defence that no money had been provided by Parliament to meet Mr. Churchward's claims, when they themselves had taken no means to provide the requisite funds? He did not pretend to say what view a court of law might take; but the probable result would be a verdict for Mr. Churchward, and an awkward collision between this House and the courts of law. He hoped the House would well weigh the possible inconvenience and danger of such a result, before the termination of this debate. But there was another point to which he would refer. There was nothing whatever in this particular form of Vote which, if it were adopted, would at all prove that the House declined to give any money to Mr. Churchward. It was said, indeed, that the money now asked for was not on account of Mr. Churchward's contract; but there was nothing to prevent the Government from proposing a Vote on account of that contract to-morrow. Therefore, until the House passed the Appropriation Act, it would be impossible for Mr. Churchward to know that the House really refused to provide this money. Then what would be his position? His contract came to an end on the 20th of June. The Appropriation Act could not be passed for at least a month afterwards, and meanwhile Mr. Churchward would have no right to recover in any court of law until he could show that the contract was broken. His action, therefore, must be brought later in the year; but if meanwhile he failed in performing any part of his services, this would be used against him. From the 20th of June, therefore, until the Appropriation Act passed, and perhaps longer, he would have to run his boats in order to show his readiness to fulfil his contract, or the Government would have a remedy against him, though there would be no money to pay him with. Did the House intend that Mr. Churchward should run his boats empty until the Appropriation Act passed, or until he had obtained the verdict of a court of law, or even until 1870?—because it must be remembered that the refusal of the House to vote the money this Session did not prove that it would not be provided before 1870. These were some of the inconveniences of the course proposed. And now what were the advantages put forward on the other side as resulting from the termination of this contract? He was quite aware that a more important question was behind; he would deal with that by-and-by; but, supposing that no corruption was imputed, what were the advantages of the new arrangement which the Government offered? The right hon. Gentleman had paraded them before the House, and had said that he was going to propose arrangements which would save the country £6,000 out of £18,000 a year. Now, in the first place, he (Sir Stafford Northcote) complained very much of the extreme disadvantage at which the House was placed by the conduct of the Government. What, after all, was the main object which the Committee of 1859 and 1860 had in view with regard to these contracts for mail packet services? It was to bring all the details of all contracts as much as possible under the notice of the House before the Government came to any conclusion respecting them. Yet on that very evening the Government had been on the point of asking the House to vote the money for four new contracts of which the House knew nothing. Had it not been for the notice of the hon. and learned Member for Greenock (Mr. Dunlop), the Government would have taken this objectionable course, and would have given the go-by to the Resolutions of the Committee upon which, for this particular purpose, the Government set such store. With respect to Mr. Churchward, the House was in possession of no correspondence; there was not a line to show how the Government had been dealing with Mr. Churchward since 1859. The House had, indeed, been put in possession of one or two letters which had passed between the Treasury and the Post Office, but it had none of the communications with Mr. Churchward himself, and none relating to these tenders—nothing to give the House the information they ought to possess. They had heard of Mr. Harrington having made and withdrawn a tender, and of Mr. Harrington having not withdrawn it, or having withdrawn his withdrawal. In point of fact, after the right hon. Gentleman's statement, he was utterly at a loss to know what Mr. Harrington had or had not done, and he hoped that this information would be given to the House in a way in which it might be understood. This much was pretty clear —that on the 21st of June there would be mails to carry and no contractor except Mr. Churchward to carry them; because Mr. Harrington, if his tender were accepted, would not be ready for at least six months from that time. Mr. Churchward's readiness to assist the public was so well known that, no doubt, the Government reckoned upon getting his services for nothing; and unless they so reckoned, what else did they look to? He had asked the noble Lord the Secretary to the Admiralty that evening, whether any communications had taken place between the Post Office and the Admiralty on this subject; and the effect of the noble Lord's reply was, that there had been such communications—that the Post Office authorities wished to know whether the Admiralty would provide vessels to help them out of the scrape; to which the Admiralty said, "It would be very inconvenient; they could not do so at all." Then what was to be done? All sorts of sinister rumours prevailed, though he did not himself attach too much weight to them. It was said that communications were going on with the French Government; but he did not know whether this was possible, because it happened that Mr. Churchward was the contractor with the French Government, and the Government would hardly ask him to do as a contractor with the French Government what as an English contractor they would not permit him to do. Or were the Government going to cut off a mail, and to reduce the service from two mails a day to one, for that was reported to be their idea? Persons who were interested in the postal communications between England and France were becoming very uneasy, and all the more so because of late those communications had grown to be of great importance and necessity, partly in consequence of the commercial treaty, and partly also owing to the acceleration of the postal services across the Channel, which was due to Mr. Churchward. Probably the right hon. Gentleman had not thought it worth his while to read the blue-book further than the Report of the Committee; but the evidence of Mr. Hill and of other officers of the Government, who were by no means very favourable to Mr. Churchward, contained a distinct acknowledgment that it was owing to Mr. Churchward's exertions, his public spirit and ingenuity, first, that a contract service had been established at all between Dover and

Calais, instead of the old Admiralty packet service which used to cost £25,000 a year, which Mr. Churchward persuaded them to give up, but to which the Government now seemed willing to return; and, next, that it was also owing to Mr. Churchward that the mails between England and France had been accelerated by twelve or, as to some parts of the country, by twenty-four hours. Now, he asked the Government, what were they going to do? They said they had made a good bargain with the Belgian Government, and another good bargain with Mr. Harrington, which had never come before the House. He (Sir Stafford Northcote) admitted that the bargain with the Belgian Government, as it appeared on paper, might be a good one; for if a person already performed half the service, he was in a better position to perform the other half than an independent party could be. This subject was mooted on a former occasion, and Mr. Churchward, having the English half of the service, had offered to take the Belgian half on the same terms as those now spoken of; but the Belgian Government declined to have their mails carried by another Government; they said they looked on the carriage of their mails as a national undertaking. However, in this country, mail contracts were at present out of favour with a certain class of politicians who had great influence with her Majesty's Government, who said that we ought not to keep up such a service when we could get our mails carried without it. But he asked whether this matter of carrying the Belgian mails could not have been arranged with Mr. Churchward himself? This point was one that had long been thought of as connected with that gentleman's contract. On a former occasion, when the question of renewing Mr. Churchward's contract was under consideration, it was one of the reasons the Postmaster General gave for not supporting a renewal—that the Belgian Government might be desirous to take the matter into their own hands. That did not escape the notice of the Committee in 1859; and in his evidence before that Committee he himself (Sir S. Northcote) referred to it as a matter of speculation, alluding at the same time to the fact that Mr. Churchward had proposed to come to terms with the Belgian Government in the event of such an offer being made, or to make arrangements with our Government on the question of withdrawing from that portion of the service. That was the position taken by Mr. Churchward in 1859, and to that position he had adhered up to the present time; but the Government had not allowed him to occupy as advantageous a position as that held by any independent person, and he had not been able to come forward in the manner he would otherwise have done. If his right hon. Friend the Chancellor of the Exchequer were present, he should appeal to him as to whether Mr. Churchward had not expressed his willingness to discuss with the Government any proposal they might like to make for the purpose of revising or altering any part of the service. If they had any feasible proposition to make on this point, it would have been perfectly possible for them to make it to Mr. Churchward; and he undertook to say it would have been met in the most friendly and liberal spirit by him. He set aside that branch of the case, because they could not look to any saving as regarded the Belgian service. It was to the Calais contract they must look for the saving. The two services did not stand on the same footing. In the evidence given by him in 1849, Captain Baldock gave an account of the relative cost of the two services. He said that the Calais service represented two-fifths, and the Ostend service three-fifths, of the whole. That was for the mere ordinary service, without the additional services which of late years had been paid for by the Government. Those additional services related to the conveyance of the Indian mails. Mr. Churchward's contract was £15,500 a year for the two services. Two-fifths of that was £6,200, which would be the cost of the Calais service without the extra services. The payment for the additional services brought that amount up to £8,700. The tender of Mr. Harrington was £8,000, as against £8,700; but the Indian mail was to be specially paid for, which would make a difference of £360. It was also to be observed that Mr. Churchward performed, within his contract, twelve voyages a year to carry distinguished personages, the value of which was represented by £240 a year. Adding those two sums to the £8,000, Mr. Harrington's contract was brought up to £8,600—so that there was only a difference of £100 between the two contracts, which would be the whole saving on the Calais service. [Mr. Peel: The £8,000 is for one year. It is not that amount for seven years.] Well, but which of these two alternatives had been accepted? If

£8,000 were to be paid, there were in addition premiums which the right hon. Gentleman proposed to give for fast passages. Mr. Churchward informed him, that taking the voyages he had performed last year, or, at all events, taking what he was able to do now, he could earn £1,200 a year by the proposed premiums on quick voyages. That, of course, was a matter of speculation; but Mr. Harrington, or any one else, might reasonably look forward to making a good deal of money by those premiums. There would, therefore, be not only no saving, but an actual loss on Mr. Harrington's contract. Was this contract to be for a year, and was that year to include the six months during which Mr. Harrington was to do nothing? He conceded to the right hon. Gentleman that Mr. Harrington might have made a tender somewhat under that of Mr. Churchward; but what assurance had they that the former gentleman would be able to carry out his contract? They knew that before now contractors had come forward and made ridiculously low offers, which in practice they had not been able to carry out. He remarked that the late Mr. Wilson came down to that House, and boasted when he made, what he called an extremely good bargain with the European and Australian Company, and set aside the well-known Peninsular and Oriental Company. What had been the result? The company to whom the contract was given had not a single vessel ready. They were in the position which Mr. Harrington appeared to be now placed in. They had to ask for time; they could not begin when they ought to have commenced; and when they did begin, they almost at once broke down. At last the thing was given up in disgust, but not until the colony had been almost driven to rebellion by the way in which the mail service had been performed; and the Government had to go back to the Peninsular and Oriental Company and give them higher terms to conduct the service than they had offered to do it for originally. When such contracts were first entered into, and before they were put to the test, they answered very well for the purposes of parade, and to afford matter for speeches on the hustings; but should not the Government look for an assurance that the work would be done? Mr. Churchward had overcome his first difficulties. It was true, that when he commenced the service, he was obliged to come and ask for an extension of time and for more assistance, and that for a long time his contract had been kept on its legs by the assistance of the Government; but those difficulties having been overcome, and he now having the French contract as well as the English, and being able to work them together, there was every guarantee that he would perform the service in the highly efficient way it was at present carried out, and make the contract beneficial to himself and to the public. The Postmaster General had acknowledged in the most public manner in Parliament that the service was most admirably conducted. They knew nothing of Mr. Harrington, but his withdrawals and re-withdrawals showed that he had no great confidence in himself. He was certainly causing a momentary inconvenience to the public service, and it might lead to much greater inconvenience in future. And what, besides, were the Government going to do? For such a saving as was to be effected in this case they were going, as far as possible, to bring about a collision between the House of Commons and a court of law. They were going to subject Mr. Churchward to the extreme inconvenience of running his boats without payment—they were going to establish a precedent which would render it impossible for Government contractors to enter into contracts for the public service; and, further, they were going to run the risk of all these inconveniences without the prospect of any solid advantage. He quite understood the nature of the answer which the Government would probably make, and he should not shrink from grappling with it. No doubt they would admit all the inconveniences, all the detriment, and all the possible dangers, and then would turn round and say, "It is no fault of ours; it is the fault of the Government which made this contract, and of Mr. Churchward, who entered into this contract in a corrupt manner. It is better for the House of Commons to run all this risk and inflict all this injury than to sanction, even in an indirect manner, a transaction tainted with fraud and corruption." He admitted that that would be a perfectly good answer, but he denied that there was the slightest evidence to bear out this charge of corruption. The right hon. Gentleman did not appear to have read the Report, and he denied his right to come down, and in that off-hand manner make a charge against Mr. Churchward, as if it were proved, and everybody admitted it—he denied the right of the right hon. Gentleman to get up and fling the Report in their faces, and at the same time ignore all the evidence published with the Report. After having quoted the Report, the right hon. Gentleman went on to say that it was perfectly clear that Mr. Churchward had offered to sell his vote to Captain Carnegie for an extension of the contract. But where was the evidence of that? Taking every word of the evidence of Captain Carnegie to be strictly and literally true it amounted to this—that Mr. Churchward, before a word was said about the contract, had offered his support to Captain Carnegie, and after telling him what support he was likely to obtain at Dover, and advising him as to the sort of opponents whom he would have to meet, he went on to make an allusion to his anxiety about his contract, and, added Captain Carnegie, "I thought the matter so imprudent that I left the room, and the subject dropped." Viewing Captain Carnegie's statement in the most unfavourable light, it was simply this:—Mr. Churchward wished to support the Admiralty candidates. Some people said that he intended to give one vote to Captain Carnegie and the other to Mr. Osborne, so that he might have a friend on both sides; and his reference to the contract was simply to interest Captain Carnegie in pressing forward the settlement of his contract, which it had been proposed to defer till after the election. Where was the evidence of a corrupt bargain having been made, or attempted to be made? The facts of the case were very simple and straightforward. In the beginning of January, long before a dissolution was thought of, an application was made by Mr. Churchward for payment in respect of his additional services. The question whether he ought to be compensated for those services was discussed between the Admiralty and the Post Office and the Treasury, towards the latter part of January, long before the dissolution; and Mr. Churchward, having been asked by the Government to name the form in which he would take compensation, asked for a sum of money smaller than that to which the Government thought he had a right, and requested to have his contract extended to 1870. The Admiralty considered his proposition, reported favourably of it, and recommended it to the Treasury. This was long before the dissolution was thought of. The Postmaster General referred the matter back to the Treasury early in March, and his report was against the extension of the contract; but all Postmasters General, since Lord Canning's time at least, had opposed the extension of contracts which had some time to run. This, too, was long before the dissolution. The report was then considered at the Treasury by the Chief Clerk, who made a minute approving of the Post Office view of the question, and it then went to the Permanent Under Secretary, who took the Admiralty view. All these steps were taken long before Lord Derby's Government was supposed to be in peril, and before a dissolution was thought of; and the matter was considered entirely on its merits. But just at the moment when the question came before him (Sir Stafford Northcote) as Financial Secretary, the division took place in that House which ultimately led to the dissolution. That was the state of the case when the matter came before him as Financial Secretary of the Treasury. It came before him with this even balance of opinion on one side and the other. He looked hastily at the papers, and his first impression was to take the view of the Post Office. Just at that time his right hon. Friend the Member for Petersfield (Sir William Jolliffe), who was then busily engaged in the conduct of the business of the elections, understanding that Mr. Churchward had some sort of business in hand at the Treasury, but not knowing what it was, warned him (Sir Stafford Northcote), that as Mr. Churchward was a man closely connected with electioneering politics, it would be better to get his business done, if possible, before the dissolution came on, or else to put it off until after the election, so that people might not be able to say that it had any connection with the election. He then made a minute to the effect that the reasoning of the Postmaster General against the contract was apparently right, and that he thought it was desirable that Mr. Churchward should take the larger sum and relinquish the extension. He requested Mr. Hamilton to communicate with Mr. Churchward, and see whether some arrangement could not be come to with him on this basis. Some days elapsed, and Mr. Churchward wrote back pointing out that the extension was the only thing that would serve his purpose, and that the other arrangement was not suitable. Bearing in mind, then, the advice which had been given him by his right hon. Friend the Member for Petersfield, and feeling that any thing done in the matter at that moment might be misconstrued, he put the papers aside and did nothing on them for a week. Of course, he had heard nothing whatever at this time of the conversation between Captain Carnegie and Mr. Churchward in the private room at the Admiralty. At the end of a week he had a conversation with Mr. Churchward at the Treasury, in which he stated to him, as one reason for not proceeding with the matter at once, that there was an election going on, and that what took place during the election was likely to be misconstrued. Mr. Churchward said then to him (Sir Stafford Northcote), as he had said to Captain Carnegie, that that was very hard upon him; and certainly a more reasonable remark for him to make could not be conceived. It did seem hard on Mr. Churchward, that after he had been urging the matter on for months, and when, after the long delays of the public offices which had annoyed and injured him, it was just arriving at a solution, he should be told that it was to be put off for another five or six weeks on account of an election with which it had nothing in the world to do. It was that consideration which decided him to take up the matter again, and to endeavour to come to a decision upon it. He felt that he could not justify to himself the injury which he was doing Mr. Churchward by delaying the settlement of a matter which was in no way connected with the election. He felt, too, that if he had put off the decision, he would not have avoided the imputation of corrupt motives. If he had at last granted the extension, his doing so would have been attributed to electioneering motives, and he would have been accused of trying to conceal them by the delay. If, on the other hand, he had said that he could not recommend the confirmation of the contract, it would then have been said that he was playing Mr. Churchward false—that Mr. Churchward was tempted to vote for the Government candidate by this matter being held in suspense, and then, when that service was got from him, his request was in the end rejected. Under all the circumstances, he felt that he should be doing a great hardship and injustice to Mr. Churchward, and serving no purpose whatever, if he had acted in that manner. He should not have cleared his own character from any suspicion which might attach to it, or have been able to separate the matter from the election in the minds of those who were determined to connect them. This was a case in which he stood before the House of Commons and the public. If the Members of that House thought that he was actuated by a desire to tempt Mr. Churchward to serve his party, he ought to be stigmatized; but if they thought he did not deserve to be stigmatized, then he could not see how Mr. Churchward should be stigmatized. It appeared to him that the whole matter turned on that point. If the Committee which sat in 1859 had reported against him, his course would have been plain. He should have appealed from the Committee to that House; and if the House had confirmed the Committee's Report there would have been no other step for him to adopt but to resign his seat in that House. The Committee, however, were just enough, after hearing all the evidence, to pronounce a clear and unanimous verdict, acquitting himself and other Members of the Government. At the same time, there was connected with that acquittal that which was to his mind most painful—an accusation stigmatizing a man who could not be regarded as guilty, unless he (Sir Stafford Northcote) likewise was guilty, and who must be innocent if he was regarded as innocent. Let the House take the conversation which Captain Carnegie said took place between him and Mr. Churchward, and see what it amounted to. According to one hypothesis it was perfectly consistent with innocence for Mr. Churchward to say, that deferring the matter of the contract until after the election was too hard; but if it was meant to imply that by deferring it until after the election some one meant to secure Mr. Churchward's services for the election by keeping this matter as a bait for those services, then a case of guilt was established; but not so much against Mr. Churchward as against those who held out the bait. If wrong had been done, it had not been done by Mr. Churchward, but to Mr. Churchward. There was nobody in a position to defer the contract but himself and the then Chancellor of the Exchequer; and as that right hon. Gentleman acted on his report, he (Sir Stafford Northcote) alone was guilty of this gross breach of public duty, if it was committed at all. Let the House consider what allegations were made, and what were proved. The allegations made by Mr. Rich and the Member for Kilmarnock (Mr. Bouverie), resting merely, as they stated, on reports which they had heard, were of the most serious character. They reflected on the Government of Lord Derby, and on certain officers of that Government, and they went to the length of representing that those officers who intended in the first place to refuse, or who had refused, this contract, were induced afterwards to grant it, in order to obtain the services of a political partisan during the election. That was said, but it was not proved. He had never seen Mr. Churchward except in connection with this contract, and he was not likely to see him again, but he felt that injustice was done to the man. He had often and often thought the matter over, and cross-questioned himself frequently as to the motives with which he and Mr. Churchward acted, and he was perfectly satisfied that Mr. Churchward acted with entire good faith from the beginning to the end. That gentleman argued his case extremely well, and a great deal was to be said on that side of the question. He was satisfied at the time, and to this day he remained satisfied, that the bargain made by the Government with which he was connected was a good, fair, and reasonable bargain; at any rate, he protested its being upset in a manner which condemned and cast a stigma on a man on whom he did not believe that in this respect any stigma should rest. The right hon. Gentleman (Mr. Peel) had appealed to the House to decide this question on high ground, declaring that a regard for the purity and good character of that House should be superior to all other considerations. But could they, he asked, determine the matter in the way proposed? They had already passed a vote of acquittal on those who must have been the tempters, and a vote of censure on the man who, if there was any temptation, must have been the tempted. How would this be regarded by foreign countries and the English public when they saw the House of Commons, after investigating a matter involving so serious a charge against Members of the Government of the day, having seats in that House, come to a verdict absolving those Gentlemen who were members of their own assembly, and at the same time practically reverse that sentence by passing a vote of censure on the contractor, who was not there to defend himself? The course pursued struck him as being most unfair and un-English. Mr. Churchward was never allowed to come before that House, or to go before a court of law to make his defence. Mr. Churchward had expressed his readiness to have the case argued in a court of law, and to have witnesses examined on oath; and it was the case that in the Dover Election Committee, where witnesses were examined on oath, the allegations of corruption against the former Government were not proved. Within the last few months Mr. Churchward had offered again to refer this matter either to a court of law or to the arbitration of Sir John Coleridge or Mr. Stuart Wortley. If they allowed Mr. Churchward to be thus ousted and thrust aside, they would throw a stain upon the character of the House which it would be difficult to wipe away. He should apologize to the Committee for saying that the only case which he could compare with such a proceeding was one which happened when he was at school. A boy threw a book across the schoolroom at another boy, and hit him on the head; the schoolmaster, who did not see who threw the book, seized the boy who was hit—"Because," said he, "as I cannot find the boy who threw the book, I will punish you at whom it was thrown." So it was with the Government; as they could not find the proper person to punish, they said they would punish the man of whom they only knew that he had been their faithful contractor for a number of years, that he had done good service, that he was pressing his claim at a moment when he was in considerable difficulty—and pressing it in perfect good faith, because, at that moment, an election took place with which he had nothing more to do than any other man in England. He would appeal to the justice of the House of Commons against such a proceeding. He begged to move to omit all the words in the Resolution after "1864."

Amendment proposed, to leave out all the words after the words "March 1864," to the end of the Question.

Question, "That the words proposed to be left out stand part of the proposed Resolution."

MR. E. P. BOUVERIE: I think, Mr. Massey, this is a very unusual proceeding. I never remember a case in which an Amendment on the object or destination of a Vote has been moved in a Committee of Supply. I always understood that a Committee of Supply might refuse a Vote or diminish it; but the proposal on the part of the hon. Baronet is to amend the Resolution; and if we once allow a Vote of Supply to be amended, we shall then embark in a career which will enable us at any future time to alter the financial constitution of this House. The hon. Baronet said it was the rule that no money should be granted except upon the application of the Crown; but if we are to amend the destination of Votes of Supply, then in point of fact we altogether vary the destination of the Votes, and may grant money for purposes for which the Crown never asked it. But I must say I do not look upon the hon. Baronet (Sir Stafford Northcote) as the original offender in this matter. I think the offence consists in proposing a Vote on such conditions as these. It is inconsistent with the functions of a Committee of Supply to be asked to express an opinion on a matter upon which it is the duty of the House itself to express an opinion. All the functions of a Committee of Supply are to grant a Vote, to refuse it, or to diminish it. But what has been sought in the present case is to obtain a definite expression of opinion as to what shall be done with respect to a particular contract with a particular person. Now, that is not one of the constitutional functions of this Committee. Such an opinion might be fairly sought from the House for the purpose of guiding its actions or deliberations, but it is not one which we as a Committee of Supply can be called upon to give. Was it ever known that a Resolution in Committee of Supply like this was ever reported to the House? Supposing this Resolution carried, and that you, Mr. Massey, bring up the Report from the Bar, and that the Clerk read it at the table, and the House be asked to agree to it. In that case the House would be asked to agree, not to the grant of a sum of money, but to something which is absolutely irrelevant. There is really a blot on this proposal. I must say I think the proposal in this shape involves a question far more important as regards the functions of this House than any matter relating to Mr. Churchward. I would submit then, to the authorities of the House, whether it will not be worth while to deliberate on this matter before we are asked to do that which has never yet been done in Committee of Supply, and before we adopt a course which is a manifest departure from the recognised usages of Parliament.

Mr. WALPOLE: There is a great deal of force in what has fallen from the right hon. Gentleman (Mr. E. P. Bouverie); but he made one observation in which I do not concur. The right hon. Gentleman says the Amendment is one to which we ought to take exception, though my hon. Friend (Sir Stafford Northcote) was not the original offender, inasmuch as the offence—if offence it be—consists in the proposal of the Government. Now, I think that my hon. Friend, by his Amendment, will set the Committee of Supply right, because, by leaving out all the words after "1864," he thus puts the Resolution in the proper shape. I entirely concur with my right hon. Friend as to the unconstitutional course of taking a Vote in Committee of Supply in this way. You are asking a Committee of Supply to decide a question which the House ought to decide. What will be the consequence of taking the Vote in that way? The Vote will be reported; and when it is reported, are you going to embody it in the Appropriation Act? Here we are in Committee of Supply, to discharge certain functions as to the way a particular sum of money is to be voted. But you are indirectly asking us to decide as to a particular course. The best way, perhaps, for us to act would be, to put it to you, Mr. Massey, to say whether, without moving the Amendment, we ought not to take notice at once that the question ought not to be put in that form. But if you, Sir, think it ought—and upon that point I think my right hon. Friend's speech conclusive—I would submit whether you have any precedent of a Resolution having been put in that way; and if you have no precedent, the Committee of Supply would do well to pause before it passes the Resolution.

Mr. MASSEY: The Vote proposed by Her Majesty's Government is certainly one of a very special character; but I do not consider it any part of my duty to pronounce an opinion as to the discretion of Her Majesty's Government in submitting such a Resolution to the Committee. The question I have to determine is whether the Amendment which has been moved by the hon. Baronet the Member for Stamford is in order. Her Majesty's Government proposes a Vote which would include a sum of money for a service to which they desire no part of the sum to be applied; and to effect that object they have appended to the Resolution certain words restricting the appropriation of the money. The object of the Amendment is to remove that restriction; it does not enlarge the Vote or divert the Vote from any purpose to which it would otherwise have been applicable. Therefore, so far as the Amendment is concerned—and that is the only question I have to deal with at present—I have no hesitation in saying that it is admissible.

Sir MORTON PETO said, that when he stated that in 1860, when the question of the contract was before the House, he had voted with the majority, it would not be supposed that in the observations he was about to address to them that he had any particular sympathy for Mr. Churchward. But he felt that the question submitted for consideration was far removed from party or political considerations. That they should be called upon to go into a question which ought to have been settled three years ago was not fair either to the House, the late Government, or to Mr. Churchward. The Government, from the way they had acted, had practically shut the door against themselves. If they said to Mr. Churchward, "We will not recognise in any way your contract of 1859, but will take the opinion of the House upon it," their conduct would have been straightforward. But they did nothing of the kind. They made payments under the new contract, gave orders to their officials to act upon that contract, and, moreover, they were perfectly prepared to take the benefits which the new contract gave them over the old. That being so, the Committee ought not to have heard anything more of that contract that night. It had not been shown that Mr. Churchward had been a defaulter, or that he had not fulfilled his contract. He thought that the Government would have exercised a sounder discretion in burying the heartburnings and political animosity of a previous election. He was sorry that the Government had thought it necessary to put the question before the House of Commons. If the Government had considered it right to bring any substantive Motion before the House of Commons, it ought to have been done three years ago.

Mr. AYRTON said, he wished to ask the hon. and learned Attorney General whether a Vote taken in the manner proposed, would interfere with the assertion of any legal right which Mr. Churchward might be supposed to possess against the Government.

The ATTORNEY GENERAL said, that any legal right which Mr. Churchward might have under the latter contract would remain unaffected by any decision of the House, except in so far as upon the proper construction of the terms of the contract the refusal of the House to vote the money for payment of Mr. Churchward would afford a defence in a court of law.

Mr. AYRTON said, that if the effect of the proposed proceeding would be to prejudice Mr. Churchward's rights before a court of law, the House ought to hesitate to adopt it. Whatever the merits or demerits of the case might be, Mr. Churchward ought to be able to assert his rights unembarrassed by the decision of the Committee. Apart from that objection, it was both perplexing and embarrassing to propose a Vote for the packet service and then to introduce into it a parenthesis about Mr. Churchward. The Government had an obvious course to pursue if they wished to raise the question. They should have brought in a separate Estimate for that particular service, and allowed the Committee to proceed with the usual estimate for the general service. There was another very great objection to discussing the question at that time, inasmuch as the Committee were passing a Vote on account. If they were voting the Estimate itself, there would be a proper mode of raising the question on two items—one of £8,000 for the mail service from Dover to Calais, and one of £4,000 from Dover to Ostend. The House would then be told that it was a new contract, and they could ask to see it. He would recommend that the Government should be content to take a Vote on account, and then, when the Committee came to the Estimate in detail, it would be competent to any hon. Member to move to omit the items relative to a new contract, as a violation of good faith. If the Government declined to adopt that suggestion, he should vote for the Amendment.

The ATTORNEY GENERAL said, he differed from the hon. Member for Finsbury (Sir Morton Peto) in this—that while he took part in the discussion and the division when the proposal was made to the House three years ago that the contract of 1859 ought to be carried out, his opinion remained unchanged. But he had not risen for the purpose of discussing the evidence upon which the Report of the Select Committee was founded, or the sufficiency of that evidence to warrant the conclusion at which it arrived. His object was simply to point out why the present form of bringing the matter before the House of Commons had been adopted. The Report of the Select Committee was entitled to so much respect that the matter could not be permitted to rest there. The proposal to which he referred was also rejected, and the Government thought it unbecoming, in the face of that double expression of opinion, to proceed to ask for Supply in the ordinary form, with the intention that money should be voted to Mr. Churchward in prolongation of the contract until 1870. The correspondence read by his right hon. Friend (Mr. Peel) clearly showed that all the arrangements under which, from the time of the Vote in 1860, Mr. Churchward had carried on the packet service, were arrangements to which he was a consenting party. That being so, the question remained, if the terms in the contract to which reference had so frequently been made—if the words "monies to be provided by Parliament," had any force, did it not follow that Parliament in one form or other must have the opportunity of expressing its opinion upon the question? If that was not intended, then the terms he had quoted were a mere waste of words, and were a semblance and pretence of a condition, without being a condition at all. That brought them to the question, was that the proper form? Well, unless it was, he confessed that he was at a loss to imagine what form could be the proper one for submitting the matter to their consideration. He would admit that it was a special and unusual form, as special and unusual as the transactions out of which it sprang. Following a special Report by a Committee and a special Vote of that House, it would be very wrong indeed if the Vote taken under these special circumstances did not present some special features.

Mr. MALINS said, that he also took part in the debate of 1860. Like his hon. and learned Friend, he retained the opinions he expressed then, but he was happy to say they were totally different from those of his hon. and learned Friend. He was sorry that his hon. and learned Friend had committed himself to the opinion that the course proposed was a proper course, for he (Mr. Malins) thought it was as shabby and unbecoming a proceeding as ever was adopted by any Government. The Committee would perhaps allow him to draw attention to the fact that the Vote was a Vote on account; and when they were taking a Vote on account on the 18th of May, one might have supposed that the Government would have been satisfied to take a Vote which would clear them from all payments up to the 20th June. The contract of Mr. Churchward of 1855 lasted until the 20th June. The Government, in taking a Vote on account, went out of their way, and adopted a course which he believed to be thoroughly unconstitutional. While making a provision for the payment of Mr. Churchward for the conveyance of mails between Dover, Calais, and Ostend to the 20th June 1863, they went out of their way to ask the Committee to do what was not its function—to pronounce a judicial decision against Mr. Churchward—before the Estimate for the services performed subsequently to the 20th June were brought under consideration. The precise dates were important. The question was thoroughly discussed in 1860, on that memorable 27th March; and although there was a majority of forty-five against the hon. Member who then brought forward the question, and in favour of the Government, yet there was an explicit declaration made by the Government that the discussion was not in any way to prejudice Mr. Churchward. [The CHANCELLOR of the EXCHEQUER: What declaration?] He supposed the right hon. Gentleman was not in his place when it was read that evening. He did not wonder that the Chancellor of the Exchequer was taken by surprise. [The CHANCELLOR of the EXCHEQUER: Hear, hear!] The Chancellor of the Exchequer would be surprised when he referred to that debate, and read his own words. But, under these circumstances, he asked if that was a fair course for the Government to take? He never for one moment supposed, until he received a note that morning, that the question of Mr. Churchward was again to be brought before the House, because if any result was to flow from that debate on the 27th March 1860, he, as a reasonable man, thought that contract was either to be accepted or repudiated; and if the contract was to be repudiated, he should have expected an immediate repudiation, and not that the Government would have acted upon it for three years before any attempt at repudiation was made. Now, let them recall to recollection that the whole of that most ridiculous and trumpery charge which had been made against the Government constituted by his hon. Friends sitting below him, with regard to the corrupt contract, rested upon a conversation alleged to have taken place between Captain Carnegie, a temporary Lord of the Admiralty, and Mr. Churchward. His hon. Friend the Member for Stamford had gone generally into the question, but he had not stated the dates so precisely as he (Mr. Malins) was able to do. The Government of the Earl of Derby came into office in the month of February 1858. It continued in office uninterruptedly till an adverse vote was given against it on the 31st March 1859.

He had stated on a former occasion that which he begged to repeat, that it was not until the middle of March 1859 that the noble Lord, then Member for the City of London, and now Secretary for Foreign Affairs, gave notice of that Motion, which drove that Government from power. Now, it was in evidence in the blue-book that Mr. Churchward made an application to the Government, when there was no election contemplated or expected, at the end of the year 1858. On the 6th January 1859 he made a formal application to the Government to renew his contract. That led to a correspondence. He was invited to make a tender to the Admiralty, and finally, on the 13th February 1859, Mr. Churchward sent a formal proposal for the renewal, or rather extension, of his contract, from June 1863 to the year 1870. That proposal was formally accepted by the Admiralty on the 23rd February. Now, on the 23rd February nobody had a general election in contemplation. Nobody expected that the Government were about to be turned out. The Government were conducting their business without any apparent immediate danger, though, being in a minority, they were necessarily placed at the mercy of their opponents whenever they thought it expedient to take an adverse vote. All the business was concluded on the 23rd February. His proposal, having been made to and accepted by the Admiralty, became to all intents and purposes a binding contract. It was true that it had to be submitted to the Treasury, but that was merely a formal matter, and in due time the Treasury ratified the contract. In that state of things the noble Lord the Member for the City of London gave his notice of Motion on Reform. The Motion came on for discussion on the 31st March, and the Government of the Earl of Derby were outvoted in that House. That event occurred on a Friday, and on the following Monday it was announced that the Government would appeal to the country by a dissolution of Parliament. The conversation with Captain Carnegie, of which so much had been heard, took place on the 2nd of April, after the dissolution had been announced, and six weeks after the contract had been made with Mr. Churchward. That gentleman obtained his contract originally from the Liberal Government at £15,500 a year, which was increased by the Earl of Derby's Government to £18,000 on account of the extraordinary exertions of Mr. Churchward and the expenses he had been put to; and he was to build two new steam-vessels, costing £16,000 each. Upon the faith of that contract Mr. Churchward incurred fresh expenses, and upon the 26th of April the contract was signed, sealed, and delivered. Then came the discussion in that House on the 27th of March 1860. Did the Government intend to act upon the Resolutions of that date? If so, it was incumbent upon them to have given notice to Mr. Churchward that he was acting under his contract of 1855. But on the 1st of July 1859, after the Earl of Derby had left office, the present Government paid Mr. Churchward £4,500, the first quarter's allowance, and they had continued to pay at the rate of £18,000 per annum up to the present time. No repudiation of the contract had been made, and he asked the Solicitor General to explain upon what legal principles the Committee were now invited to express a judicial opinion upon the conduct of a man who had never been put upon his trial. Was it because a Committee had reported that of two contradictory statements they believed one, which was different to that of a gentleman who had performed great public services, as the Government had admitted? But it must not be forgotten that there was a conflict of evidence, and he considered that Mr. Churchward was as worthy of credit as Captain Carnegie. He had the authority of the hon. Member for Dover to state, that although he received Mr. Churchward's support, the subject of the contract was never mentioned between them; and, indeed, any other course would have been the act of an idiot, for Mr. Churchward was at the time in possession of the contract. He (Mr. Malins) challenged the Government to state to the House any one fact that was misrepresented by Mr. Churchward when he obtained the renewal of the contract in 1859; and if that gentleman desired to exercise any corruption over the Government, it was not likely he would have gone to the new Lord, a man scarcely warm in his seat, and not conversant with the duties of the office; but he would rather have gone to the First Lord of the Admiralty, the right hon. Member for Droitwich. But on the strength of a conversation alleged by Captain Carnegie to have taken place, but denied by Mr. Churchward, the Committee was asked by a side wind to give a judicial opinion on a matter within the province of a judicial tribunal. In the language of the Secretary for the Treasury, the contract was not to be allowed to go on, on account of the corrupt and fraudulent conduct of Mr. Churchward. It was admitted that the form of the Resolution was irregular. The Chairman declined to say whether it was regular; but he (Mr. Malins) declared that the form of the Resolution was condemnatory of itself. It could not be proper for the Secretary to the Treasury, when proposing a Vote in Supply to Her Majesty, to support that Vote by charging one of Her Majesty's subjects with fraud in obtaining a certain contract. If such a charge were well founded, that was not the place for inquiring into it. If it were intended to make such a charge, why had not the Government repudiated the contract, and furnished Mr. Churchward with an opportunity of bringing the subject before a judicial tribunal? The Attorney General had been asked what effect the decision of the House of Commons, if unfavourable, would have on the question when brought before a court of law, and had replied in vague language, which seemed to imply that Mr. Churchward would not be prejudiced further than this, that it was the opinion of the House of Commons not to pay him the money; and that because the contract to Mr. Churchward was to be paid out of monies to be voted by Parliament. He (Mr. Malins) would ask his hon. and learned Friend the Solicitor General if he was prepared to endorse the opinion, that if the money was not voted by Parliament Mr. Churchward was not to be paid; and he would also ask the Chancellor of the Exchequer if he was prepared to abide by such an opinion; so that if a person devoted his lifetime to the fulfilment of a contract into which he entered with Her Majesty's Government, he was not to be paid if the Government would not ask Paliament for the money? If that were a contract between individuals, the Government would not have a leg to stand upon; and the Committee would not, he trusted, sanction the course which they now proposed to take.

Sir GEORGE BOWYER said, he must protest against so much of the public time of the House being taken up with Mr. Churchward's affairs. He had been asked to postpone some public business on the ground of the Vote, but he repudiated it. He did not think the House of Commons was the place to discuss Mr. Churchward's private claims. It was nearly ten o'clock, and they ought to be in Supply. The impression produced upon his mind was, that Mr. Churchward had a good many friends in that House, who had come down primed

and loaded to support his clause. His case ought, however, he thought, to be left in the hands of the Government, who, though he differed from them on many points, might safely be intrusted to do justice in the matter. He should therefore deem it to be his duty to vote against Mr. Churchward in the present instance.

Mr. COBDEN:—Mr. Massey, I have but a few words to say, as it is not my intention to enter at all into a discussion of the legal question; but having been intrusted with the responsible post of Chairman of the Committee by whom this subject was considered, I wish to be allowed to make a few observations. The truth is, the whole question is one which lies in a nutshell. It turns entirely upon the evidence of one gentleman. In the year 1859, on my return from America, when I had been two years out of Parliament, and had taken no part in the general election which had just come off, and was wholly unconnected with the previous discussions on this subject, which might be supposed to have assumed somewhat of a party character—I was made Chairman of that Committee, composed of many abler and more experienced men than myself, probably because I was supposed to occupy an unbiassed position in the matter. The first thing I encountered was a personal question, which it is at all times very disagreeable to find mixed up with a public transaction. It appears that early in 1859, a remark made in this House by, I believe, the right hon. Baronet the Member for Droitwich (Sir J. Pakington), reflecting on the conduct of Captain Carnegie, who had been connected with the Government and was involved in some electioneering or political controversy, drew from Captain Carnegie a letter to the public papers explaining the reasons why he refused to stand for the borough of Dover. He stated that he could not, in justice to his own sense of honour, become a candidate for Dover on the terms on which it was desired he should do so. I found that the matter was in some way mixed up with the Dover packet contract, and one of the first things into which the Committee entered was an inquiry into the circumstances connected with the renewal of that contract. The whole point at issue turns on the evidence given by Captain Carnegie; almost everything which can be said on the subject is mere surplusage outside of this gentleman's testimony. Captain Carnegie came before the Committee an unwilling witness—for we had almost to compel his attendance—and nobody who reads his evidence can fail to perceive that it was given with the utmost reluctance. His statement was, that at the time of the general election in 1859 he filled the office of a Lord of the Admiralty; that it had been thought desirable he should seek a seat in Parliament, and that it was proposed he should try Dover. He described how, being in a public office, in the presence of a gentleman whose name it is unnecessary to mention, Mr. Churchward came to him and spoke of his being possibly a candidate for that borough. He added that Mr. Churchward then proposed to give him his support at Dover, and coupled with that proposal the condition of having the contract renewed for his postal service from Dover to Calais. That is the whole question; there is nothing outside it which we need trouble ourselves about. The point is, whether Captain Carnegie's evidence in the matter can be trusted or not. He passed through the most searching examination. But what other motive could Captain Carnegie have had, situated as he was as a Lord of the Admiralty, in refusing to go to Dover but a repugnance to the connexion with Mr. Churchward? He said he was astonished at the indiscreet way the proposal was made to him, a proposal which in itself was as undisguised and indiscreet as any human being could make, that he could not have imagined it possible it would have been made to him. It must be borne in mind that Captain Carnegie, as a Lord of the Admiralty, would be called upon to exercise a surveillance over Mr. Churchward. [*Cries of* No, no!] I heard hon. Gentlemen opposite say "No." Now, I beg to say I know more about the matter than they do. I have served upon more Committees of the House than those hon. Members; and I know that every packet on its arrival and departure has to be examined by an inspector, which inspector is appointed by the Admiralty; and therefore, of course, he has the power of fining a contractor or otherwise; of administering rigid justice in these cases or being lenient and allowing the party to escape. That was the scruple which Captain Carnegie had. Holding the high position which he occupied, he said to himself, "Here is a proposal made to me undisguisedly to forward the scheme of this gentleman for a renewal of the contract, and then he will in return give me his support, as having great influence at Dover." We had to-night a very candid statement from the hon. Baronet the Member for Stamford on the subject. He said he decided in his own mind against the renewal of the contract, and gave us the reasons why he had been induced to change his opinion. I do not enter on the question of motives, because the Committee carefully avoided impeaching the conduct of the Government; but it did so happen that the Government decided to take the course which Mr. Churchward wished. What was it that Mr. Churchward wished at that time? It was to renew in the spring of 1859 a contract that did not expire until 1863; and it was to renew that contract in 1863 for seven years—that is, up to 1870. Now, if it had been a question of renewing a contract for a packet service from England to the West Indies, or even between Liverpool and New York, there might have been some kind of excuse for looking a few years before, because in a great service like either of these, there are great preparations to make; but the postal service between Dover and Calais requires no such provision as that. Every one knows that you may in six months organize a postal service sufficient to carry on communication between Dover and Calais; and therefore I say that at that actual moment of the election there was no motive for pressing that question in the way in which it was pressed. I am not going to read any of the evidence of Captain Carnegie, which extended over a considerable time, but I will read what is stated in the *Index*—the substance, as given by those who sum up the proceedings of our Committees. At page 486 it says, under the head "Carnegie"—

> "At the interview early in April, Mr. Churchward spoke freely and openly on the subject of the contract, and seemed anxious that it should be renewed before the Dover election was over. Examination as to the actual words used—witness clearly understood that Mr. Churchward's support of him at the election was contingent upon a renewal of the contract."

And then it gives a long list of pages to which the *Index* refers. Again it says:—"Remark by Mr. Churchward, that 'they' were anxious." I may mention that the word "they" is put between inverted commas because Captain Carnegie was cross-examined as to the meaning of that word, and declined to interpret it. It had no antecedents, and he declined to define it further—

> "Remark by Mr. Churchward that 'they' were anxious to defer signing the renewal of the contract until after the election; and that if 'they'

> wanted him to return two Government candidates, he should feel obliged to do so, but that he would rather support witness and Mr. Osborne."

There was a painful discrepancy, indeed a painful contradiction of testimony, upon the point; but I think I shall not be contradicted by any Member of the Committee when I say that we were unanimously disposed to believe Captain Carnegie rather than any witness that was opposed to him. ["No, no!"] I did not think that there would be anybody who would say otherwise. That seemed to be the opinion of the Members of the Committee, because no one attempted to set up the testimony of any one else in opposition to that of Captain Carnegie. Well, now, what does this amount to, if Captain Carnegie spoke the truth? Why, it was undoubtedly an attempt to suborn a high functionary, to induce him to dispose of public money, and to accept a bribe. It amounts to that, or it amounts to nothing. The right hon. Gentleman the Member for Stamford says, "But why not stigmatize me? If you stigmatize Mr. Churchward, I ought to be stigmatized; because if he is guilty, I must be." ["Hear, hear!"] Some one said "Hear, hear!" If he had not, I should not have said that this was the most shallow view in the world. Suppose that a contractor went into one of your public offices with his pockets well lined with bank notes instead of promises of votes; suppose he offered some of those notes to one of your functionaries, and offered to bribe him for a contract; should you consider that it was a less criminal act on the part of that person because the bribe was not accepted? It is not necessary that the hon. Gentleman the Member for Stamford should have yielded to this temptation in order to constitute what I should call an offence on the part of Mr. Churchward. He did not succeed. The reason was that Captain Carnegie was a very conscientious man, and rather than go to Dover on the understanding that he was to receive the support of Mr. Churchward under circumstances that might lead to the suspicion that he had a corrupt motive, he declined to stand at all. Then the question arises, what are we to do now? I think, that when these facts are brought before us, there cannot be any doubt or hesitation as to what we should do. The Committee suggests that we should consider the contract null and void; but I hear that there are legal difficulties. Some people argue that we cannot legally refuse to pay the money. Well, then, I would not pay it in any way but a legal way. I quite join with hon. Gentlemen in that view. If they think that Mr. Churchward has a legal claim, let him establish that claim; and, for my part, I would vote money to enable him to establish his claim—to pay all the legal expenses of a trial—rather than I would agree to grant the money for this contract after the Report of the Committee. What will the public say out of doors? Really we ought to affect a virtue if we have it not. A Committee of this House reports that a person goes to a public office, wanting to bribe a Lord of the Admiralty to assist in bestowing a contract by the most corrupt means; and what is the sort of bribe that is offered? Why, it is the very kind of bribery that ought to be most repugnant to this House. On the one hand, we have before us, as the House of Commons, a case in which an attempt is made upon the virtue of a public functionary whom we are here especially to superintend and watch; and, on the other hand, the bribe offered us is an attempt to dispose, by corrupt means, of the votes of constituents, in whose purity and independence I should think that we, as the House of Commons, ought to be most deeply interested. Therefore, standing as we do in the face of the country, we have every motive to show that we are disposed to do our duty in the matter. There is nothing before the House but the question, "Is Captain Carnegie entitled to credit?" If he is, there is no doubt what the House ought to do. It ought to act upon the Resolution of the Committee. Let the party enforce his claim by a court of law if he can; but do not let the House of Commons, in the face of the Report of its Select Committee, take a course which will be virtually condoning both corruption and bribery.

SIR HUGH CAIRNS: There are some questions into which the hon. Member who has just sat down has entered, in regard to which I shall in a moment ask leave to say a word or two; but, before doing so, I will ask the Committee, which I am glad to see is more numerous than it was a short time ago, to consider two questions, which seem to me to be of vital importance, with regard to our forms of procedure and with regard to the duty of the executive Government. First, with regard to our forms of procedure in Committee of Supply. A question has been raised of which no solution has yet been given, and which, I am convinced, is of the gravest importance, with regard not not only to this, but to future cases of the same kind. We are asked by the Government to pass in Committee of Supply a Vote which the Government themselves, and every one who has spoken, acknowledge to be utterly and entirely without precedent in the annals of the House of Commons. The Attorney General has said very frankly that the Government have been advised to propose a Vote of this kind, by which I conclude that the hon. and learned Gentleman means that they have been advised by the Law Officers, for whom he spoke. I shall consider by-and-by what end was proposed to be attained by that advice; but first let me ask the Committee to consider to what a Vote of this kind would lead us. As I understand it, there is no rule more sacred in the practice of the House of Commons than that it is the Appropriation Bill, and the Appropriation Bill alone, which can appropriate, either negatively or affirmatively, the Supplies of the year; and that you cannot by any device anticipate the enactments of that Bill. So far is this carried, that I remember an instance in which an attempt was made by the Government of the day to anticipate the Appropriation Bill, not by a Vote in Committee of Supply, for no one ever thought of that before, but by a clause inserted in another Bill proposed to Parliament in the usual way; and by whom was the objection taken to that? By the Speaker of the House, who said that—

> "Before the question was put, he was anxious to call the attention of the House to what appeared to him to be an irregularity in its proceedings. The clause now before them was a clause of appropriation introduced into a Bill to provide for the ordinary ways and means of the year. Now, it was quite unusual and unprecedented to introduce a clause of appropriation into a Bill of this description at this period of the Session."

The sacred rule of the House of Commons is this:—You may have an Appropriation Bill in the year, but you can only have one, and you cannot even in another Bill introduce a clause of Appropriation of Supplies; much more cannot you introduce a clause of appropriation into a Vote of Committee of Supply. Let me ask the Committee to go a little further. If the Government are right in this proposal, what is the consequence? If the Government can propose a clause of appropriation, of course every hon. Member can propose what he thinks would be convenient, either in affirmance or negation of their appropriation. If the Government can say, "We ask the Committee for £100,000 on account, and we ask the Committee to resolve that no part of that shall be applied in the discharge of a particular contract," what is the result? Any hon. Member who entertains a particular view in regard to any contract with which the Government may have entered, may propose a similar pendant to the Vote so asked on account. Every Member may raise such an issue as well as the Government, and we shall therefore have issues raised by this and that other Member in order to strike at some particular contract or appropriation of money to which he may object, if the precedent be once set which is now sought to be established. Besides, I want to know what the Committee of Supply has got before it on the subject of this contract with Mr. Churchward at all. What does the Committee know about that contract at all? The Committee of Supply has no more to say to the contract of Mr. Churchward than it has to say to the Reform Bill or any other document whatever. The Committee of Supply has no Report of the Committee before it. It has no issue before it but one, and that is whether it will grant or refuse the amount submitted to it by the Government. I therefore warn the Committee against being led into a proceeding full of irregularity and inconvenience—a proceeding which, if it pass now, must become a precedent to the House and fatal to the business of the Committee of Supply. What is all this done for? I will tell you what is the object. I think I know it as well as if I saw it explained in writing before me. The Attorney General as good as confessed it. Mr. Churchward is told he may bring his action at law; and here I must say I admire the caution of the hon. Member for Rochdale (Mr. Cobden), who said, "Mr. Churchward, as far as I am concerned, should have every assistance to bring his action at law; nay, more, I would rather vote the money if it could be recovered, and let a court of law decide the question." [MR. COBDEN: I said I would rather pay the expenses of the suit.] I did not know that the offer had been so personal a one. Mr. Churchward is told, "You may bring your action at law." Well, Mr. Churchward says, "I want to bring an action at law; and I will complain that the Postmaster General has broken the contract which binds the executive Government; that he has terminated, rescinded it; that he won't allow me to continue to carry the mails, and has given me notice to cease doing so. I will bring my action against him, and claim damages for the profits I should have made if the contract had not been terminated in that summary way." Of course, it occurs to the executive Government that this is rather a serious proceeding, and they take the advice of the Law Advisers of the Crown. What will they say, "Be so good as to tell us what ground of hope there is for a successful issue if such an action is brought." They know, if nothing be done by the House of Commons, Mr. Churchward is certain to recover. [The SOLICITOR GENERAL: Hear, hear!] My hon. and learned Friend the Solicitor General concurs. Then Mr. Churchwbrd is certain to recover damages for the breach of contract, and for being interrupted in the performance of the service; and what is to be the defence of the Government? I will tell you. If the Appropriation Bill for the year is passed before the action is brought, it will be held up, and it will be said, "You don't mean to say you have lost anything by the contract being at an end? Look at what the House of Commons has done; they have appropriated all the money for the year, and therefore it was rather a kindness to you that the contract was stopped on the 20th of June; for if you had carried the mails till now, you would not have received one farthing of money for it." That would go to the reduction of damages. But the Law Officers say, we must remember that the 20th of June is coming very close. On that day the Postmaster General has threatened Mr. Churchward that his contract will be at an end. The action will be brought immediately; the Appropriation Bill will not be passed, and we shall be at Mr. Churchward's mercy. Therefore, says the Attorney General, I advised the Government to do what has never been done before—to bring in a clause which shall anticipate the Appropriation Bill. Now, I challenge my hon. and learned Friend who sits opposite me—is not that the object? Now, I appeal with confidence to the hon. Member for Rochdale, does he think that consistent with an offer to Mr. Churchward to bring his action to establish his claim in a court of law, and get what damages he can? And the House of Commons and the Committee of Supply are asked to depart from established practice and create a precedent—for what? In order that we may make ourselves parties to a proceeding which, if carried on elsewhere, would be called sharp practice, unworthy of the name of law. I trust we shall not lend ourselves to any proceeding of that kind. Let the action be brought, let it be tried, and let the right succeed; if not established, let it fail; but do not let us, to accommodate the Executive, who feel and see that they must be cast in that action in the present state of things, pass a Resolution to mitigate the damages on the part of the Government.

There is another point of equal importance, not merely as regards the practice of the House, but as regards public faith, the convenience of public contractors and the course taken by the executive Government in regard to contractors. We have heard from the Attorney General that the payment to contractors is to be made out of monies to be provided by Parliament; and he says there can be no doubt, if Parliament refused these monies, they would not be paid. But how is Parliament to have the option of refusing the monies unless Parliament be asked whether it will refuse or grant them? I want to hear from the Attorney General, how can the House of Commons refuse to grant money unless it be asked by the Government? The constitutional doctrine is this, that just as it is in the power of the House of Commons to refuse to vote any particular sum of money in fulfilment of any contract, the bounden duty of the executive Government, for the time being, is to propose to Parliament the sum which is adequate to fulfil that contract. And so, as was stated by the hon. and learned Member for the Tower Hamlets (Mr. Aryton), or by the right hon. Member for Kilmarnock (Mr. Bouverie), the course of the Government was perfectly open and clear—to lay on the table an Estimate with reference to the contract in question, to tell the House or the Committee that the Government did not pledge themselves to that money or did not entreat it, but would leave it to the judgment of the House whether it should be voted or not. But the peculiarity in this case is that we have here a legal contract—the Government do not deny it. The contract bears that it is to be satisfied out of monies to be voted by Parliament; Parliament cannot vote the monies unless the Executive ask for them; and what I want to know is, when this particular view entered into the mind of the Government with regard to this Vote; because I have had put into my hands a letter which I suppose is a genuine one; it came from one part of the Government, and perhaps another part of the Government may not be aware of it. That is one of the inconveniences of this case. The right hon. Gentleman the Secretary to the Treasury read to us a correspondence which appeared to be mere minutes of instruction for letters to be written, and was, in fact, no correspondence at all. The letter to which I refer was written by the Secretary of the Post Office no longer ago than the 25th of March of the present year. It is written to Mr. Churchward and has reference to the Belgian contract. And what does Sir Rowland Hill say? He says he is directed by the Postmaster General to inform Mr. Churchward that the tenders which have been accepted "will only come into force in the event of Parliament declining to enable this department" to make the necessary payments for carrying out the existing contracts. But what does a letter of that kind written to a contractor mean? Does it not convey this as plainly as possible, "We, the Government, will propose to Parliament the necessary Vote; remember that Parliament may decline to grant it; but if it does not decline, then your contract goes on as before." I have no doubt it will be said on the part of the Government, that the opportunity of voting or of refusing to vote the money would have been given to Parliament, if it had not been for the decision of the House in March 1860. I say that decision had nothing at all to do with the question. I confess I always thought Captain Leicester Vernon's Motion most mistaken and ill-timed. [The CHANCELLOR of the EXCHEQUER: Hear, hear!] And I will tell the Chancellor of the Exchequer why. Captain Vernon's Motion declared that a contract entered into for a specified period ought to be fulfilled; whereas the Act of 1854 says that at all times, from year to year, no matter how long may be the duration of a contract, the monies set aside to fulfil that contract are to be provided by Parliament, and the payments are only to be made out of monies so appropriated by Parliament. The object of that Act was to make Parliament the *dominus* of the contract. But by asking Parliament to declare beforehand that a particular contract shall be fulfilled throughout the whole of its duration, you neutralize and put an end to that Act of 1854; and the Motion therefore, in my humble judgment, was mistaken. But I do not rest the case upon that ground. We heard to-night some of the reasons which led to the majority on that occasion. The hon. Baronet the Member for Finsbury (Sir M. Peto) has stated that in the Vote which he then gave he by no means meant to prejudge the question as to the mode in which the service might be performed in 1863; all he intended was, to express disapproval of a Motion reversing the decision of a Committee only a few days after it had concluded its deliberation upstairs. And what were the words of the Chancellor of the Exchequer. He said—

> "The real difference lies in the renewal of the contract from 1863 to 1870, and the course which Parliament may think fit to take upon the point is a matter hereafter to be decided. If any case is made to show the sufferings of Mr. Churchward, in consequence of that renewal being withheld, out of proportion to the offence he has committed, that case is entirely open to consideration."

The language of the Chancellor of the Exchequer clearly recognises that in 1863 Parliament will be called upon to consider the subject; and therefore, I say, the Vote of March 1860 in no way absolves the Government from the duty otherwise devolving upon them of putting forward an Estimate providing for the service of the year in such a shape as to enable Parliament either to consent or refuse—in the words of Sir Rowland Hill "to decline"—to make the necessary provision.

I will not go into the labyrinth of evidence taken before the Committee of 1860, but I venture to think that the time will come when the Report of that Committee will be looked on with amazement. They reported that the Dover contract was not advantageous in a pecuniary point of view, but in the most complete and absolute manner they, at the same time, absolved every Member of the Government which had entered into the contract from the imputation of corrupt or improper motives. Their Report was based on the evidence of three witnesses, principally with reference to a conversation at which all three were said to have been present. Mr. Murray, however, did not hear the conversation at all, and Mr. Churchward and Captain Carnegie are directly opposed in their recollection of what took place. Mr. Churchward was only examined as a witness—he was no party to the investigation, and he had no means of defending himself beyond that sort of fair play which Members of the Committee were inclined to give him. How, then, does the matter stand? Mr. Churchward denies the conversation which Captain Carnegie says took place. The bearing of this alleged conversation was, that if Captain Carnegie would go to Dover, Mr. Churchward offered to support him, and that he referred to his contract with the

Government, expressing anxiety to have it expedited and completed. Captain Carnegie admitted before the Committee that he did not know when this conversation took place that the contract had already received the approval of the Board of Admiralty some six weeks previously, and hinted, that if he had been aware of that fact, he should probably have gone down and stood for Dover. That was the man on whose testimony, opposed to Mr. Churchward's, the Committee arrived at their Report. And what is that Report? I leave it to the sense and justice of the House to say whether a man was ever condemned on a statement of this kind—

> "It is in evidence before your Committee, that Mr. Churchward, on the eve of the election, volunteered to support a particular candidate, in the expectation that the contract was to be extended."

The Committee do not pledge themselves to a word as having passed directly on this subject between two persons, or to anything which would bind them to a positive finding; but they take refuge in the statement that "support was volunteered upon an expectation." Is there any other case in which a parallel expression is used? I confess, that whenever I look at this Report, I do so simply with astonishment. I can understand the view taken by the hon. Member for Rochdale (Mr. Cobden); it was logical and plain. He prepared a draught Report, in which it was declared, in the strongest terms, that there had been improper practices. But that Report was negatived; how, then, can the Committee insinuate that such practices did really exist? At the time men felt warmly, and their minds were excited; but, in calmer moments, I entertain no doubt that those who come after us, if not we ourselves, will feel that this Report was a mistake. For the rights of any man to be prejudiced by such a visionary statement as I have just read, would be to suppose the House of Commons capable of an act of gross injustice, such as I should never expect to see them perform.

What, however, is the position of the Committee with respect to this question? I submit that it is wholly irregular to ask us to come to a decision upon the materials put before us by the Government. Where are the papers describing all that has taken place between Mr. Churchward and the Government since 1859? Where is the correspondence, fragments and scraps of which the Secretary to the Treasury has read us out of that box? Where are the letters from the sureties, asking the Government whether they consider the contract binding or not, and whether they consequently are to be held to their engagements, and where the answer of the Government to those letters? Where is the correspondence with Mr. Churchward, fixing the duties which he is to perform, and the steamers he is to build, under the stipulations of the contract of 1859? Above all, if the Committee of Supply are now to form a judgment on the expediency of this contract and its advantage for the public service, I want to know where are the materials for enabling them to do so? What of those tenders we have heard about? Where is Mr. Harrington's tender? I am afraid few hon. Members were in the House when that remarkable tender was described. It appears the Belgian Government have notified that they intend to perform the service between Dover and Ostend, and that we shall perhaps have our own mails carried in and out of our own ports by the Belgian Government. But what about the service between Dover and Calais? Mr. Harrington, it seems, has made a tender, and a most mysterious tender it is, because it is to be £8,000 if for one year, and £5,000 if for five, six, or seven years. But that is not all. There are to be bonuses given, as the Secretary to the Treasury tells us, by which, although there is a certain sum named per annum, the amount may be run up £3,000 more; so that you do not know whether the whole charge will be £8,000 or £11,000. But there is another circumstance to be noticed. Mr. Harrington withdraws his tender; but then, says the Secretary to the Treasury, Mr. Harrington has written a letter stating that he did not mean to withdraw it. But he wrote another letter in which he explains that his withdrawal of his withdrawal depends upon the Government giving him six months of an interval to think over whether he should withdraw his withdrawal or not. The noble lord the Secretary to the Admiralty tells us that the Post Office in their extremity appealed to the Admiralty to be kind enough to perform the service during this little interval of breathing time, for Mr. Harrington to make up his mind whether he will accept the contract or not. And what said the Admiralty? "Oh, no! we are very fond of sailing our steamers; but we do not like to sail them if they are to arrive at a particular hour, for they are not punctual, and we don't want their performances to be judged by the quickness of the passage between Dover and Calais; so we won't carry the mails at all." The matter, therefore, stands thus, that the public at this moment are at the mercy of Mr. Harrington, who may or may not decide to withdraw his withdrawal. Again, who are Mr. Harrington's sureties? And is there any assurance, that if at the end of six months he makes up his mind to take the contract, he will really perform the service? In coming to its conclusion, then, let the Committee bear in mind that we have the evidence of the Postmaster General and everybody else that the service has been admirably and efficiently performed; that it is a service which brings in to the Government a clear gain such as it has never had before; and further, that if this contract is discontinued, we have not the least certainty that we shall have the mails carried at all. The simple question I would ask the Committee is, "Ought we not to have the option of considering whether we shall refuse or grant the supplies for the carrying on of this contract?" The Government says, "No; we don't ask you to refuse the means of providing for Mr. Churchward's contract, but we ask you to declare in the shape of an anticipatory appropriation, that no part of this money shall be applied to the purposes of that contract." I hope, therefore, for the sake of order, for the sake of fair dealing between the Executive and its contractors, for the sake of the public advantage and public expediency, and lastly for the sake of that which I am sure the House of Commons will never overlook—namely, justice for a man whom I believe to be wronged and injured, that the Committee will accept the Amendment now before it.

MR. HUBBARD said, that having had the honour to serve on the Committee appointed to consider the Question, he was anxious to make a few remarks. The interest of the taxpayers had, he thought, been somewhat overlooked in the hasty arrangements made with Mr. Churchward. In all the correspondence on this matter, Mr. Churchward had assumed that the conveyance of the mails, before the service was conducted under contract, had cost the Government £25,000 a year, and had caused it to be inferred that by his undertaking it for £15,500, the difference between the two sums—namely, £9,500, had been annually saved to the country. That assumption had never been questioned by any Administration, and the Treasury Minute relating to the contract of 1859 was based upon it. It was, however, very far from being accurate. Indeed, if it were true that Mr. Churchward performed the service for £9,000 less than it had hitherto cost the Government, how did it happen, that whilst he asserted it to be an exceedingly losing contract, he should be also so excessively anxious to obtain a renewal of it? In an appendix to the papers relating to those contracts, there was a statement of the subsidies that were paid in 1853 by the Government. It therein appeared that the cost of the packet service between Dover and Calais and Ostend, according to the contract then existing, was £24,657, and that he took to be the source of Mr. Churchward's round figure of £25,000. Looking at the Report made on that matter, and bearing the signatures of Lord Canning and the right hon. Gentleman the Member for Stamford (Sir Stafford Northcote), he found the remark that the service had been satisfactorily performed as regarded both the mails and passengers; but as the lines were those upon which the passenger and parcel traffic was very great, the services might be considered self-supporting; and therefore they recommended that tenders should be publicly invited for its performance. Well, what did he (Mr. Hubbard) infer from that? Why, that the receipts from the passengers and parcels upon those lines of communication were so great, that they were of themselves sufficient to support the service; and that in order to carry out the principle of economy, the compilers of that Report recommended tenders to be invited. The Parliamentary papers of 1848 contained a Return of the Post Office service from Boulogne, Calais, and Ostend, which gave the number of vessels engaged. It appeared the gross expense of the service was then £18,566, and the net expenses £6,224. The receipts from passenger and parcel traffic were therefore £12,342. If, then, so large a sum was received from the traffic in 1848, he should like to know in 1852, when the gross expense of the service was £25,000, what was the average amount received from passenger and parcel traffic? He thought that that was an important question, which ought clearly to have been answered before the Government had entered into the contract with Mr. Churchward and now before they consented to extend it. Until that fact was satisfactorily answered, he thought that the country would remain under an entire delusion as to the cost of the service. It appeared to him, that so far from Mr. Churchward saving the country upwards of £9,000, he had been drawing largely upon its resources. But, apart from that point, he must say, if the bargain were an improvident one, and that it were shown that the contract could be cancelled in a fair and honourable manner, he should be delighted, in the interest of the taxpayer, to see it cancelled. But when he heard the speech of the Secretary of the Treasury, and was told the grounds upon which his (Mr. Hubbard's) vote was challenged, viz., that Mr. Churchward should be punished for his political intrigues, he (Mr. Hubbard) felt that the way to punish a man for political immorality was certainly not by breaking a bargain solemnly entered into with him, when the services which he had undertaken to render had been well and efficiently performed. He believed that Captain Carnegie, when examined before the Committee, gave his evidence with the utmost earnestness and sincerity, and said nothing which was not based on his honest convictions. But it must also be admitted that the charge against Mr. Churchward rested entirely on that gallant officer's evidence. Where the evidence of one man had to be balanced against that of another, the charge, whatever it was, could not be said to be proved; and he thought that in a case like the present, where mercantile honesty was concerned, the Committee would be going beyond its province if it attempted to be the administrator of public morality. The offence was entirely one of intentions, for it was admitted that Mr. Churchward, whatever he might have said, made no impression on those to whom he addressed himself, and nothing could be more certain than that the Government had committed itself to the renewal of the contract six weeks before the reported conversation with Captain Carnegie. It had been truly stated that in the Select Committee the crucial clause of the Report was adopted by a majority of two; but he might add that on that occasion the hon. Baronet the Member for Stamford and a noble Lord who had likewise been a member of the Derby Administration refused to take any part in the division: had they attended the adverse report must have been carried, if at all, by the casting vote of the Chairman, and they were absent only because, with a delicacy highly honourable to them, they declined to interfere with a decision which involved a judgment on their public conduct. On the whole, then, although he looked upon the Dover contract, in a commercial point of view, with great disapproval, believing it to be against the public interest, and although he should be glad of a fair opportunity of cancelling it, yet he could not consent to the breaking of a contract against which there was nothing more to allege than that there was some reason to suspect the political honesty of the contractor.

Two Members, Mr. SOLICITOR GENERAL and Mr. NICOL, both rising in their places to speak, the CHAIRMAN called upon Mr. SOLICITOR GENERAL, as being first in his eye, but several Members calling upon Mr. NICOL to speak;

Motion made, and Question proposed, "That Mr. Solicitor General do now speak."—(*Mr. Serjeant Pigott.*)

MR. DISRAELI said, he understood that the hon. Member for Dover (Mr. Nicol) did not wish to trespass upon the Committee at any length; and as he probably desired to speak upon some personal point, perhaps the Committee would not object to hear him first.

MR. SERJEANT PIGOTT said, he would withdraw his Motion, his only object had been to relieve the Committee from an embarrassment.

Motion, by leave, *withdrawn.*

Whereupon Mr. Nicol proceeded to address the Committee.

MR. NICOL stated that he was invited to stand for Dover at the same meeting with Captain Carnegie, and he could solemnly declare that Mr. Churchward never addressed him directly or indirectly on the subject of his contract. The fact was, that the contract had been settled two months before, and it could not have been affected in any way by anything which Mr. Churchward might have said to Captain Carnegie. It was admitted on all hands that Mr. Churchward had performed the service satisfactorily, and surely the Committee would not allow the Government to reward him with the repudiation of his contract? He might also add, that he felt sure, if his hon. Colleague were present, he would also say that Mr. Churchward had never addressed a single word to him on the subject.

THE SOLICITOR GENERAL: The Committee will believe me when I say that it was with great unwillingness I stood in the way of the hon. Gentleman who has just spoken. On all occasions I am most ready to give place to any hon. Member who wishes to address the House. In the present instance my difficulty was, that while there appeared to be a desire on the part of some hon. Members that I should proceed, I was not at the moment aware of the peculiar claims of the hon. Member for Dover. Having thus, I hope, put myself right with the Committee, I shall endeavour to deal with the question before us. Various questions of form, more or less important, have been raised, and also various personal questions; but to my mind there is one question of greater importance than all, which lies at the bottom of this discussion; and it is, whether the control of Parliament over public expenditure on contracts of this description, and entered into under these peculiar circumstances, is to be a substantial or a sham control. I quite agree that, as a general rule, contracts entered into by the executive Government ought to be adopted and honoured by Parliament. I also agree that, as a general rule, contracts *bonâ fide* entered into, and under ordinary circumstances, will be adopted and ratified by Parliament, although they may be in such a form as that now before us. But I protest, on the part of the public, against the idea that it is, or ought to be, in the power of any Government to enter into any contract on behalf and in the name of Parliament, to be carried out by means of monies to be provided by Parliament, and then that Parliament is to be told, when the question is whether it shall supply the requisite funds, "Oh, if you reject the contract, you will be guilty of a breach of faith." I say that this particular contract was entered into under circumstances which rendered it peculiarly necessary that Parliament should stand upon its right to determine the question on its merits, and not as prejudged by the executive Government. Under what circumstances was the contract made, in what form, and why did it assume that form? The contract was made, as we know, in the heat of a general election. [*Cries of* No!] The contract was made in the heat of a general election. ["No, no!"] Those hon. Gentlemen who cry "No!" will perhaps permit me to remind them of the dates. The Treasury Minute, until which there was no engagement in any sense whatever, was not made till the 15th of April. Parliament was dissolved on the 19th, notice of the dissolution having been given some time before. The contract itself was made on the 26th of April, while the election was going on. [Mr. Malins: It was made in February.] The hon. and learned Member for Wallingford repeats the oft-told tale that the contract was made in February. All that happened then was this, that one of the officials of the Admiralty, the First Lord not having been so much as consulted, forwarded Mr. Churchward's proposal to the Treasury, recommending it for their favourable consideration; and, as my hon. Friend the Member for Stamford has informed us, the matter was under the consideration of the Treasury during the month of March and the early part of the month of April. It was not until the 15th of April, four days before the dissolution, that the Treasury came to any conclusion on the subject, and the contract was made, as I have said, on the 26th of April, during the heat of the general election. I have not, at present, said a word about the preliminary circumstances, I am only vindicating the right of the House to say that it will not be trifled with on this matter. We are not to be told that it is a breach of faith not to vote this money if, on the merits of the case, the Committee should still think that it ought not to be voted. The contract is drawn up in a particular form, and the Resolutions which we propose are the legitimate and natural results of that form, if it is the opinion of the House that the money ought not to be provided. There are, of course, two parties to the contract, Mr. Churchward and the Government. Mr. Churchward agrees, for a certain length of time, to perform certain services, and to keep up a sufficient number of ships, &c., for those purposes. The Government, on the other hand, agree, to do only one thing, and that is to pay Mr. Churchward so much a year for those services out of money to be provided by Parliament. Had Parliament authorized the Government to take from them the power of judging whether they will provide that money or not? ["No!"] No; but nine-tenths of the argument seems to say so. We have been told repeatedly that we are not free judges of this question, that we are not to determine the question on its merits, and that we are guilty of a breach of faith if we do so. I say the words were deliberately inserted in the contract, and, moreover, we were informed, by the Ministers who made the contract themselves, that the effect of those words was to make the contract subject to the revision of the House. I may remind hon. Members of the origin of the phrase. My hon. Friend the Member for Stamford had his attention directed to the subject in consequence of the House having refused to ratify the expenditure of a certain sum for a chapel at Paris; and he suggested that the words, "to be paid out of monies provided by Parliament," should, for greater caution, be introduced into the Galway contract, which preceded that made by the same Government with Mr. Churchward. The Galway contract was the subject of discussion in the House on the day when the Committee on the Packet Contracts was appointed, 7th July 1859. Upon that occasion the right hon. Gentleman the Member for Bucks (Mr. Disraeli), referring to some observations of the present Lord Camperdown, said—

> "With regard to the contract which appeared to have excited so much alarm in the mind of the noble Lord who last spoke, it might be satisfactory to him to learn that it would be in the power of the House, when a Vote of money was proposed, to reject it entirely. Formerly, when contracts of this nature were concluded, inasmuch as the expenditure was defrayed from the Post Office revenue, they were not subject to the pleasure of Parliament; but speaking from recollection, he believed that in the present instance it was for the first time specially provided that the contract should depend upon the approval of Parliament, and the House of Commons would therefore have a fair and complete opportunity of expressing its opinion upon the policy recommended by the late Government." [3 *Hansard*, cliv. 821.]

Again, on the 14th of July, in the same year, my hon. Friend the Member for Tewkesbury (Mr. Lygon), then the Civil Lord of the Admiralty, stated that—

> "Certain words were introduced into the contract, signed on the 6th of April for Dover, as had been done also in the case of Galway, providing that the contractors should be paid out of money to be voted by Parliament; thus, in fact, rendering the contract subject to ratification by the House." [3 *Hansard*, cliv. 1222.]

Therefore, it has been distinctly admitted that the contract is subject to revision by the House, and no one can impute a breach of faith to the House for not ratifying it. As soon as the new Parliament met, and the Government was changed, the Committee of Inquiry was appointed. The Report of that Committee, which was made at the end of the same Session, being distinctly against the contract, it was brought before the House on the earliest opportunity by an hon. and gallant Member who is now no more. It has been said that the duty of the Government, under the present circumstances, is to propose that the money should be voted for performing the contract. What might have been the duty of the Government if the House had pronounced no opinion on the subject, it is not now necessary to speculate. But the hon. and gallant Member of whom I have spoken distinctly raised the issue that the contract ought to be fulfilled. That was a recognition that the House was the proper judge of the question; and when the House decided that the contract should not be fulfilled, there was no moral claim to override its conclusion. I differ from some of the observations of the hon. Member for Stamford, and I am rather surprised to hear them fall from him, because nothing could be more becoming, graceful, or honourable than the latter part of his speech, in which he took blame to himself, which no one desired to cast upon him, in order that Mr. Churchward should be sheltered. The earlier part of his speech was, however, such as I should rather have expected to hear on a different occasion than in a debate in this place. A pleading more at variance with the documents on which it was founded I cannot conceive. My hon. Friend interprets quite wrongly what passed on the occasion of the former debate. He says that my right hon. Friend the Chancellor of the Exchequer made a sort of appeal to hon. Members not to prejudge the question, to defer the whole matter till 1863, and to throw no discredit on the labours of the Committee. My understanding of the debate is totally different. Mr. Laing said—

> "There was a distinct assertion by a great majority of the Committee, and one not confined to any political party, that it was proved by the evidence that Mr. Churchward did attempt to exercise corrupt influence on the Government, in the hope of obtaining the renewal of his contract." [3 *Hansard*, clvii. 1365.]

Mr. Laing was willing to rest the whole matter upon that ground, and upon the ground derived from the effect of the words which stated that payment was to be made out of monies to be provided by Parliament. Mr. Laing added, that if Mr. Churchward gave up this agreement, he would be in just as good a position as any one else for the purpose of competing for any new contract in 1863. On the same occasion my right hon. Friend the Chancellor of the Exchequer said—

> "Does not every man, woman, and child know that the monies so voted by Parliament are freely voted, and can it be supposed that Mr. Churchward, in accepting that contract, was not aware that it was subject to the free exercise of the discretion of Parliament? We are now arrived at the time

when it is necessary to exercise that discretion, and I will grant that we are bound to exercise a just, wise, and liberal discretion. But does wisdom, justice, or liberality bind us to support a contract of this nature by our own free voluntary vote, when an impartially-selected Committee of this House has reported that the party, in order to obtain that contract, has resorted to corrupt and degrading considerations? That is, in point of fact, the whole question; and on that question the House will vote. The Government do not wish to influence the vote of the House; they look rather for an indication of its will, and by that indication their future course will be directed." [3 *Hansard*, clvii. 1412.]

This question is really more for the Committee than for the Government. It is for the Committee to consider whether or not they will reverse the previous vote of the House. But, as my right hon. Friend stated during the former debate, the course of the Government was necessarily guided by that vote, and they had, accordingly, not felt themselves at liberty now to disregard it. Now, I really ask whether my hon. and learned Friend opposite seriously thinks, that after this House deliberately negatived that Motion by a majority of forty-five, the Government could with propriety have come down, and laid on the table a proposition to supply the money for Mr. Churchward's contract? Why, the conclusion from such a proceeding would be that the Government should not only propose the Vote, but support it. ["No!"] My right hon. Friend says "No;" but would the Government be keeping faith with the House, or giving any satisfaction to Mr. Churchward, by proposing the Vote and then asking the House to reject it? I apprehend that the Government took that course which best became them, in deference to their own engagements, to the authority of the House, and to what was due to Mr. Churchward himself. They have proposed a Vote which differs from that recommended on the other side of the House in this respect—that, instead of contradicting, it adopts the decision of the House; whereas the proposed Amendment, if carried, would be a declaration on the part of the House that it would place no restriction on the payment of monies of this kind. The House has as much the opportunity and the power to reverse its former decision, and to provide money for the performance of the contract, by adopting the Amendment now before it, as it would have had if the Government had asked it directly to do the same thing. I do not agree with the hon. and learned Member for Belfast (Sir Hugh Cairns) as to the object of the Vote as proposed by the Government. That object is to take care that the House is not entrapped into doing that which the contract does not bind it to do without its own consent. If the House voted money for the packet service generally, without any specific appropriation to, or exclusion of particular services, Parliament then would be said to have provided means for the fulfilment of this contract. But we understand that Parliament does not mean that; and if the House does not mean to ratify the contract by providing the means for carrying it out, then the House will take care to mark on the face of the Vote that the money is not intended for any general purpose, and is not to be available for the fulfilment of the contract now under discussion. I do not pretend to be so familiar as many other hon. Members with the form in which Votes for money are taken, but I think my hon. and learned friend opposite fell into an error in his remarks with regard to what he supposed to be the impropriety of anticipating the Appropriation Act by Votes in Committee of Supply. Now, I thought that all Votes in Supply were Votes in anticipation of the Appropriation Act, and were afterwards transferred into that Act. If it is meant that the money provided by this Vote should in no part go towards Mr. Churchward's contract, the House should say so now; for this is the proper time to state for what purpose the money is to be voted, and that purpose is to carry into effect the intention of Parliament as declared in 1860. If carried, we in our conscience believe that it will be a complete answer to any action on account of the contract, because there would be no breach of contract, as the contract itself provided for no payments except out of monies to be supplied by Parliament.

The hon. Baronet the Member for Finsbury (Sir Morton Peto) has expressed his intention to take a course different from that which he took in 1860. If my hon. Friend had said that he had re-considered the question, and found that he was in error before, it would be quite right, and in no degree surprising, that he should alter his course; but my hon. Friend gave a totally different reason for his change of conduct. He said that the Government had acted on the contract in the interval, and that the question ought to have been determined before. But if Parliament did not mean to ratify the contract of 1859, it would not take advantage of that to deprive Mr. Churchward of the advantages which he would have had if that contract had not been made. The recommendation of the Select Committee had reference only to the period subsequent to the 20th of June 1863. After the House came to the Vote on the subject, Mr. Churchward was invited without delay to call at the Treasury, and then the proposal was made to him to go on until the 20th of June 1863, when his former contract would have expired, upon the terms of the contract of 1859, which were the same with the terms of the former contract, with this difference only—that payments for extraordinary services should be commuted into the payment of a fixed sum of money, according to Mr. Churchward's own desire. The Government said, that if Mr. Churchward was willing to go on upon those terms until the former contract would have expired, they would apply to Parliament to make the necessary payments, upon the understanding that the position of neither party was to be prejudiced when June 1863 arrived. Then both parties were to be entitled to insist on whatever rights they might conceive themselves to possess. Mr. Churchward wrote a letter accepting the proposal, without prejudice to his legal claims under the contract of 1859, and with the understanding that in June 1863 he would have the right, if he thought fit, to submit the validity of the contract of 1859 to a court of law. A Treasury Minute was then drawn up, to the effect that there existed no objection on the part of the Treasury to the arrangement; and it was distinctly expressed, that under this arrangement Mr. Churchward would, of course, retain any legal rights he might consider himself to possess in June 1863; but, at the same time, it must be understood that the Government did nothing to admit the validity of any such claims, or to prejudice the decision of the House of Commons. Any legal rights which Mr. Churchward has were reserved, with the knowledge, on both sides, that his only right would be, to be paid out of monies to be provided by Parliament, and that Parliament had said that it was not prepared to provide these monies from June 1863 to 1870. In substance, then, it was the old arrangement—there was no advantage taken on the part of the Government of the contract of 1859. And so faithfully have the Government acted that they gave Mr. Churchward a year's notice, so that in all respects his position might be the same as it would have been if the former contract had continued.

And now a few words upon what may be called the general merits of the case. But, first, I cannot help thinking that there are considerations of importance involved in this matter more than have received justice from those who have spoken on the other side of the House. I ask the Committee just to follow me through the principal dates upon which this case mainly depends. In 1857 there had been a cessation of a former correspondence which Mr. Churchward had carried on with the Admiralty for the purpose of obtaining a similar renewal of the contract. In January 1859 that correspondence was revived, and on the 23rd of February the Admiralty, under circumstances which I have already mentioned, without the knowledge of the First Lord, without any real inquiry into the facts at all, expressed an opinion in favour of the renewal of the contract. What followed when the matter got to the Treasury was this. Upon the 10th of March it was referred to the Post Office, and the Postmaster General made a strong report against the extension of the contract. Mr. Stephenson endorsed the memorandum and expressed his entire concurrence in the objections which had been taken. Mr. Hamilton, the Permanent Secretary to the Treasury, made a memorandum expressing a difference of opinion and giving his reasons. Just then there was a critical time; the Government had been defeated on the Reform Bill, dissolution was resolved upon, and in the interval Mr. Churchward and his friends urged the matter forward. Before the 1st of April a letter was written by Mr. Murray, a gentleman with whom I have the honour to be acquainted, and from that acquaintance I am sure whatever he has stated may be taken as the statement of a man of honour according to his belief of the facts. Mr. Murray, shortly before the 1st April, wrote a letter to my hon. Friend the Member for Bridgnorth (Mr. Whitmore), then one of the Lords of the Treasury. In that letter Mr. Murray said, "We are anxious to expedite Mr. Churchward's matter, as we want him to go down to Dover to canvass." Now, I ask the Committee to observe the critical position of things at that moment. And here let me observe that my apprehension of this matter does not depend simply on the particular conversation with Captain Carnegie, as to which there is some difference of recollection among three gentlemen, whom I assume to be, all men of honour. Mr. Murray thinks that Captain Carnegie's memory may be in error, because something had passed in conversation between himself and Captain Carnegie which the latter might have confounded with a conversation which he held with Mr. Churchward. It was evident from that very thing that Mr. Churchward was pressing his influence with everybody in office that he could apply to, to get the matter expedited. Well, I say that is a very serious matter. The whole case stood thus. Mr. Churchward's proposal was disapproved by the Post Office; it was disapproved by Mr. Stephenson, and by the hon. Baronet the Member for Stamford himself. It was not until the 13th of April that the difficulties which my hon. Friend experienced were removed. We all know my hon. Friend, and I am bound to say, that if there were a case infinitely stronger against other people, one single word from my hon. Friend would convince me of the purity, sincerity, and honour of everything which he himself did. But does that determine the question before us, if we find the contractor and his friends set in motion indirect means, among persons of inferior importance, in order that at that critical time the contract might be extended? It is impossible to trace the ins and outs of this kind of influence. It is impossible to tell what wheels within wheels there might be. If in this case we were to acquit Mr. Churchward of endeavouring to mix up political with other considerations, merely because he was obliged to obtain the assent of some who could not be influenced by those considerations, it would be impossible in many instances to get over the obscure boundary line between that which is corrupt and that which is honest in public affairs. But there are principles of our law which should guide us here. We know, that when a corrupt agency is employed, no evidence whatever that the person on whose behalf it was employed derived no actual benefit from that agency will release him from the consequences. Mr. Churchward's position in this particular case was perfectly clear. He tells us he was able to command, and did command, fifty votes at Dover, not one of whom failed him in the result; and, according to Captain Carnegie, he said, "They want to throw over the contract until after the elections. I want to vote for you and Mr. Osborne." That would be entirely neutralizing the vote; and that statement, coming from a gentleman of such loose politics, that he himself tells us he always votes for the Government—a gentleman who, himself, says he has one eye to his own interests and another to the interests of Dover—is quite sufficient to fix him with corruption. Well, Sir, we say now we will not hold ourselves bound by a contract obtained under those circumstances. The House has always exercised a most wise jealousy as to the mixture of Government contracts with Parliamentary influence. We know that any person who accepts a Government contract is *ipso facto* disqualified from sitting in this House while he holds it, because the constitution is jealous lest the political influence which belongs to a Member of Parliament may be employed to obtain the contract, or to affect the interests or the obligations of the contractor under it. But where is the difference between such a man and a Government contractor seeking an extension of the contract, when there is no pretence of urgency as to time, when four years of his contract are yet to run, taking advantage of the pressure of a general election, in a political crisis on which the fate of the Administration depends, in order to effect the immediate settlement of his claim; and doing all he can, whether successfully or not, to enlist the influence of those Members of the Government who are at once watching over the contract and over the elections? It is for the Committee now to determine whether they continue of the same mind as before or not. But this, at least, I do say, that the Government have done their duty in pursuing the only course which it was open to them to pursue—in bringing the matter under the consideration of the House, in a form and manner consistent with, and necessarily resulting from, the former decision of the House itself.

COLONEL DICKSON said, that the hon. and learned Gentleman who had just sat down had favoured the Committee with a dissertation on "loose politics," but such a dissertation could not possibly come with a worse grace from any one than from the Solicitor General himself. The question was, whether this contract was entered into by the late Government from corrupt motives. No proof of these corrupt motives had been attempted to be given. Two matters were involved in the Resolution—one, the character of the gentleman who entered into this contract; the other, the character of the Government by which it had been granted. He trusted that the Committee would not be guilty of such a breach of faith with a public servant who had faithfully performed the duty intrusted to him as the passing of the Resolution would involve.

Question put, "That the words proposed to be left out stand part of the proposed Resolution."

The Committee *divided*:—Ayes 176; Noes 168: Majority 8.

Original Question put, and *agreed to*.

AYES.

Adeane, H. J.
Agar-Ellis, hn. L. G. F.
Angerstein, W.
Antrobus, A.
Atherton, Sir W.
Aytoun, R. S.
Bagwell, J.
Baines, E.
Baring, rt. hn. Sir F. T.
Baring, T. G.
Barnes, T.
Bass, M. T.
Baxter, W. E.
Beamish, F. B.
Beaumont, S. A.
Bellew, R. M.
Berkeley, Col. F. W. F.
Black, A.
Blencowe, J. G.
Bonham-Carter, J.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Bowyer, Sir G.
Bright, J.
Briscoe, J. I.
Bruce, Lord E.
Bruce, H. A.
Buchanan, W.
Buxton, C.
Caird, J.
Cardwell, rt. hon. E.
Cavendish, Lord G.
Cholmeley, Sir M. J.
Clay, J.
Clifford, C. C.
Clifton, Sir R. J.
Cobbett, J. M.
Cobden, R.
Colebrooke, Sir T. E.
Coningham, W.
Cowper, rt. hon. W. F.
Crawford, R. W.
Crossley, Sir F.
Dalglish, R.
Davey, R.
Denman, hon. G.
Dering, Sir E. C.
Dillwyn, L. L.
Dodson, J. G.
Douglas, Sir C.
Doulton, F.
Dundas, F.
Dunlop, A. M.
Ellice, E. (St. Ands.)
Enfield, Viscount
Ennis, J.
Esmonde, J.
Evans, T. W.
Ewart, W.
Ewing, H. E. Crum-
Fermoy, Lord
Finlay, A. S.
Fitzroy, Lord F. J.
Fitzwilliam, hon. C. W. W.
Forster, C.
Forster, W. E.
Foster, W. O.
Fortescue, hon. F. D.
Fortescue, C. S.
Gavin, Major
Gibson, rt. hon. T. M.
Gilpin, C.
Gladstone, rt. hon. W.
Goldsmid, Sir F. H.
Gower, G. W. G. L.
Greene, J.
Gregson, S.
Grenfell, H. R.
Grey, rt. hon. Sir G.
Gurdon, B.
Hadfield, G.
Hanbury, R.
Handley, J.
Hardcastle, J. A.
Hartington, Marq. of
Hayter, rt. hon. Sir W. G.
Headlam, rt. hon. T. E.
Herbert, rt. hon. H. A.
Hibbert, J. T.
Hodgkinson, G.
Hodgson, K. D.
Holland, E.
Howard, hon. C. W. G.
Hutt, rt. hon. W.
Ingham, R.
King, hon. P. J. L.
Kingscote, Colonel
Kinnaird, hon. A. F.
Knatchbull-Hugessen, E.
Layard, A. H.
Lanigan, J.
Legh, Major C.
Locke, J.
Lowe, rt. hon. R.
Mackie, J.
Mackinnon, W. A. (Lymington)
Mainwaring, T.
Marjoribanks, D. C.
Marsh, M. H.
Martin, P. W.
Martin, J.
Merry, J.
Mildmay, H. F.
Miller, W.
Mills, J. R.
Moffatt, G.
Moncreiff, rt. hon. J.
Monsell, rt. hon. W.
Morris, D.
Morrison, W.
Norris, J. T.
North, F.
O'Conor Don, The
Ogilvy, Sir J.
Onslow, G.
Paget, C.
Paget, Lord A.
Paget, Lord C.
Palmer, Sir R.
Palmerston, Viscount
Pease, H.
Peel, rt. hon. Sir R.
Peel, rt. hon. F.
Pigott, Serjeant
Pilkington, J.
Pinney, Colonel
Ponsonby, hon. A.
Potter, E.
Price, R. G.
Pritchard, J.
Pugh, D.
Puller, C. W. G.
Ramsden, Sir J. W.
Ricardo, O.
Robartes, T. J. A.
Russell, H.
Russell, A.
Russell, Sir W.
Scott, Sir W.
Seely, C.
Shelley, Sir J. V.
Smith, J. B.
Smith, M. T.
Smith, Augustus
Somerville, rt. hon. Sir W. M.
Stacpoole, W.
Stansfeld, J.
Sykes, Colonel W. H.
Talbot, C. R. M.
Thompson, H. S.
Thornhill, W. P.
Tite, W.
Tomline, G.
Turner, J. A.
Vane, Lord H.
Vernon, H. F.
Villiers, rt. hon. C. P.
Vivian, H. H.
Walter, J.
Watkins, Colonel L.
Western, S.
Westhead, J. P. Brown-
White, J.
White, L.
Williams, W.
Wyvill, M.

TELLERS.

Mr. Brand
Sir W. Dunbar

NOES.

Adderley, rt. hon. C. B.
Addington, hon. W. W.
Annesley, hon. Col. H.
Archdall, Captain M.
Astell, J. H.
Bailey, C.
Barbour, J. D.
Barrow, W. H.
Barttelot, Colonel
Bathurst, A. A.
Beecroft, G. S.
Bentinck, G. C.
Beresford, D. W. P.
Bernard, hon. Col.
Blackburn, P.
Bond, J. W. M'G.
Bovill, W.
Bramley-Moore, J.
Bridges, Sir B. W.
Brooks, R.
Bruce, Major C.
Bruce, Sir H. H.
Bruen, H.
Burghley, Lord
Cairns, Sir H. M'C.
Cave, S.
Cecil, Lord R.
Chapman, J.
Clive, Capt. hon. G. W.
Cobbold, J. C.
Cochrane, A. D. R. W. B.
Codrington, Sir W.
Cole, hon. H.
Cole, hon. J. L.
Collins, T.
Corry, rt. hon. H. L.
Cox, W.
Cubitt, G.
Damer, S. D.
Dickson, Colonel
Disraeli, rt. hon. B.
Du Cane, C.
Duncombe, hon. W. E.
Edwards, Colonel
Elmley, Viscount
Elphinstone, Sir J. D.
Fane, Colonel J. W.
Farquhar, Sir M.
Fellowes, E.
Fergusson, Sir J.
Ferrand, W.
Filmer, Sir E.
FitzGerald, W. R. S.
Forde, Colonel
Forester, rt. hon. Gen.
Gard, R. S.
George, J.
Gilpin, Colonel
Goddard, A. L.
Gore, J. R. O.

Graham, Lord W.
Greaves, E.
Greenall, G.
Gray, Captain
Grey de Wilton, Visct.
Grogan, Sir E.
Hamilton, Lord C.
Hamilton, Major
Hamilton, Viscount
Hardy, G.
Hardy, J.
Hay, Sir J. C. D.
Hennessy, J. P.
Howes, E.
Hubbard, J. G.
Humberston, P. S.
Hunt, G. W.
Jermyn, Earl
Jervis, Captain
Jolliffe, rt. hon. Sir W. G. H.
Jolliffe, H. H.
Kekewich, S. T.
Kelly, Sir F.
Kennard, R. W.
Ker, D. S.
Kerrison, Sir E. C.
Knatchbull, W. F.
Knight, F. W.
Knox, Colonel
Lacon, Sir E.
Laird, J.
Langton, W. G.
Leader, N. P.
Legh, W. J.
Lennox, Lord G. G.
Lennox, Lord H. G.
Lennox, C. S. B. H. K.
Lever, J. O.
Liddell, hon. H. G.
Lindsay, hon. Gen.
Longfield, R.
Lovaine, Lord
Lyall, G.
Lygon, hon. F.
Lytton, rt. hon. Sir E. G. E. L. B.
Maguire, J. F.
Malcolm, J. W.
Malins, R.
Manners, rt. hn. Lord J.
Mills, A.
Montagu, Lord R.
Morgan, hon. Major
Mowbray, rt. hon. J. R.
Naas, Lord
Nicol, W.
Noel, hon. G. J.
North, Colonel
Northcote, Sir S. H.
O'Neill, E.
Pakenham, Colonel
Pakington, rt. hon. Sir J.
Papillon, P. O.
Parker, Major W.
Peto, Sir S. M.
Pevensey, Viscount
Potts, G.
Powell, F. S.
Powell, J. J.
Redmond, J. E.
Repton, G. W. J.
Ridley, Sir M. W.
Rowley, hon. R. T.
Sclater-Booth, G.
Scott, Lord H.
Selwyn, C. J.
Seymer, H. K.
Sheridan, H. B.
Smith, M.
Smith, S. G.
Somes, J.
Stanhope, J. B.
Stanhope, Lord
Stanley, Lord
Setwart, Sir M. R. S.
Stuart, Lieut. Col. W.
Sturt, H. G.
Sturt, Lt.-Col. N.
Sullivan, M.
Talbot, hon. W. C.
Tempest, Lord A. V.
Thynne, Lord E.
Thynne, Lord H.
Torrens, R.
Trefusis, hon. C. H. R.
Trevor, Lord A. E. H.
Trollope, rt. hon. Sir J.
Turner, C.
Vance, J.
Vandeleur, Colonel
Vansittart, W.
Walpole, rt. hon. S. H.
Whiteside, rt. hon. J.
Woodd, B. T.
Wyld, J.
Wyndham, hon. P.
Wynn, Sir W. W.
Wynne, C. G.
Yorke, hon. E. T.

TELLERS.
Colonel Taylor
Mr. Whitmore

Mr. DISRAELI said, he wished to inquire when the Resolution would be reported?

The CHANCELLOR of the EXCHEQUER said, it had better be reported on the following day.

Mr. WALPOLE said, he considered it important to raise the general question on the merits, according to the usual practice of the House. A new mode of taking Votes had been introduced, a Resolution having been agreed to on a subject which was not a matter of Supply, and the Committee would do well to consider whether an opportunity should not be given of determining the real merits of the question. Nothing could be more simple. The House ought to have an opportunity of considering the new contract which had been substituted for the old one; but at that moment the new one was not even before them.

Mr. DISRAELI said, he had mentioned the subject, not with a view to try the merits of the question again, though he did not hold himself precluded from that course, but merely with reference to the expediency of discussing the mode in which the Vote had been brought before the Committee. The House had before them an important question, upon which there would probably be a lengthened discussion, and it would be most inopportune at the close of such a discussion to call upon the House to inquire into the propriety of retaining certain constitutional forms of great importance.

The CHANCELLOR of the EXCHEQUER said, the difficulty was that the service had to be provided for. It was true that an important question would come before the House on the following day, and probably it would not be in the power of the House to discuss the Report of the Resolution until a very late hour. With reference to the state of the service, he did not think the Government would be justified in naming any later day than Thursday in the following week.

House *resumed.*

Resolution to be reported on *Thursday* 28th May.

Committee to sit again on *Thursday* 28th May.

OFFENCES (SOUTH AFRICA) BILL.

[BILL 113.] COMMITTEE.

Order for Committee read.

Mr. CHICHESTER FORTESCUE explained that the object of the Bill was to amend an Act passed in the 6th and 7th of William IV. for the prevention and punishment of offences committed by Her Majesty's subjects in South Africa. Its chief provision related to Natal. At present, it was necessary to send parties who committed outrages there to Cape Town for trial, a distance of many hundred miles; but it was represented by the Governor of

Natal that it would conduce much more effectually to the ends of justice if these parties could be tried in the courts of Natal. In the Bill, accordingly, it was provided that these parties should be tried in the courts of that Colony.

Bill *considered* in Committee.

House *resumed.*

Bill *reported,* without Amendment; to be read 3° *To-morrow.*

ADMIRALTY COURT (IRELAND) BILL.

[BILL 45.] COMMITTEE.

Order for Committee read.

Mr. MAGUIRE rose to address the House, when—

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at half after One o'clock.

HOUSE OF LORDS,

Tuesday, May 19, 1863.

MINUTES.]—Public Bills—*First Reading*—Vaccination (Ireland)* (No. 108); Prison Ministers* (No. 109).

Second Reading—Acts of Uniformity Amendment, [H.L.] (No. 1); Stock Certificates to Bearer* (No. 100); Customs and Inland Revenue* (No. 101).

Committee—Redemption of Rents (Ireland) [H.L.] (No. 110).

Report—Redemption of Rents (Ireland) (No. 110).

Third Reading—Marriages, &c. (Ireland)* (No. 93), and *passed.*

AUGMENTATION OF BENEFICES BILL.

OBSERVATIONS.

Lord BROUGHAM expressed his regret, that not being present upon the third reading of this Bill, he had not been able to declare his approval of its object. He was not, indeed, so sanguine as to its successful working as the noble and learned Lord who had introduced it; but he believed it would secure a beneficial change in regard to the poorer benefices of the Established Church. The patronage of small livings was an incumbrance to the Lord Chancellor, as he had personally experienced; and soon after being appointed to that high office, in 1830, he sent a circular to the right rev. Prelates, making a proposition in regard to these benefices, offering to abandon to them the patronage of livings under £100 a year; but he was sorry to say that it did not result in anything being done. He approved the Bill which had recently passed through that House, and hoped it would be accepted by the other House, but hoped that some measure would be adopted to put an end to the sale of next presentations.

ACTS OF UNIFORMITY AMENDMENT BILL—(No. 1.)—SECOND READING.

Order of the Day for the Second Reading read.

Lord EBURY rose to move the second reading of this Bill, and (having *presented* several Petitions in its favour) said, that their Lordships would probably remember that when he made a similar motion to this last year, he did not press it to a division. He had pursued that course, not on account of any hostility to the measure expressed by those of their Lordships who took part in the debate, but because the right rev. Prelate who presided over the diocese of London appealed to him to do so, in order that time might be given to himself and others who were inclined to take a favourable view of the question for consideration before they gave a decided opinion in regard to it. He responded to that appeal, and had the gratification of knowing, from the charge delivered by the right rev. Prelate last autumn, that further reflection had strengthened his conviction that the time had now arrived when the consideration and settlement of that question could no longer be postponed. It was therefore with some confidence that he now asked their Lordships to give a second reading to this Bill. He believed he might say that he brought forward this Motion with the consent, if not, of a majority of the clergy of the Church of England, certainly with the consent of a vast number of that body. They did not like to put themselves forward in this matter, for reasons sufficiently obvious; but he would observe that not a single Petition had been presented against the second reading of this Bill, and their Lordships would recollect that three years ago 10,000 of the clergy signed a petition against any alteration of the Prayer-book. The absence of Petitions, therefore, on this occasion, was significant. Upon the former occasion he went so fully into the history of the Acts of Uniformity, Subscription, and Declaration, that he would not go very largely into them on this occasion, but would confine himself to as brief an outline as would suffice to recall the circumstances to their Lordships' recollection—though, in truth, so numerous, complicated, and multiplied were they, that it was not easy to be brief and at the same time intelligible. He thought he could not better describe the system which he desired to modify, than to trace a candidate for orders at the University of Oxford through his career of oaths, affirmations, and subscriptions, from his taking his Master's degree, to the end of his life. He thought that expression would provoke a smile; but their Lordships would in a short time see, that though he survived the age of Methuselah and lived in the strongest odour of sanctity, the law would not allow him to stir a step, without again compelling him to give fresh bonds and securities that he would not wander from the orthodox fold. Upon taking his Master's degree he must subscribe the Thirty-nine Articles, according to the enactments of the 13th of Elizabeth, together with the Three Articles of the 36th Canon—the first of which is the oath of allegiance and supremacy; the second, a declaration that the Prayer-book does not contain anything contrary to the Word of God; the third, that every one of the Thirty-nine Articles are agreeable to the Word of God. Having complied with these forms, he became, if otherwise eligible, a Master of Arts, and proceeded to the Bishop for ordination as deacon possibly, only a few days after, and he was then compelled to make the whole of these declarations over again, with the addition of another—the oath of supremacy and allegiance, required by the 1st of Elizabeth. By this time they might have supposed that this candidate for the ministry might be entitled to be considered a safe man. Not so, however; for so jealously did the Church guard the portals of its ministry from the possibility of all, even the slightest, entrance of error, that when, probably in the following year, he asked for priest's orders, the whole of these declarations and subscriptions had again to be gone through before he could obtain his wishes; and not content with this, lest any slippery heterodox fish should escape through the meshes of this orthodox net, should he obtain a benefice, again must the whole ceremony be performed, with two additional declarations enjoined by the Act of Charles II.—one, that he will conform to the Liturgy of the Church of England, the other that he gives his unfeigned assent to all and everything contained in and prescribed by the Book of Common Prayer; and whenever during the remainder of his life he moved from one living to another, the same series of oaths, declarations, and subscriptions must be renewed; so that, however faithfully he might have delivered the Gospel message, nothing but the grim hand of death itself could free him from the requirements of the law. He remembered now, however, that so far from having overstated the case he had understated it, for he had omitted two oaths, one of canonical obedience to the Bishop, the other against simony; which must be added to this intricate list, not to mention a string of queries, involving subjects of a like nature, put by the Bishop to the candidate and responded to in terms prescribed by authority. Thus, then, the sum total of the declarations and subscriptions a clergyman had to make was, that he had six times to declare his assent to the Articles of the Church, seven times to take the oaths of allegiance and supremacy, and nine times to declare his adherence to the Prayer-book. This was swearing with a vengeance, exacted of those who were the *élite* of morality and religion in the community. He did not know whether their Lordships would agree with him in considering such a system as this almost degrading to the clergy and trifling with solemn things, but he was sure it was one which could not receive their approbation. The true cause of this and many such anomalies which he could name was to be sought and found in this—that while everything else had been moving on in the spirit and direction of beneficial change, the Church had, for more than two centuries, remained absolutely and dangerously stationary. They were not left in doubt as to the object of all this complicated machinery; for the enactments by which it was erecte speak plainly in regard to it. They tell us that it was "for the avoiding of difference of opinion in matters of religion, and maintaining the true faith in the unity of spirit, in the bond of peace." Now, had it succeeded in so doing, it would be an overwhelming argument in favour of the maintenance of the existing status. But had it done so? Any one of their Lordships was quite as capable as he was of deciding that point. He did not know, however, that he could give a better idea of what the public response would be than by quoting passages from the speeches of two statesmen, not latitudinarian Liberals, but high in the Conservative councils of this country, not hastily expressed, but forming part of well-considered orations. The one was Mr. Disraeli, who, in a speech delivered at King's Lynn, in the month of November 1861, said he believed that "the disunion which is found in the Church of England is the result of perplexity, distrust, and discontent." The other, Lord Stanley, made use of words to this effect—

> "I believe that the balance of power now subsisting between the Establishment and the great Nonconformist bodies is likely to last some time: and if only the parties within the Church, who, if one is to judge from the manner in which they write and speak of each other, have not much mutual love to spare, can only be kept from open war, I do not see any external power which is likely to interfere with the Establishment in the enjoyment of its rights."

And certainly, if their Lordships looked around and saw what was passing in the courts of law, the pulpit, the press, the Universities, and Convocations, they would see enough to convince them that these enactments, these rigid subscriptions, had not been quite so successful in avoiding difference of opinion in religious matters, and "maintaining the true faith in the unity of the spirit, in the bond of peace," as their framers seemed to have anticipated. Such, then, being the state of things in this respect, their Lordships might ask why he did not move for a Commission to take the whole question into consideration, with a view of amending it, rather than propose the abrogation of one particular legislative requirement. If their Lordships would give him any encouragement to do so, he should be very happy to take advantage of it. But he confessed he would very much rather see the question taken up by the members of the right reverend Bench. If the most rev. the Primate would make such a proposal, he thought it would not fail to obtain their Lordships' concurrence. His most rev. Friend had recently, with much public assent, been raised to his present eminence; and should he undertake the settlement of this great and perplexing question in a true Catholic spirit, he was certain of success, and would hand down a name to posterity with claims upon the gratitude of his country than which few of his predecessors could produce greatèr. But should he unfortunately continue the time-honoured maxim of *Non possumus* to every the smallest amelioration that could be proposed in the complicated and mischievous position into which circumstances had driven us—and this was no time for trifling with or postponing settlements—then he feared he would only add to the embarrassments and evils with which the Church was menaced. The reasons, then, that had induced him to confine his efforts to the repeal of this single clause in the Act of Uniformity were these:—In the first place, it was that one statutable requirement which had been singled out for special and almost universal reprobation. History told us that it was the suggestion of intolerance and persecution, and that it was the prime producer of that organized system of dissent which had obtained gigantic proportions, and was one of the most serious hindrances to the propogation of our common Christianity. He believed that the subscription had been the means of preventing many hundreds of young men from entering the ranks of the ministry of the Church of England; and it had been admitted by Prelate after Prelate, and by the preachers in the Universities, that the number of candidates for holy orders was continually decreasing. Again, it was in that House that that clause was inserted, for it was neither in the original draft of the Act of Uniformity nor in the Bill as sent up from the other House. It was introduced into the Bill in their Lordships' House; with their Lordships it had originated, and with them it ought to terminate. Sheldon and his friends were doubtless to blame for the spirit which they showed in procuring its introduction; but before we commenced throwing stones at them, we should recollect that there was much to be pleaded in extenuation of their fault, on account of the times in which they lived. But though some excuse might be made for them in the year 1662, what excuse could be made for their Lordships if, after witnessing two centuries of its disastrous career, they still persevered in retaining it upon their statute books? It was there that the injury was inflicted; it was there that the reparation should be made. Another reason was this:—There were two sources of authority which dealt with the question of subscription and declaration, the statutes and the canons. Now, although, no doubt, Parliament had the power, if it chose to exercise it, of repealing canons, or making them null and void, he was not aware that such a proceeding had ever been adopted; and he therefore did not propose to meddle with the canons. They were not enacted by their Lordships' predecessors, and their Lordships were not responsible for them. If, then, Parliament should assent to this Bill, and repeal the obnoxious clause of the Act of 1662, which required the unfeigned assent and consent of the candidate to everything contained in the Book of Common Prayer, there would remain, required by legislative enactment, the oaths of supremacy and allegiance, a subscription to the Articles in the terms of the 13th Elizabeth, which were unobjectionable, and a declaration of conformity to the Liturgy required by the Act of Charles II.; and he thought if these subscriptions and declarations were made once in a clergyman's life—say, when he obtained priest's orders—all would be performed which the most timid and exacting need require. His own opinion was, that if a man desired to enter the ministry of the Church of England, he was bound to ascertain what her doctrines and discipline were; it was the province of the Bishop, before he admitted him, to see that he had done so. The candidate ought publicly to declare that he would conform to that discipline and those doctrines; and if after that he became an unfaithful teacher, no amount of oaths and asseverations, however stringent, however frequently repeated, would prevent his falling away. If the present system of subscription had only been redundant, and useless, he would not have troubled their Lordships with his present proposition; but it was far otherwise; not only had they rent the Church in pieces in this realm, but they were at this moment steadily undermining her foundations. He recollected that when last year he gave their Lordships the opinions of authorities upon which he thought he thought he could rely, that many young men eminently fitted for the ministry of our Church were deterred from offering themselves by the unnecessary stringency and multiplication of our subscriptions, especially that of the Act of 1662, the right reverend Prelate who presided over the diocese of Oxford was so incredulous that he could not help throwing some ridicule upon the bare idea of such a thing. Shortly after, the son of a noble Lord below him (Earl Russell), then just gone to Cambridge, expressed his astonishment that a Prelate of so much experience should be so little acquainted with what was going on; for that young men were thus kept away from the ministry was a received opinion there, and he knew one case in his own very short experience. And now there had appeared a published statement, for the accuracy of which he happened to be able to vouch, that it was within the knowledge of another undergraduate, that not one, but nineteen young men, who had come to the university with the intention of entering the ministry, were deterred from doing so by the stringency of the subscription required. Was it to be wondered at, then, that Bishop after Bishop in their charges, and preacher after preacher at the universities, echoing these sentiments, should proclaim to the country, with lamentation, the steady and continuous decrease in the numbers of young men educated at our universities applying for ordination? And at last, in a sermon recently preached before the University of Oxford, the preacher startled his hearers by informing them, upon statistical information which had not been gainsaid, that, not of University men only, but of all classes, the total number of candidates for ordination during the last two years, in the face of the advancing tide of population and its pastoral requirements, had not been more than sufficient to fill up the gaps made by natural causes among the body of our clergy. The author of this sermon, though he did not assert that our requirements in regard to subscription were the only cause of this evil, yet distinctly pointed to them as one of the main causes, and suggested their modification. This gentleman, the Rev. Thomas Espin, Theological Tutor of Queen's College, Birmingham, he should add, was well qualified to give an opinion, inasmuch as he was himself engaged in the work of training candidates for the ministry. Upon that subject he did not believe, among those who had impartially considered it, there were two opinions. It had been said, that in advocating this step he was the advocate of one party in the Church. He disclaimed any such imputation—his object was expansion not contraction, and he would never consent to advocate anything that would give one party in the Church an advantage at the expense of another. Here he would willingly conclude his address to their Lordships, but he was compelled to say a word in regard to two objections which were, in default of argument, incessantly urged against any such alteration as that which he proposed; indeed, he might say, against any change whatever. One was, that this was not the time. Now, it was a sufficient answer to say, that the same objection was made to a proposal of the same nature made by Archbishop Secker a hundred years ago; and that nothing had been done since. The other, that this proposal would take away one of the safeguards of our Established Church. In regard to the first, he had an extract from the writings of Archbishop Whateley so extremely appropriate, that if their Lordships would do him the favour to listen to it, he was certain they would be gratified—

> "It is far from being sufficient, as seems to be the notion of some persons, to show that the present is not the fittest conceivable occasion for taking a certain step. Besides this, it is requisite to show, not merely that a better occasion may be imagined, or that a better occasion is past, but that a more suitable occasion is likely to arise hereafter; and also that the mischief which may be going on during the interval will be more than compensated by the superior suitableness of that future occasion—in short, that it will have been worth waiting for. And, in addition to all this, it is requisite to show also the probability that when this golden opportunity shall arise, men will be more disposed to take advantage of it than they have heretofore appeared to be; that they will not again fall into apathetic security and fondness for indefinite procrastination. This last point is as needful to be established as any, for it is remarkable that those who deprecate taking any step just now, in these times of extraordinary excitement, did not, on those former occasions, come forward to propose taking advantage of a comparatively calmer state of things. They neither made any call nor responded to the call of others. And indeed all experience seems to show, comparing the apathy on the subject which was so general at those periods with the altered state of feeling now existing, that a great and pressing emergency, and nothing else, will induce men to take any step in this matter, and that a period of discussion and perplexing difficulty is, though not in itself the most suitable occasion for such a step, yet, constituted as human nature is, the best, because the only occasion on which one can hope that it will be taken. Who can say that a large proportion of those who are now irrecoverably alienated from the Church might not have been at this moment sound members of it had timely steps been taken?"

With regard to the other objection put forward by the opponents of his proposal—that the abolition of the terms of subscription would remove one of the safeguards of our religion—how any one cognizant of what was passing around him could entertain a belief that these stringent terms were safeguards he was at a loss to conceive, more especially when the Judges refused to admit the Book of Common Prayer as evidence of doctrine, except collaterally, and as its statements might agree with the standards and Articles of the Church. Why, the subscription had alienated thousands of accomplished men who would otherwise have attached themselves to the Church. They were the cause of hundreds of thousands of orthodox Nonconformists standing aloof from the Church altogether, because their ministers could not honestly give their unfeigned assent and consent to some hundreds of theological propositions, some of which were not easy to understand, and others appeared absolutely contradictory. It was manifest that it had not prevented the most serious differences of opinion within the Church itself. The country was scandalized at the sight of men all making the same solemn asseverations, yet preaching antagonistic doctrines, and mutually casting imputations of dishonesty upon one another; while not from without, but from within the Church, and from the very highest quarter within the Church, attacks were made upon the very foundations of our faith. Seeing, then, that it was beyond dispute not only that these stringent terms had utterly failed in effecting the object they had in view, but that they had produced—as, indeed, any one with a knowledge of human nature would have predicted of them—neither peace, nor unity, nor even a barren uniformity; and having shown, that in the opinion of many well qualified to judge, they threatened the very existence of our national Church, he begged to move the second reading of this Bill.

Moved, That the Bill be now read 2^a.

THE ARCHBISHOP OF CANTERBURY said, in rising to address their Lordships upon the Motion which had just been made by his noble Friend, he hoped he might be allowed to express his great gratification at the tone of moderation which had pervaded the whole of his noble Friend's address. He earnestly trusted that no word would drop from his lips, or from those of any one who might take part in that discussion, which could cause irritation or provoke any angry feeling. His noble Friend, in the earlier portion of his speech, discussed at large the multiplicity of declarations required from clergymen. But that did not really touch the question before them. The Bill was confined simply to one declaration which it was proposed to expunge, while another would stand in its place. Now, as regarded the multiplicity of declarations, he was quite prepared to acknowledge that they might be simplified; but he should say that the question then before them was really a question of clerical subscription or no clerical subscription; and he did not suppose that their Lordships were prepared to accept such an alternative, or to adopt a proposal that would have the effect of allowing clergymen to enter the pulpits of this country without having promised to adhere to the doctrines of the Church of England. In the first place, let them consider what was the real meaning of the subscription which his noble Friend wished to abrogate. It required a clergyman to state his unfeigned assent and consent to everything contained in the Book of Common Prayer. But he thought that in interpreting the Act of Uniformity they would see very great reason for acknowledging the truth of that which many learned and distinguished divines had maintained—namely, that that subscription had reference merely to the use of the Liturgy. If they looked at the Act of Uniformity they would see that in the enacting part it stated, that inasmuch as it was desirable that a uniform public worship should prevail, it was enacted that every clergyman should, in the church in which he officiated, declare his unfeigned assent and consent to the use of everything contained in the Prayer Book. The real meaning of that declaration was, that the clergyman pledged himself to use the Prayer Book as it stood. It was quite true that no one could with a safe conscience use the language of the Prayer Book unless he believed in it. And that brought him to another point. He could not conceive that a change from one declaration to another would give any real relief to a well-informed conscience. A clergyman declared that he would conform to the Liturgy; and what was the meaning of that word "conform"? It was, of course, not only that he would read it, but that he believed it to be Divine truth. He could not promise conformity in any other sense, unless he was prepared to say that he would read that which he did not believe, and that he would conform to that to which he did not consent. His first objection, therefore, to the Bill was that it would give no real relief to the clergy. He would next proceed to consider whether it would give any relief in the case of the candidate for holy orders. Now, he had to observe, that if that declaration operated in the way of preventing young men from taking holy orders, it had been in operation for two hundred years, and one would naturally suppose that during that period it would have produced a deficiency of candidates for the service of the Church. But that deficiency had only been remarked within the last ten or twelve years, and they had many other means of accounting for its existence. It should, for instance, be acknowledged that the relative value—if he might use the expression — in a worldly sense of the Church and of other professions had materially altered of late years. The system of competitive examinations had opened to intelligent and distinguished young men from the Universities careers which promised large honours and emoluments. Then, with regard to time, his noble Friend had pointed out some objections, and one was that this was not the time when such a change should be made. He was not at all inclined to dwell upon that objection, because if the change was desirable, it ought to be made as soon as possible. But on one ground he did not think this was the time for introducing a change—namely, the present state of men's minds. He had only that day seen that a clergyman—he hoped it was a solitary case —had expressed in print his earnest desire that he should be at liberty to preach the Gospel without the Bible. He had confined himself to those two points. He held that there was no necessity for the alteration. He had endeavoured to show that it would give no relief to well-informed persons, and that there were other causes in operation which were quite sufficient to account for the deficiency of ministerial candidates. He did not know that he needed to trespass any longer upon their Lordships' attention. He was satisfied that no real benefit would be derived from this Bill, and he would therefore move that it be read a second time that day six months.

Amendment *moved*, to leave out ("now") and insert ("this Day Six Months").

THE BISHOP OF LONDON said, he had been so pointedly referred to by his noble Friend, that he should be wanting in common honesty if he did not express his sentiments on this question. It was one thing to moot a question for the sake of ventilating it until public opinion is matured for action, and another thing to propose a measure before public opinion was quite matured upon the subject. He was bound to say that his noble Friend had given a correct statement of what occurred last year, when he (the Bishop of London) made the request to him to defer his proposal so that the matter might be further considered. He thought that public opinion on the subject was not mature, and he was desirous himself of having more time for deliberating on the subject, in common with others interested in it. During the interval, he had carefully and anxiously pondered the question; and it was only common honesty to avow that this consideration had brought him to this conclusion—that the declaration which the noble Lord wished to expunge was unnecessary, and being unnecessary was more or less mischievous. It gave him considerable pain to differ in a matter of this kind from the most rev. Primate who had just spoken, and from others of his right rev. Brethren. But upon such questions there was no difference of principle. They were all equallly anxious to maintain that eternal truth of which the Bible was the depository; they were all equally anxious to maintain that form of sound words in which that eternal truth had been handed down by the Church, while they all equally rejoiced in the words of faith and piety through which in the Liturgy of the Church they were encouraged to draw near to God. But it was inevitable for persons of different ages, and moving in different circumstances, that to some more than to others were different forms of opinion and feeling presented; and if it had been his lot to be thrown more in the way of those who felt the difficulties to which the noble Lord had addressed himself than his right rev. Brethren, he thought himself bound, for the information of public opinion and for the information of their Lordships, to state what was the result of his own observation in this matter. He said he was forced to the conclusion that the declaration to which the noble Lord had alluded was unnecessary. He conceived that it was proved to be unnecessary by the fact that it was, as explained by the most rev. Primate, an echo of declarations which had previously been made; and, for his own part, in explaining the declaration when appealed to by his clergy, he would gladly adopt the explanation which had been given by the most rev. Primate, and impress upon them that what was really required, was that they should be able conscientiously and heartily to use the Liturgy of the Church. But then it was an unfortunate thing that certain words had slipped into that declaration, which to men of scrupulous conscience did present the appearance of meaning something more than this. He said, on a former occasion, that it seemed to him of the utmost importance that all declarations and oaths should be expressed in such explicit and unmistakable language that no man should have any doubt as to what was their meaning; and this appeared to him to be doubly necessary when it was the clergy who had to make these declarations and oaths. If, therefore, in this simple declaration of a hearty desire to conform to the Liturgy of the Church of England there had unfortunately intruded themselves words which seemed to imply that that Liturgy was exalted to a place for which it was never intended, then it appeared to him desirable that words which were liable to be so misconstrued should be removed from the declaration. The Act of Charles II. was originally proposed with the intention that the declaration should merely prescribe the conscientious use of the Book of Common Prayer; but certain persons whom he would not hesitate to designate as mischievous, did insert into the Act, whilst passing through Parliament, words which were deliberately intended to go beyond the simple declaration of a willingness to use the Book of Common Prayer. These words were inserted for the express purpose of catching the consciences of men whom two hundred years ago it was wished to turn from the Church. Now-a-days, when we could look at these matters calmly and when these rancorous passions and animosities had passed away, we could regard the words in a different light. But seeing the real purpose for which they were inserted, he could not but feel that it would be much better if these words were erased. But this declaration was also proved to be unnecessary, for another reason. A person might attain the highest eminence in the Church of England, and command the most influential position, without being called upon to make this declaration. He had himself held five different positions in the Church of England—as a curate of a parish, as a tutor of an influential college, as head master of a great school, as dean, and now as a bishop; and in only one of these capacities—the cathedral office, which had the least influence as far as regarded direct teaching in the Church—had he been called upon to make this declaration. There was therefore something capricious in the way in which this declaration was required, and this capriciousness was a relic of that vile persecuting spirit which caused this declaration to be originally inserted. Therefore, he would not be sorry to see them rid themselves of this remnant of the spirit which put these words into the Act of Uniformity. His own case was not a singular one, for besides himself there were other right rev. Prelates, occupying most influential sees, who had passed through important positions in the Church without making this declaration. He had received a letter from a clergyman of the Church of England, the author of several highly esteemed works, who was beloved and honoured in a large sphere. That gentleman told him, that when he was appointed to a small living in the diocese of York, being a person of scrupulous conscience, he was made uneasy by some of the words in the declaration. He applied for advice to the Archbishop Vernon Harcourt, who gave him the same wise explanation that the most rev. Primate had given to-night as to the meaning of the declaration, and removed his difficulties. Again, a few years afterwards, the clergyman was appointed to another living; again the same difficulties occurred, and again he referred for advice to his diocesan, from whom he received the same answer as his former diocesan had given. Nevertheless, the man's mind had been rendered more or less uneasy, and for no purpose whatever. If such was the case in reference to those whose time was devoted to the study of these matters; if experience showed that these instances were not solitary; and if it was true that some valuable persons had left the ministry of the Church on account of scruples in connection with this subject, it became a serious consideration whether this declaration should be retained. There was no doubt that with respect to clergymen of mature years these words caused scruples and uneasiness of mind; and then with regard to young men who had to minister in holy things, they ought to be very cautious how they trifled with their consciences. He knew that there was an unwillingness on the part of young men of the highest ability to bind themselves more than was absolutely necessary. This might not be a healthy state of things, but therefore it was desirable to tell them exactly what was required from them, and the form of words should be such as to stand in no need of casuistry to explain their meaning. Of course, the great mass were not troubled with any such scruples; but earnest men were often the most troubled about these things, and if any such persons were prevented from approaching or remaining in the Ministry of the Church, or were made, after ordination, to look back as if they made some mistake in using the words which the noble Lord proposed to abrogate, that itself constituted a strong argument for their removal. Allusion had been made to Archbishop Secker. He was glad to think that in such a matter as this they were able to quote the authority of Burnet, and his great master, Leighton—that by expunging these words they would be acting in the spirit of Tillotson, Secker, and Porteous. These were men of calm minds, who entered very considerately into other people's scruples and feelings; and he believed, the longer we lived, the more we should become sensible that the Church of England owed a great debt of gratitude to the moderation and piety with which these men presided over its counsels. No one could be more convinced than he that the Church of England was bound to be the guardian of eternal truth committed to its keeping—that we were bound to contend for the faith, and also for the form of sound words handed down to us; but to this he would add his deep and solemn conviction, that the Church of England, if it was to live in the affections of this great country, and hold the place which it ought to hold in Christendom, should ever be distinguished by that spirit of comprehensive love which enabled it to be really the National Church, and to secure the esteem even of those who were separated from its pale.

THE BISHOP OF ST. DAVID'S said, he entirely concurred in what had been stated by the right rev. Prelate who had just addressed the House, with respect to the unhappy spirit in which the declaration was inserted; but, having been inserted, it might, after the lapse of a long time, be viewed in what he considered its true light, as an object so minute, microscopic, and infinitesimally small as not deserving to become the object of legislative interference. It was only the fact that it had been brought under their Lordships' notice at all, that had attached any importance to it. It must be evident that the declaration which it was proposed to abrogate was really identical in sense with that which was to be substituted for it, and that the real obvious interpretation of the clause proposed to be expunged was, that it was simply a declaration on the part of the persons who made it, that they found in the Prayer Book nothing to prevent them from conscientiously conforming thereto. That had been the view he had always taken of the subject, and therefore he must say that one objection he felt to the Motion was the exaggerated and undue importance it attached to the declaration in question. At the same time, he entirely agreed with his right rev. Brother who had just spoken, that the clause was utterly useless, and on that account it would be to him a matter of indifference whether it was abrogated or retained; but he must say that its origin did create a very strong, natural, and just prejudice against it. In addition to this, it gave rise to scruples in the minds of some among the clergy, and in some cases —probably very few—had proved a hindrance to young men who otherwise might have entered into the ministry of the Church. However trifling he might think the importance of such instances, still the view he took of the utter insignificance of the declaration in regard to the substantial interests of the Church was sufficient to overpower any objection he might feel to the present measure; and if the noble Lord should meet with sufficient encouragement to induce him to divide the House, he should feel it his duty, small as was the importance attached to the matter, and much as he desired that the question should never have been raised, to go into the same division lobby with the noble Lord.

LORD LYTTELTON said, that if his noble Friend had thought proper to move in general terms for an inquiry into this subject, he thought he could have voted with him. But the great objection which he felt to the present proposition of his noble Friend arose not so much from the removal of the declaration, but from the question as to what would remain after it was removed. Looking at the present state of things, and to what had recently taken place in the Church, the question was, whether this was a safe position for the Church of England to be left in? He had previously pointed out, that some time ago clergymen of the Church of England were prepared to declare their conformity to the Liturgy, whilst they were at the same time prepared to go any lengths they might think fit in the direction of the Church of Rome. And what had taken place since? Why, that the clergy were prepared to go great lengths in favour of liberty of opinion, and it was needless to say in what direction that liberty had tended. He would mention no names whatever; but they had been told of proceedings being instituted against more than one reverend person of the Church of England, for declaring opinions which were alleged to be contrary to the Church of England; and though not from themselves, yet they had heard from their friends by means of letters in the newspapers, that it was maintained to be little less than persecution that any legal proceedings should be instituted against any clergyman of the Church of England for having given expression to any opinions, whatever they might be, about the doctrines of the Church. It was not, of course, maintained that any amount of difference of opinion was admissable, but that the institution of any legal proceedings for the expression of any opinions whatever was persecution; and even that any obligation to adhere to the words of Scripture itself was more than should be required and enforced by law from the clergy of the Church. He, however, must say, that so far from it appearing to him to be persecution to attempt to restrain the expression of opinion on the part of the clergy by law, the members of the Church had cause to be alarmed at the absolutely unbounded liberty of opinion which was exercised by the clergy of this day. His noble Friend had said very little as to the historical argument on the subject. The question what might have been the views of those who had preceded us by some two hundred years might seem to be of little practical importance to us now, and he admitted that that argument was often pressed too far. But so great was the diversity of opinions and feelings at the date of the Savoy Conference, that he much doubted whether the opposing parties could have been by any means brought together. No doubt, many points there discussed were of comparatively trifling importance, and whilst he was far from approving the severity of judgment displayed by Archbishop Sheldon and his friends, he believed that even if they had given up a large portion of their views, they would have found it impossible to retain their opponents within the pale of the Church. That, however, was not now the question; the question now was what we purposed by a revision of the Liturgy, to what extent that revision was claimed, and what were the actual sense and views of the Church upon this question. He thought that after the experience they had had of the latitude of opinion claimed on behalf of clergymen of the Church of England, it would not be safe to leave them to a simple declaration that they conformed to the Liturgy; for it was known that to a certain extent they did conform, at the same time that they held opinions at variance with the Liturgy. It was quite true that his noble Friend used that fact for a directly opposite purpose, and said that the declaration was not effective. But the answer to that was surely conclusive—that as long as declarations were reasonably exacted from men, those, at all events, who sought to be emancipated from them, laid themselves open to scandal and observation, and did that which might lead to some regular course of process to bring the question to issue. For these reasons, feeling that the question was substantially the same as that of last year, and that the events which had occurred since had seemed to bear in a direction opposite to that of change, he felt he must oppose the Bill.

THE BISHOP OF OXFORD said, he should have been content to remain silent if their Lordships had gone to a division after the most rev. Primate had addressed them; but after the course which the debate had taken, he was anxious to say in the fewest words why he felt it to be his duty to agree with his most rev. Brother, and to oppose the Motion of the noble Lord. On one ground he was glad of having an opportunity of addressing their Lordships, if it were only to add his humble assent to the testimony which had been borne by his most rev. Friend to the suavity, mildness, and moderation with which his noble Friend had introduced the subject, and which must no doubt have recommended his Motion to the attention of the House. His reasons for dissenting from the proposition now before them lay in the smallest compass. The question which their Lordships had to consider was not what would be the security for the Church of England if she had only the declaration which would remain if this particular declaration were removed; but further, what would be the legitimate interpretation to be put upon that remaining declaration from the fact that they had made the proposed alteration. It was not at all the same thing as if it were the question whether we should now superadd these words. If to the declaration from which it was proposed to take away it were proposed to superadd this, he should oppose it. But when he was asked to take one away and leave the other remaining, he was bound to ask what was the distinctive difference between the two. The distinctive difference between the two declarations, it was commonly understood, was only this—that the one implied an intellectual, moral, and believing assent to the formularies, while the other undertook that the man should use them. If their Lordships were to say that liberty of conscience required at this day that they should take away the declaration that the man meant what he said—if they were told, as they had been, by the right rev. Prelate (the Bishop of St. David's) that the thing was in itself so microscopic and insignificant that it was of no consequence—why remove it, unless in that removal there was some distinct moral action? And what could the moral action mean but that a man should henceforth satisfy those in the Church if he undertook to conform to its outward ritual when in his heart he was at liberty to deny its truth? He believed no danger was comparable to that. He did not think this declaration kept out of the Church any persons of tender conscience. The situation of his see, which brought him into relation with so many young men who were preparing at the University for the Church, gave him peculiar facilities for forming a correct judgment on that point, and he might add that there were very few of his right rev. Brethren who were addressed by so many young men who were going to take Holy Orders. He had also consulted several of his right rev. Friends; and they all agreed with him in opinion, that though they had known many persons who had refrained from entering the Church from various scruples, they had never met with one real practical instance of a young man who was excluded from the Church because he had to make this declaration. He believed that the main reason of the paucity of University men entering the Church, which had been so often commented on by the public press, was, that there were now so many new paths open to them to which their parents directed their attention. The immense activity of the country in commerce and in other directions sufficiently explained how it happened that the number of young men going into the Universities was not increased, and also accounted for the fact that a smaller number of those who went to the Universities prepared themselves for holy orders. If there were a danger threatening the Church, it was that the notion should get abroad that men might safely and honourably undertake the responsibility of remaining in her communion, that they might minister in her congregations and read her Liturgy and Psalms while they disbelieved her doctrines; and the tendency of the proposed alteration was in that direction, and in no other. While, therefore, he thought that all subscriptions were in themselves a great misfortune, and while, if they were now to be enacted *de novo*, he would not frame them in the manner of those now existing, yet when he was asked to make this particular alteration, because the tendency of this declaration was to keep conscientious men out of the Church, he must express his conviction that its removal would not add one conscientious man to the ministry of the Church, but that, on the contrary, it would leave many others, unconscientious men, to believe themselves free no longer to believe with their hearts what they spoke with their tongues. No Member of their Lordships' House believed more firmly than himself that the strength of the Church of England was in her great liberty; that she had nothing to dread from educating to the highest point the intellect of her children, and that her faith would only stand the firmer by being interrogated most minutely and having to answer for itself; yet he should, on the other hand, deprecate a change which seemed to imply that the Church would be contented with an external conformity that was mocked by an inward unbelief.

The Bishop of LLANDAFF feared, that if their Lordships adopted the Amendment, it would be thought that they were not inclined to make any concession to those feelings and scruples which existed in very many minds, and that such a result was one which was very much to be deplored. With these feelings, he should be glad if some middle course could be adopted which would lie between the Motion of the noble Lord and the Amendment of the most rev. Primate. The 36th canon had some words which seemed to some extent to the same effect as the declaration. The canon said—

> "Persons who subscribe declare that the Book of Common Prayer contains in it nothing contrary to the Word of God, and that it may lawfully be used, and that they will use the same in public prayer and in the administration of the sacraments, and no other."

He repeated that it would be a great satisfaction to him if some middle course could be taken which would satisfy their Lordships, that while on the one hand the sacredness of subscription was preserved, on the other that a perfectly sincere and due regard was had for the scruples of those who objected to declare their unfeigned assent and consent to everything that was contained in the Book of Common Prayer, and thus prevent a mere nominal conformity.

The Bishop of CASHEL thought that the noble Lord who had brought in this Bill, commenced at the wrong end, and that if alteration were needed, he should have altered, first, the Articles and the formularies of the Church. What the Church wanted was a representative body, with power to alter anything which might require change, and introduce anything that might seem desirable. There was no such body now. The Convocations of Canterbury, York, Armagh, and Dublin, only represented the Church in their particular provinces; but what was wanted was a Convocation which should represent the United Church of England and Ireland. In such a body the Church would have confidence, and would receive without suspicion any desirable changes from its hands. He must vote against the Motion of the noble Lord, not because he thought that no change was necessary, but because he thought that at the present time there was no body which was authorized or competent to make it.

Earl GREY said, that the speech of the right rev. Prelate (the Bishop of Oxford) proved conclusively to his mind that their Lordships were bound to give this Bill a second reading. That right rev. Prelate saw great objection to the declaration as it now stood, and would by no means enact it *de novo* if now proposed for the first time. Well, the noble Lord's Bill was entitled "A Bill to amend the Acts of Uniformity," and that was all to which their Lordships were pledged if they gave the Bill a second reading. When the Bill went into Committee, it would be open to the right rev. Prelate, and those who shared his opinions, to propose such Amendments as they should deem desirable. He could not but express the extreme pleasure with which he had listened to the speech of the right rev. Prelate who spoke early in the debate (the Bishop of London), who had left nothing to be added on his side of the question; yet he would also say that even the able and eloquent speech of the right rev. Prelate did less to convince him of the absolute necessity for some alteration than the speech of the right rev. Prelate who followed him. It was most dangerous to teach young men to take a declaration of which the words conveyed their unfeigned assent and consent to everything that was contained in the Book of Common Prayer, including the damnatory clauses, and to tell them that the words did not mean what they appeared to convey, but meant something else. He thought the mere fact that Prelates of the Church, when consulted by young men as to whether they might take the declaration, sought to remove their scruples by such assurances, was of itself a proof that some such measure as this was required. He could conceive nothing more corrupting or demoralizing than to teach young men that they could safely make a declaration of so much importance and of so solemn a character, by construing its terms in a non-natural sense.

Lord EBURY, in reply, said, he was not so wedded to the form of the declaration proposed in the Bill as to insist on it, if one could be framed that would be more clear and definite for its object. He had hoped that the Bill would be assented to without a division.

On Question, That ("now") stand part of the Motion? their Lordships *divided:*—Contents 50; Not-Contents 90: Majority 40.

Resolved in the *Negative;* and Bill to be read 2ª on *this Day Six Months.*

CONTENTS.

Westbury, L. (*L. Chancellor.*)

Devonshire, D.
Saint Albans, D.
Somerset, D.

Ailesbury, M.
Bristol, M.
Westmeath, M.
Westminster, M.

Airlie, E.
Cathcart, E.
Cawdor, E,
Clarendon, E.
Cowper, E.
De Grey, E.
Ducie, E.
Essex, E.
Granville, E.
Grey, E.
Russell, E.
Saint Germans, E.
Shaftesbury, E.
Sommers, E.

Sydney, V.

Derry and Raphoe, Bp.
Llandaff, Bp.

London, Bp.
St. David's, Bp.

Belper, L.
Blantyre, L.
Boyle, L. (*E. Cork and Orrery.*)
Calthorpe, L.
Churchill, L.
Clandeboye, L. (*L. Dufferin and Claneboye.*)
Congleton, L.
Ebury, L. [*Teller.*]
Foley, L.
Gage, L. (*V. Gage.*)
Harris, L. [*Teller.*]
Hunsdon, L. (*V. Falkland.*)
Lyveden, L.
Manners, L.
Overstone, L.
Ponsonby, L. (*E. Bessborough.*)
Somerhill, L. (*M. Clanricarde.*)
Stanley of Alderley, L.
Suffield, L.
Taunton, L.
Truro, L.
Wenlock, L.
Wodehouse, L.

NOT-CONTENTS.

Cambridge, D.

Canterbury, Archbp.
York, Archbp.

Richmond, D.
Rutland, D.

Bath, M. [*Teller.*]
Normanby. M.
Salisbury, M.

Amherst, E.
Bandon, E.
Bantry, E.
Beauchamp, E.
Belmore, E.
Brooke and Warwick, E.
Cardigan, E.
Carnarvon, E.
Chesterfield, E.
Derby, E.
Desart, E.
Devon, E.
Doncaster, E. (*D. Buccleuch and Queensberry.*)
Effingham, E.
Ellenborough, E.
Graham, E. (*D. Montrose.*)
Hardwicke, E.
Harewood, E.
Home, E.
Manvers, E.
Mayo, E.
Morton, E.
Powis, E.
Romney, E.
Rosslyn, E.
Shrewsbury, E.
Stanhope, E.
Tankerville, E.
Verulam, E.

De Vesci, V.
Doneraile, V.
Hardinge, V.
Hawarden, V.
Hutchinson, V. (*E. Donoughmore.*)
Melville, V.
Strathallan, V.

Bath and Wells, Bp.
Cashel, &c., Bp.
Chichester, Bp.
Durham, Bp.
Hereford, Bp.
Lincoln, Bp.
Oxford, Bp.
Salisbury, Bp.
St. Asaph, Bp.
Winchester, Bp.
Worcester, Bp.

Aveland, L.
Bagot, L.
Berners, L.
Bolton, L.
Brodrick, L. (*V. Midleton.*)
Castlemaine, L.
Chelmsford, L.
Churston, L.
Clifton, L. (*E. Darnley.*)
Colville of Culross, L. [*Teller.*]
Conyers, L.
Denman, L.
Digby, L.
Egerton, L.
Feversham, L.
Forester, L.
Heytesbury, L.
Leconfield, L.
Lyttelton, L.
Raglan, L.
Redesdale, L.
Saltersford, L. (*E. Courtown.*)
Saltoun, L.
Scarsdale, L.
Silchester, L. (*E. Longford.*)
Skene, L. (*E. Fife.*)
Sondes, L.
Southampton, L.
Strathspey, L. (*E. Seafield.*)
Tenterden, L.
Tredegar, L.
Tyrone, L. (*M. Waterford.*)
Walsingham, L.
Wensleydale, L.
Wynford, L.

REDEMPTION OF RENTS (IRELAND) BILL—(No. 29.)—COMMITTEE.

The Earl of DONOUGHMORE, in moving that the House should go into Committee on this Bill, said, that the provisions were of a merely permissive character.

The LORD CHANCELLOR said, that some of the provisions of the Bill, as it at present stood—for instance, with regard to the remainder-man, whose interests it did not properly protect—were compulsory, and not permissive, as the noble Earl had stated; and he thought that great danger would result from passing them in their present shape. The tenant for life ought not to be enabled to load the inheritance with charges which it would be inconvenient and unjust that the remainder-man should bear. Legislation of this description required to be accompanied with efficient safeguards. He would therefore suggest that the noble Earl should go into Committee *pro formâ*, and then allow the Bill to stand over till after the recess, in order that communication might be had on the subject with the Law Officers of the Crown in Ireland, with a view, if possible, to render the measure a safe, as well as useful one.

THE EARL OF BANDON said, that what was required were greater facilities for redeeming these head rents in Ireland, and those who were interested in them would be glad to have power to dispose of them by auction or private contract.

THE EARL OF DONOUGHMORE said a few words in explanation.

Motion *agreed to:* House in Committee; Bill *reported*, without Amendment; Amendments made; and Bill to be *printed* as amended.

House adjourned at Eight o'clock,
to Thursday next, half past
Ten o'clock.

HOUSE OF COMMONS,

Tuesday, May 19, 1863.

MINUTES.]—SELECT COMMITTEE—Religious Endowments (Ireland) *moved—Debate adjourned.*

Report—on Public Accounts—*First Report* [No. 286].

PUBLIC BILLS—*Ordered*—African Slave Trade Treaty*.

First Reading—Cayman Islands (*Lords*)* [Bill 132]; London, &c. Dioceses (*Lords*)* [Bill 133]; Augmentation of Benefices (*Lords*)* [Bill 134]; Alkali Works Regulation (*Lords*)* [Bill 135]; Civil Bill Courts (Ireland)* [Bill 138]; Vaccination (Scotland)* [Bill 139]; Poor Removal (No. 3)* [Bill 140]; Fisheries (Ireland)* [Bill 137].

Second Reading—District Parochial Churches (Ireland)* [Bill 122]; Harwich Harbour* [Bill 101].

Third Reading—Salmon Fisheries (Scotland) Act Continuance* [Bill 117], and *passed.*

BRITISH INVESTMENTS IN PORTUGAL.

QUESTION.

MR. AYRTON said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government have made any representations to the Government of Portugal with regard to the Claims of various British Subjects who invested their money, by request of the Minister of Public Works of that Country, in an undertaking called the Union Mercantile Company, the stock of which is guaranteed by Royal Decree, and by Acts of the Legislature; if so, what has been the result of those representations, and whether there would be any objection to lay any Papers upon the table connected with those Claims?

MR. LAYARD said, in reply, that Her Majesty's Government had made representations to the Government of Portugal with regard to those claims. It appeared that certain British subjects had invested a considerable sum of money in the Union Mercantile Marine Company, on the understanding that the money and the interest upon it were guaranteed by the Portuguese Government. It appeared that neither the money nor the interest had been paid, and Her Majesty's Government had urged on the Portuguese Government to bring those claims to a settlement. He sincerely trusted, for the credit of the Government of Portugal, that some arrangement might be come to whereby those British subjects would get paid whatever they might be entitled to. He had no objection to produce the Papers.

OUTRAGE AT NEWTONGORE, IRELAND.

QUESTION.

MR. W. O. GORE said, he wished to ask the Chief Secretary for Ireland, If the Government has received a Report of an outrage committed on the Mill of Mr. John Crawford, at Newtongore; and whether he has any objection to state the reasons assigned by the Stipendiary Magistrate for not granting to the Miller a licence to keep arms for the protection of himself and his property?

SIR ROBERT PEEL in reply, said, he had received a report of the outrage referred to, but the Stipendiary Magistrate of the district had expressed an opinion that it was not desirable to give the person in question a licence to carry arms.

MR. W. O. GORE said, he wished to know whether any reason has been assigned for refusing Mr. Crawford a licence to carry arms?

SIR. ROBERT PEEL stated that no reason had been given for the recommendation of the Magistrate.

CASE OF CAPTAIN MELVILLE WHITE.

QUESTION.

Colonel FRENCH said, he rose to ask the Under Secretary of State for Foreign Affairs, What friendly Power he means to propose as Arbitrator to decide on the compensation Captain Melville White is entitled to for the treatment he received from Government Officials in Peru?

Mr. LAYARD said, he thought his hon. and gallant Friend must have been misled by Captain Melville White's statement. He (Mr. Layard) could satisfy the hon. and gallant Gentleman, by the production of letters, that what he had stated was true. As regarded the matter of arbitration, a correspondence was still going on between Her Majesty's Government and the Government of Peru. Nothing, however, had as yet been decided upon.

THE INTERNATIONAL EXHIBITION BUILDING.—QUESTION.

Sir HARRY VERNEY said, he would beg to ask Mr. Chancellor of the Exchequer, Whether he can inform the House for what sum the building of the International Exhibition of 1862 could be purchased, with a view to convert a portion of it into a Museum, or a Gallery for Works of Art, or some institution for the encouragement of those objects to which the late Prince Consort devoted his efforts, and to bear his name?

The CHANCELLOR of the EXCHEQUER: Sir, I am not able to give my hon. Friend a positive and final answer to his Question. In point of fact, those who are properly interested in the building of 1862 are the Commissioners of 1851; and those Commissioners have not yet had an opportunity of arriving at a definite conclusion on the subject. At the same time, their Finance Committee, who advise them in these matters, have had that opportunity; and on Thursday the Commissioners will themselves meet to decide the question. There have been communications with certain parties on behalf of the contractors; and I hope that on the day the House re-assembles I shall be able to make a statement, or lay on the table some document that will convey to the House in a distinct manner the views of Her Majesty's Government in reference to this matter. Of course, I need hardly say, that should the building be acquired, it will be applied to purposes such as those stated generally in the Question of my hon. Friend.

SMALL POX IN THE METROPOLIS.

QUESTION.

General BUCKLEY said, he wished to ask the President of the Poor Law Board, Whether he is aware that fresh cases of small-pox are brought into the workhouse of St. George's, Hanover Square Parish, and other workhouses in London; and whether some arrangement could not be made to prevent fresh cases of small-pox being brought into the populous part of London?

Mr. C. P. VILLIERS said, that he had not heard of any fresh cases of small-pox being admitted into St. George's Workhouse, or, indeed, into any of the other metropolitan workhouses; but, on the contrary, he had heard generally that the disease was on the decline throughout the workhouses in London. Some weeks since the Privy Council issued a Circular to all the Metropolitan Unions, urging them to adopt precautionary measures with the view to the extension of accommodation. Since then they had received twenty-five answers from the Unions, stating that the accommodation provided for small-pox patients was fully adequate to the occasion, and more than was required for the purposes of the patients already admitted. It might be satisfactory to his hon. and gallant Friend, as well as the House generally, to hear that a report would be made in a few days from the Union of St. George's, Hanover Square, stating that the Governors and Directors of the poor there, with the assistance of the medical officers, had appropriated a wing of the Workhouse to the reception of small-pox patients. The said wing was capable of accommodating forty persons. The greatest number that had been at any time admitted was thirty. The total number of patients admitted since the outbreak was fifty-eight. There were now only fifteen patients in the house, and the larger number of them were convalescent. Disinfectants, great cleanliness, and other means were being rigidly adopted, with the view to the prevention of the spread of the disease.

THE CHURCH IN JAMAICA.

QUESTION.

Mr. ADDERLEY said, he wished to ask the Under Secretary of State for the

Colonies, Whether an Archdeaconry in Jamaica, lately falling vacant, with a salary of £800 a year, has been filled up, the charge remaining as before on the British Treasury?

Mr. CHICHESTER FORTESCUE in reply, said, the question of the right hon. Gentleman was probably suggested by observing in a Return lately laid on the table a blank opposite the name of the Archdeacon of Middlesex, which seemed to indicate that the office was vacant. If, however, the right hon. Gentleman referred to a note at the bottom of the page, he would see an explanation of this blank. There had been no vacancy, the acting Bishop of Jamaica was likewise Archdeacon of Middlesex, in Jamaica. That functionary received only one portion of the salary attached to such office, the other portion being applied to certain ecclesiastical purposes. The ecclesiastical salaries in the West Indies were not dependent, as the right hon. Gentleman was doubtless aware, upon a Vote of that House, but on an Act of Parliament which made them a charge upon the Consolidated Fund.

THE CHINA VOTE OF CREDIT.

QUESTION.

Sir STAFFORD NORTHCOTE said, he wished to ask Mr. Chancellor of the Exchequer, Whether it is the intention of the Government to surrender into the Exchequer the balance of £526,104 remaining unissued from the Vote of Credit for the China War?

The CHANCELLOR of the EXCHEQUER said, in reply, that the time had not yet come when it would be desirable to make a surrender of that balance. It was not a cash balance, but a balance of credit, and it could not be surrendered at present because of certain claims which had not then been closed. He thought it better that no surrender should be made until they were able to announce the conclusion of all the questions in reference to the expenditure connected with the China War.

BRITISH OFFICERS IN CHINA.

QUESTION.

Lord NAAS said, he would beg to ask the Secretary of State for the Home Department, How many Licences have been issued under the Royal Sign Manual granting permission to British Officers to enter the service of the Emperor of China, and to fit out and equip Vessels for the Chinese Government, in consequence of the request made by the Under Secretary of State to Mr. Clive, in his letter dated the 30th July 1862?

Sir GEORGE GREY replied, that there had been two applications, and that licences were prepared; but no licences had been issued after the date of the letter referred to. Those for whom the licences were made out did not avail themselves of them, and an Order in Council was afterwards issued declaring the licences to be unnecessary.

THE BRITISH VICE CONSUL AT MOBILE.

QUESTION.

Mr. WARNER said, he wished to ask the Under Secretary of State for Foreign Affairs, Whether there is any truth in a Report of the removal of Mr. Magee, late British Vice Consul at Mobile; whether any conduct inconsistent with neutrality has been alleged against him; and whether his removal has been demanded or suggested by the American Government?

Mr. LAYARD said, the facts of the case were these. The House was probably aware, that when the blockade of certain ports was established by the Government of the United States, full liberty was given to English vessels of war to pass through the blockade and to communicate with those ports, but it was on the distinct understanding that they should only be employed on official Government business, and that they should not engage in any private or commercial transactions. Mr. Magee was not the British Vice Consul at Mobile; but from the year 1861 he had been acting as Consul, in the absence of the Consul from his post. On the 12th of November Mr. Magee, it appears, communicated to Mr. Coppel his intention to send away a large amount of specie, but he made no mention of the fact to Lord Lyons. After more than a month Lord Lyons, when he came to hear of it, telegraphed to Mr. Magee to stop the transaction, but, as Mr. Magee alleged, the telegram was received on the same day that he had shipped the specie, but after he had done it. However, for twelve days afterwards, during which Mr. Magee was in communication with Lord Lyons, writing despatches to him, he made no mention of the fact of the English vessel of war the *Vesuvius* having come in, and of his having shipped a large sum of money on board of her. As soon as the transaction was brought to the notice of Her Majesty's Government, they at once dismissed Mr. Magee from his post. They felt that his conduct was not becoming the agent of a neutral State, and was in violation of the pledge given to the Government of the United States; and that the fact of his not having made any mention of the subject to Lord Lyons, and not having waited till he received some communication from Lord Lyons, rendered him so open to grave censure that there was no course open to them but to remove him from his post. At that time no demand and no representations had been made by the American Government on the subject, but he hoped the House would feel that Her Majesty's Government had done no more than their duty in at once marking their sense of Mr. Magee's conduct.

SIR JAMES FERGUSSON said, he wished to know whether money which had been placed on board one of Her Majesty's ships was not the interest due to British subjects on the Alabama State bonds, and whether it was not placed on board Her Majesty's ship because it was the only means of conveyance. He wished also to know, whether other Consular Agents had not taken the same course without being visited with a similar censure?

MR. LAYARD said, he was unaware to what uses the money was destined. Some said it was to pay the interest on those bonds, others that it was intended to purchase privateers in Europe. It was quite evident that the United States Government having admitted our vessels into their blockaded ports on the strict understanding that they should engage in none but official business, it was a point of honour that that understanding should be adhered to. He did not know what other Consuls might have done, but he felt certain that in this case the Government had taken the right course.

TURKEY—LORD HOBART'S REPORT.

QUESTION.

MR. DARBY GRIFFITH said, he would beg to ask the Under Secretary of State for Foreign Affairs, Whether Lord Hobart's Report would be speedily presented to Parliament?

MR. LAYARD said, in reply, that there had been such an amount of printing in the Foreign Office that it had been found impossible to get this document out sooner. It was now printed, however, and would be laid on the table immediately.

THE WHITSUNTIDE RECESS. ADJOURNMENT OF THE HOUSE.

Motion, "That this House, at its rising, do adjourn until *Thursday* 28th May."—(*Viscount Palmerston.*)

POLAND—CONDUCT OF PRUSSIA.

QUESTION.

MR. HENNESSY said, he rose to ask a question of the noble Lord at the head of the Government, of which he had given him private notice, with reference to the conduct of the Prussian Government in Poland. It appeared to him not only was the Prussian Government carrying out the convention against Poland, but was even pressing its terms with undue and illegal severity. The simplest manner in which he could put the case to the noble Lord would be to read an extract from the letter of two French officers who had been eye-witnesses of the manner in which the Prussian Government were acting—

> "As to the manner in which Prussia is acting in concert with Russia, one fact that we relate as eye-witnesses shall be sufficient. During the battle of Nowawies, a Russian detachment, pursued by the Poles, and having no ammunition left, was obliged to retreat on Prussian territory. The Prussian authorities not only quartered them upon the inhabitants, but, having given a banquet in their honour, conducted them back to the frontier after two days, with all their arms and baggage; and, what is more incredible still, this same detachment, having fled for want of ammunition, was found to be, after its visit to Prussia, well provided with powder and balls. The Prussian frontier bristling with cannon, their military stations at about 500 metres distance one from another, and the military occupation of all the villages in the vicinity of Poland give sufficient evidence of the convention being executed."

He should like to know from the noble Lord, Whether the supply of arms and ammunition by the Polish authorities to the Russian troops was not a breach of international law, and whether the permission given to these troops to return with their arms and ammunition was not a breach of the convention? The point, however, to which he wished to direct the noble Lord's particular attention was the supply of arms and ammunition. He would also ask the noble Lord's attention to a letter from the Prussian General Lewald, stationed on the frontier, to the Russian General Masclow, commanding the troops at some short distance—

> "I have the honour of informing your Excellency that a Russian detachment, commanded by Major Nelidow, having no exact news about the enemy's strength, was obliged to cross the Prussian frontier; the Russian detachment mustered

two companies of infantry and 100 horsemen. These troops went over near to a village called Voycina. Major Nelidow has been forced to take this step after an engagement with a superior force of insurgents, in which the latter lost 200 men. After the Russian troops had passed the frontier the insurgents went on towards Konin, where they were again attacked by Russian troops, formerly commanded by Prince Wittgenstein. I beg your Excellency to inform me betimes of every military expedition on the Prussian frontier, that I may give the necessary orders according to circumstances. I inform you, besides, that in all beneath-mentioned places there are garrisons of special Prussian detachments, infantry and cavalry. [Here follows a list of the localities.] The officers (Prussian) commanding those detachments are obliged to receive your Excellency's orders, that they may afterwards forward them to me."

The meaning of that was that the Prussians were really acting in concert with the Russians, supplying them with ammunition, receiving orders from them, and giving them information. In fact, Prussia was just as much at war with Poland as Russia was. That, he asserted, was a breach of international law, and he wished to know whether Her Majesty's Government had recently addressed any communication to the Government of Prussia on the subject. He was anxious at that time to forbear from raising anything like a discussion on Poland; indeed, it was with reluctance that he spoke about Poland at all, for he believed the time was come for something more practical to be done for Poland than mere speeches. He felt that if Prince Gortschakoff's despatch was to receive only the answer which the Secretary of State was said to have given it in another place, this country would get out of the unfortunate and disgraceful condition in which it now was with regard to the question in a manner which was neither consonant with the feelings of the people nor the honour of England. The noble Lord had recently had an opportunity of discovering for himself that the people were ahead of the Government in this matter, and it would be better for his Government if he would look to see what their feelings were and act upon it.

Viscount PALMERSTON: Sir, the hon. Gentleman has asked me a Question involving a point of international law. As far as I am informed, it is the duty of a neutral conterminous to a belligerent territory not to allow the armed forces of one of the belligerents to make use of the neutral territory for the purpose of more advantageously attacking its opponents. I am sorry to say that in 1832 the Prussian Government did not act up to that duty; and the result of the war in 1832 was very much brought about by Prussia allowing a Russian corps to traverse Prussian territory, and get in the rear of the Polish army with which it was contending. Another duty is this:—When a belligerent force is driven by its opponents to take refuge in neutral territory, that force should be disarmed as soon as it crosses the frontier. But I am not at all aware that the neutral has any right to confiscate the arms and baggage of the belligerent force. On the contrary, I believe, that having re-conducted that belligerent detachment disarmed to its own frontier, it should restore to them their arms and baggage when they re-enter the territory of their own Sovereign. Therefore, I apprehend that Prussia has committed no violation of international right or neutral duty if she restored to the Russian detachment their arms and baggage when they crossed back to Russian territory. With regard to furnishing ammunition, we must always recollect the doctrine laid down by the United States of America during the war with Russia, that neutrals have the right to furnish warlike stores to either or both belligerents. Therefore, I apprehend there has been no violation of neutral obligations by Prussia with respect to furnishing ammunition. With respect to lining the Prussian frontier with artillery and troops, it is not unnatural, that when an insurrection prevails in a neighbouring country, any Government should take precautions to prevent that insurrection spreading into its own dominions; and as Prussia possesses by treaty the Duchy of Posen, and there is an insurrection in Poland, I do not apprehend that any Government has a right to complain that the Prussian Government have taken precautions, by strengthening its military position on the frontier, to prevent the spreading of that insurrection in Prussian territory.

Mr. DARBY GRIFFITH said, the declaration which the noble Lord had just made was an exceedingly important one. The House came by degrees to the noble Lord's declarations, and the enlightenment which they from time to time afforded on points of international law, prerogatives of the Crown, and subjects of that kind. These things came to the House bit by bit. The noble Lord had made the stereotyped declaration, that when troops of a conterminous country came into neutral territory they were bound to be disarmed;

but he added that which divested the doctrine of all practical value, because he said, that having gone through the form of being disarmed when their arms were no longer useful against their enemy, they were to be allowed to return at the time they selected, and to be put in possession of all the means of offence which they had brought with them; and were, in addition, to be supplied with ammunition by the neutral Government. If this was the state of the law of nations, the whole convention between Prussia and Russia was in practical operation. Prussia was *particeps criminis* with Russia, and was ready to support Russia in anything which she might do with regard to Poland. The subject was full of difficulties; but it appeared to him that the noble Lord was strong in his declarations to deputations from working men, and not so strong when called upon to act.

VISCOUNT PALMERSTON: I may be allowed to explain my former answer, which was rather short. I stated that it was the duty of a neutral Government to disarm a belligerent detachment driven into its territory. I ought to have added that it is a duty with regard to its own subjects to prevent a foreign force marching in arms through the country, and not a duty with regard to the belligerents.

MR. SEYMOUR EITZGERALD:—There is another part of the answer of the noble Viscount which appears to me to be so extraordinary as to require some explanation. The noble Lord has either misunderstood the question asked by the hon. Member for the King's County, or he has laid down a principle of international law for which I undertake to say there is no foundation, or precedent, or authority whatever. The hon. Member for the King's County adverted to the fact that the Prussian Government had supplied ammunition to the Russian force that had taken refuge in Prussian territory. The noble Lord replies, that it was the doctrine of the United States Government, which has since been adopted and enforced by ourselves, that it is not a breach of the position of neutrality for the subjects of a neutral Government to provide the belligerents with ammunition. Now, I wish to understand from the noble Lord whether he lays down as a principle of international law that it is not a breach of neutrality on the part of a neutral Government to supply ammunition to a belligerent force.

VISCOUNT PALMERSTON: My doctrine is confined to the subjects of a neutral Power. I am not prepared to say offhand whether the same privilege would apply to a neutral Government. But I did not understand the hon. Gentleman to be positive as to the information which he gave, and I myself do not know anything about the matter.

MR. HENNESSY: I am quite positive, having received a letter in which it is stated that ammunition was supplied to the Russian troops by the Prussian Government.

SIR HARRY VERNEY said, that the noble Lord had not told the House whether on the Polish forces passing the frontier of Prussia their arms were restored to them, as in the case of Russian troops passing that frontier. He wished the noble Lord had stated what would be the conduct of Her Majesty's Government in case the conduct of Prussia should involve that country in war--whether they would or would not stand by Prussia in a contest provoked by her unpardonable conduct in that war. They had it from the highest authority that it had been the policy of the Russian Government to provoke insurrection in Poland in order to destroy the most intelligent, the most warlike, and the best portion of the Poles. Such conduct was unparalleled in the world's history; and he hoped the noble Lord would take every opportunity of expressing the horror, indignation, and perfect contempt with which Her Majesty's Government viewed it.

FOREIGN AFFAIRS—
POSITION OF THIS HOUSE IN RELATION TO OUR FOREIGN AFFAIRS.

OBSERVATIONS.

MR. PEACOCKE said, he desired to call attention to the manner in which the foreign relations of the country had been treated in that House; and as the Government were about to take a short holiday, he hoped they would take into consideration some mode of improving the mode in which the discussions on foreign affairs had been conducted in that House. During the greater part of the Session all the important discussions on foreign affairs had been transferred to the other branch of the Legislature. In the middle of the previous month the noble Lord the Member for Chichester (Lord H. Lennox) asked a Question relative to the negotiations respecting the Crown of Greece; and the hon. Member for Southwark (Mr. Layard) replied that he could give him no information on the subject. The noble Lord thereupon said he would repeat the Question, when the hon. Member said that would be useless, because he would not then be able to give a more satisfactory answer. Within forty-eight hours afterwards the question was brought under discussion in another place, when the noble Earl at the head of the Foreign Office spoke for an hour on the subject, entering fully into a discussion of the question. It was true that the noble Viscount had stated that the noble Earl did not disclose much on the occasion, but he (Mr. Peacocke) believed that Earl Russell had not yet acquired the art of speaking for an hour and saying nothing. On a subsequent occasion, the hon. Member for Sheffield (Mr. Roebuck) brought before the House the question of their relations with America—a question in which the entire country felt deep interest—and his observations were followed up by remarks from the hon. Member for East Norfolk (Mr. Bentinck). In reply, the noble Viscount said he could give no information on the subject; and the hon. Member for Southwark said "ditto" to the noble Lord. At that very time a discussion was going on in another place, where the noble Earl entered most fully into the subject, and gave assurances which, if made in the House of Commons, would have gone far to allay the irritation which had been felt by so many Members of that House. On Friday week, again, a most important question was to have been presented to the House by the hon. Member for Galway relative to the carriage of the mails to Matamoras; but it was not brought forward, in consequence of no House having been made. Very few persons could have arrived at any other conclusion than that it was the deliberate intention of the Government to withhold information and to avoid discussion. It was only last Friday, again, that the attention of the House was called to the question of China in an able speech from the hon. Member for Northumberland (Mr. Liddell). On that occasion did the hon. Member for Southwark enlighten the House on the subject? No; he deliberately sat still. The hon. Member for Southwark said he was labouring under a misapprehension on that occasion; but with his experience in the House he could hardly have been otherwise than aware that he could address the House more than once. He did not wish to make any charge against the hon. Member, because he would probably reply that he acted according to orders and instructions. But there was the fact that the Foreign Secretary sat in the other branch of the Legislature, while that Department was represented in the Commons by an Under Secretary. In fact, no less than four of the most important Departments of State were represented in that House by Under Secretaries. These were the great Department of War, the Department of the Navy, the Department of Foreign Relations, and the Department of the Colonial Empire. The Home Office and the Indian Empire were the only Departments represented in that House by their heads. He asked, were the Commons to be allowed to discuss only questions of the sewage of towns, the salaries of police, the affairs of India, and the navigation of the Godavery? It became every Member of the House to be jealous of the character and privileges of the House, and to prevent that Assembly, which had hitherto been considered the first representative Assembly in the world, from being degraded to the situation of a debating club, with no more power than a parish vestry.

MR. NEWDEGATE said, he thought that so far from there being any danger of the House of Commons being deprived of the power of discussion on foreign questions, there seemed to be a disposition in some of its Members to assume the whole of the functions of the Foreign Office. Whether the House was thoroughly able to discharge the multifarious duties of that office he would not then stop to inquire; but it appeared to him, as it seemed to have appeared to the last speaker, that if the House were to assume those functions, they ought to come to the discussions after due notice. But he rose for the purpose of asking a question of the Under Secretary of State for Foreign Affairs, whether the three Powers who held Poland under the Treaties of 1815 were bound to observe the conditions of those treaties?

MR. LAYARD said, that he was fully aware that he stood in need of great indulgence on the part of hon. Members, and that he did not discharge his duties with all the ability he would desire; but he trusted that hon. Members would do him the justice to say that he always endeavoured to do so to the utmost of his power. He thought that the hon. Gentleman who brought forward the question very much—no doubt quite unintentionally—misrepresented what had occurred. There were two direct charges made against him (Mr. Layard). First, that he refused to give information regarding the acceptance of the crown of Greece, though the information was, in forty-eight hours afterwards, given in another place. Next, that he refused to give information respecting the Matamoras mails, though such information was also given in the other House. On both those questions he could satisfy the House that the hon. Gentleman was wrong. To the question regarding the crown of Greece, he thought it was his duty to give no answer. The hon. Gentleman said that the noble Lord at the head of the Foreign Department did give an answer in another place to that question; but the noble Lord did nothing of the kind. The noble Lord made a speech on the subject, but he positively declined to give the information asked from him (Mr. Layard) in that House. With respect to Matamoras, neither the noble Lord at the head of the Government nor himself had any information on the subject when he (Mr. Layard) spoke in reply to the question regarding the mails, because the mails arrived after he left the Foreign Office. The noble Lord was therefore in possession of the information an hour earlier than he was, and was consequently able to communicate it to the other House. He (Mr. Layard) might add, in reference to the Motion of his hon. Friend the Member for Galway, that he was certainly no party to counting out the House. So far from being a party to counting out the House, he rather regretted that he had not an opportunity of replying to the charges which he believed the hon. Member for Galway was about to make against the Government. On a previous Friday the House had declined to let the Government proceed with the Government business; and it was not extraordinary when the business was to be confined to the proceedings of private Members that the members of the Government should not hurry down to make a House. He (Mr. Layard) admitted that he was in error, in the course he adopted, with regard to the questions respecting China on Friday evening. He acted under a wrong impression, because he thought he could not have spoken more than once. The hon. Member said that foreign affairs were not discussed in that House, but there were no less than four Foreign Office questions on the paper on Friday night. It was natural for him, after the speech of his hon. Friend opposite (Mr. Liddell), to want to hear what other hon. Members had to say on the same subject, and respecting the other question on the paper; and so little did his hon. Friend know of the rule of the House, that when the Speaker put the Question, he cried "Aye," and thought he should get the papers, and was surprised when the Speaker left the chair. Therefore, if the hon. Gentleman charged him (Mr. Layard) with ignorance of the rule of the House, he could plead that his hon. Friend was ignorant of it also. His hon. Friend himself took a course which was somewhat unprecedented. He had for some time had upon the paper a notice ending with a statement that he would move a Resolution. On the day before, he asked his hon. Friend to let him see what he was going to propose, and his hon. Friend sent a note, which he did not receive until the following morning, containing a list of the papers for which he intended to move. These were, with one exception, papers belonging to the Admiralty, and with respect to which, therefore, his noble Friend the Secretary of that Department should have answered; but his noble Friend was not aware that such papers were to be moved for, and had left the House. He himself did not know what the papers were until the list was read from the chair. He was under a misapprehension as to the rules of the House, and was waiting to hear other Members before he spoke. It might be said that he could have replied to his hon. Friend, and that the noble Lord at the head of the Government could have answered the other hon. Gentleman. There were, however, other questions upon the paper, including that of Poland, and he thought that it would be rather hard that the noble Lord should be called upon to make four or five elaborate speeches. He spoke with great humility, but he must express his gratitude to the noble Lord for so kindly supporting him in that House. He was glad when he could relieve him from any part of the arduous duties which he had to discharge; and on the evening in question he thought that it was fair that there should be a division of labour, and that he should take the China question. It was from no want of respect to the House that he remained silent; and if the debate had continued, he should have spoken.

MR. BENTINCK said, that whatever might be the arrangement of Her Majesty's Government with respect to the distribution of offices in that House and in another place, they were not likely to want an opportunity of discussing the affairs of other countries. It appeared to him, with all due deference to the distinguished Members who brought forward those various subjects so repeatedly, that those discussions were often of an unfortunate character, and not particularly conducive to the credit of that House. They heard a great deal of what was called non-intervention. Non-intervention was proclaimed right and left in that House as the becoming policy of the Government, and yet what was the practice of the House? Why, week after week hon. Gentlemen put forward their opinions with regard to other countries, urging the Government to a course of conduct which, if followed, would inevitably involve the country in war. Now, he would like to ask those hon. Members who were so enthusiastic about the affairs of Poland and other countries, whether they were in earnest in the language they held, and whether, if the Government acted upon their suggestions, they would be prepared to support the Government in the war which would be the inevitable result of the policy they recommended? His hon. Friend the Member for Maldon (Mr. Peacocke) said that the House ought to be extremely jealous of its rights and privileges. Now, it was not his (Mr. Bentinck's) province to defend the Government, but he would say that whatever their misconduct had been, with reference to the mode of dealing with that House, it arose entirely from the want of determination which that House, had shown for some time past to defend its own rights and privileges. The House two years ago surrendered what was considered by many of the oldest Members of the House one of the most important rights and privileges of independent Members, and the inevitable consequence was that the Government could easily take advantage of that circumstance to avoid a discussion on inconvenient questions. Before he sat down, he wished to ask what business would be taken on the day the House re-assembled, on Thursday the 28th?

LORD ROBERT CECIL said, he quite agreed with what had fallen from his hon. Friend as to the danger of departing from a policy of non-intervention, but certainly the speech of his hon. Friend the Member for Northumberland, which was intended to prevent the Government from taking the part of the Tartar dynasty in China and involving this country in boundless complications in that distant land, could have no such tendency. Nor with reference to the debate upon the case of the *Peterhoff* was his hon. Friend entitled to warn the House of danger to the principle of non-intervention, because it was his hon. Friend himself who brought that subject forward. The truth was that there was a good deal of fallacy in all the talk about intervention and non-intervention. Some interventions were right and some were wrong. He entirely approved the course which his hon. Friend took with reference to the *Peterhoff*, and believed his hon. Friend was right in the doctrines he then laid down. But his hon. Friend had no right to censure the hon. Member for the King's County for having taken a similar course with respect to transactions in another part of the world. With reference to the subject under discussion, the Under Secretary for Foreign Affairs had quite mistaken his hon. Friend in supposing that any insinuation or sneer at his mode of discharging his duties was intended. They all respected the powers which the hon. Gentleman had displayed, and no one had any desire to cast any imputation upon him. It was not to the powers of the hon. Gentleman, it was to the situation which he occupied which they objected. They knew, that when he was defending a foreign policy in that House, he held a brief merely, and had to defend that in the framing of which he had no share. It was necessary, for the convenience of the two Houses of Parliament, that a certain number of Under Secretaries should sit in that House, and a certain number of heads of Departments in the other. The complaint was not of any want of ability on the part of the Under Secretaries who represented four of the most important Departments of the Government in that House; the complaint was that they had no share in framing the policy which they defended, and that therefore they were very inadequate representatives of the Departments which it was the duty of that House to supervise. The hon. Gentleman the Under Secretary for Foreign Affairs was not quite accurate as to his facts. With respect to the *Peterhoff* debate, he thought the memory of the hon. Gentleman was altogether at fault. The noble Lord, on being questioned, did not say that he had no information to give, but that he absolutely declined to enter upon the subject. ["No, no!"] He was in the recollection of the House, and he confidently appealed to the reports to prove that that was the statement. The noble Lord stated, that the question was of so delicate and dangerous a nature that he must decline to give any information; but at that very time Earl Russell, in another place, was giving the amplest and fullest information. With respect to Turkey, he was surprised to hear the hon. Gentleman say that it was natural that the Government should not be anxious to keep a House, because there was no Government business on the paper. Was that the mode of conducting business, which they were to accept from the organ of Her Majesty's Government as the authorized system, that unless they had business coming before the House, they would think themselves at perfect liberty to take those measures which resulted in a count-out? A more damaging commentary upon the concessions which the House in a weak moment made to the Government, could not be imagined. With respect to the China debate, also, the Under Secretary had mistaken the facts. He gave the House to understand, that he was obliged to abstain from speaking at that time, in order that he might speak afterwards. [Mr. LAYARD said, that he had acknowledged that he was mistaken.] The hon. Gentleman said, that he was prepared to speak, and that he took notes. He was not wanted to take notes, but to speak. He sat still on the bench, looking exceedingly indignant at all the charges which were made, but when the Speaker put the Question, he did not interfere, but allowed the debate to fall off. He was sure that the Government would reap no advantage from this, the most discourteous proceeding to a private Member that he could remember. The effect of such a mode of conducting business was only to multiply debates, by forcing hon. Members to have recourse to methods to drive the Government to an explanation of their policy, to which they would not have to resort if the Government would give the ordinary facilities for knowing what their policy was, and take care that the great Departments of the State were directly represented in the House, whose business it was to see that the Departments did their duty.

MR. MONCKTON MILNES said, as he had resisted the innovation in the mode of conducting their business when it was proposed two years ago, he was not at all surprised at the disappointment now experienced at the working of the modified rules of the House. He was gratified to find that hon. Members were fully awake to the difficulties of the position, and he was quite prepared to co-operate with any of them in concerting measures to remedy existing inconveniences. At the same time, he felt bound to say that he did not think there had been any intentional discourtesy on the part of Her Majesty's Government last Friday evening, for he could not conceive what possible advantage was to be expected from such a course. It was of great importance to Her Majesty's Government that the Chinese question should be fully debated before the return to China of Captain Sherard Osborne and those acting with him, because a great deal of inconvenience might ensue if a necessity arose for leading the expedition into action before the opinion of Parliament had been clearly ascertained. He believed Her Majesty's Government must have been fully aware of the advantage to the House and the country of such a debate, and certainly his noble Friend at the head of the Government would have been the last person to be guilty of discourtesy towards an hon. Member after an exhibition of ability such as proceeded from his hon. Friend the Member for Northumberland. He trusted, however, that Her Majesty's Government would take care that there should be no repetition of any such unfortunate occurrence.

MR. BAILLIE COCHRANE said, he thought it was not asking too much of the noble Lord at the head of the Government to request an assurance, that during the remainder of the Session, Friday should be *bonâ fide* considered a night for Government business, and that Her Majesty's Government should take the same trouble to make and keep a House as they did when the most important Government business was coming on. The hon. Gentleman was in error when he said the House objected to go into Supply on Friday night when it was brought on by Her Majesty's Government; they only objected to do so at half past eleven o'clock at night—an hour when Supply would not naturally be brought on. He felt bound to point out to his hon. Friend, that next to receiving no information at all, receiving wrong information was the most unsatisfactory. The other night he put a question to the noble Lord respecting the acceptance by Prince William of Denmark of the throne of Greece, and the noble Lord made a very vague and indefinite reply. The morning but one afterwards there appeared in that public organ, which was believed to be under the peculiar patronage of the noble Lord—the *Morning Post*—a long article, stating that everything connected with the succession to the throne of Greece had been finally settled. So far from that being the case, however, it now appeared that the deputation from Athens was kept at Copenhagen, and that the Danish Government would not give them any reply before the 1st of June. There were, no doubt, occasions when questions addressed to Her Majesty's Government could not conveniently or advantageously be answered. But when information was freely conveyed to public journals, it was not unmeet that Government, in reply to the inquiries of hon. Members, should give them whatever accurate information they possessed.

Sir GEORGE GREY said, he thought that the question as to the failure of making a House on the only night during the present Session when this had occurred had already been fully disposed of. His noble Friend had expressed regret that no House was made on that occasion; and had promised that for the future Government would contribute to the formation of a House on Friday evenings. But it was only fair that the House itself should assist in the process, and on the occasion referred to there were not twenty Members present when the House was counted. Government had a right to expect that hon. Members having notices upon the paper would come down, and that their friends interested in the subject-matter of those notices, and prepared to take part in debate upon them, would also cooperate in making a House. With regard to what took place on Friday night, his hon. Friend the Under Secretary for Foreign Affairs had candidly explained that he laboured under a misapprehension at the time the Question was put. But because he did not happen to speak at the moment, there was no reason why the debate should not have been continued by other Members. The noble Lord opposite had spoken of the alteration in the practice of the House, as if it was a concession made to the Government. He would remind the House that the Government made no proposal to change the course of business in the House; but a sense of inconvenience existing under the former practice suggested a reference to a Select Committee, and some of the recommendations of that Committee were ultimately adopted, but they in no way proceeded from the Government. If it were found necessary to review the course of business, the proper way would be to refer the subject again to a Committee. Then, objections were taken to the fact of the Foreign Office being represented only by an Under Secretary in the House of Commons. A just tribute had been paid to the ability of his hon. Friend and the manner in which he performed the duties of the office, and he would remind the House that the present position of the Foreign Department was no modern innovation. The Earl of Aberdeen was for many years Secretary of State for Foreign Affairs in the other House. The Earl of Clarendon also sat in the other House during the time he held the same office, and, under the Earl of Derby's Government, the Earl of Malmesbury was twice Secretary for Foreign Affairs. Under present circumstances, he thought there was no room for complaint as to the constitution of the Foreign Office. That Department was not represented only by his hon. Friend, but by the noble Lord the leader of the House, whose vast experience at the Foreign Office gave him an intimate acquaintance with all questions of foreign policy. It was said that such questions were never treated in the House of Commons with the respect they deserved. Hon. Gentlemen seemed to forget the debate which had taken place only a little while ago on the state of Italy. He asked whether that had not been a debate worthy of the House and of the subject. He maintained that on all foreign question the fullest information that was desirable was always given by his hon. Friend the Under Secretary and the noble Lord at the head of the Government, and that the subjects were treated with becoming gravity. In answer to the Question relating to the course of business on Thursday the 28th of May, he begged to say that the first Order of the Day would be the Report of the Vote taken the previous night with regard to the Dover Contract. Supply would not be taken, but the rest of the evening would be occupied with Bills of which due notice would be given.

Mr. LIDDELL said, he wished to say a few words in explanation, as remarks personal to himself had been uttered in the debate. He fully acquitted the Under Secretary for Foreign Affairs of anything like discourtesy to him on the occasion referred to; any discourtesy there might have been was to the House and to the country. A discussion, involving points of vital interest, had been raised, and no answer whatever was given to the speech originating that discussion. If the inference were drawn that Government wished to veil in secrecy and silence the irregularity of acts committed in China, he should regret it; but the Government would have nobody to blame but themselves. His hon. Friend accused him of not giving notice of the papers he required; but the fact was, that the night previous the hon. Gentleman had asked him for a list, and he then went into the lobby and wrote down all the particulars; but he found, when he had done so, that the Under Secretary had left the House. He then lodged the document in the proper quarter; and if it had not been forwarded, to the hon. Gentleman he was not to blame.

NAVAL COURTS OF INQUIRY.

QUESTION.

CAPTAIN JERVIS said, he rose to ask the noble Lord the Secretary to the Admiralty, What are the regulations by which Naval Courts of Inquiry are constituted and their proceedings governed? The officers of the navy were subservient to one of the strictest naval codes in existence, but till very recently they felt that they could rely on the justice with which it was administered. A short time ago, however, much of that confidence was dispelled by a fact which occurred in the West Indies. A captain, having lost the vessel of which he was in command, was tried by court martial, and fully and entirely acquitted. The Admiralty, however, took it upon themselves to censure every officer composing that tribunal, as well as the captain who had been tried; although, according to the naval code of this country, the sentence of a court martial was final. Another case had since occurred which had again tended to shake the confidence of the naval officers. On the 22nd of October last a man-of-war steamer, ordered round from Leith to Sheerness in one of the most severe gales ever known on the coast, grounded upon the Gunfleet Sands. The vessel was at the time in charge of a pilot licensed by the Leith Trinity House. She was in pilot waters of a most dangerous character, in which the most eminent naval officer would not have ventured to take her out of the pilot's hands; and yet the captain was deprived of his command without knowing the why or wherefore; the master lost his command also, while not the slightest notice was taken of the misconduct of the pilot. According to the rules of the service an officer running a ship on shore was bound to report the fact to the admiral, and the Admiralty was required to try him by court martial. But what was done in the case to which he referred? The Admiral instituted an inquiry, having previously ordered the officer out of the room; and when the inquiry was over, they informed him that his services were no longer required. When that officer applied for a court martial, which was his legal right, what was the reply of the Admiralty? Why, that if he could disprove the facts, he was welcome to a court martial. And what was the statement made by the First Lord of the Admiralty in another place? Why, that when a ship was going along a well known coast under the guidance of an inexperienced pilot, who could neither read nor write, it was the duty of a captain to see that his vessel did not get aground. Now, he (Captain Jervis) was on the coast at the time of the occurrence, and could testify that the wind was blowing a hurricane, and that nine vessels were lost within half a mile of the place where the *Vigilant* went ashore. The harbour of Harwich was full of vessels which had suffered in the gale. It had been stated that the pilot could neither read nor write, but that was not the case, and he had written a letter to disprove the statement. He was, moreover, a Trinity pilot, and had the highest testimonials. The question really was, whether naval officers were to understand that the pilot was no longer responsible for navigating the vessel in shoal waters; and when they committed a fault, they were not to have a chance of a fair trial before their brother officers, but they were to be at the mercy of the Admiralty, who might or might not do them justice. He hoped that the noble Lord by his answer would re-assure the naval service, which, as he must know, was anything but satisfied with the result of this case.

MR. R. W. DUFF said, he had no wish to insist upon an individual grievance, except in illustration of a vicious system. In his opinion these courts of inquiry were contrary to every principle of justice as it was administered in this country. Naval officers had no means of defending themselves under such a system, nor did he believe that any system of the kind would be allowed to prevail in the army, or that a staff officer would be deprived of his command without being heard in his defence. In the merchant service it was illegal for a captain to take a vessel out of the pilot's hands.

SIR JOHN PAKINGTON: The name of the officer concerned has not yet been mentioned, but I know of no reason why it should be concealed. The case is that of an officer with whom I have scarcely any personal acquaintance, but he is one of the most promising young officers in the service—Lord Elphinstone. Now, I wish to speak with the greatest reserve and caution, because I know we are touching delicate ground in interfering in this House with the decision of the Board of Admiralty, acting upon their responsibility in a case of alleged misconduct by an officer. I do not, for a moment, mean to imply that there can have been any intention on the part of the noble Duke at the head of the Admiralty to treat Lord Elphinstone with unfairness or any undue harshness. But this case raises two questions which seem to me to require serious consideration on the part of the Admiralty, and to demand some clear explanation as to the grounds on which those two points have been decided. The first point is, what is the real position of an officer commanding a man-of-war when, upon coming into shoal waters, he takes on board, as was the case here, a duly qualified pilot? The *Vigilant* was caught in very heavy weather; she was a difficult ship to steer; and that fact, perhaps, may not have been in the knowledge of the pilot. It appeared that Lord Elphinstone had a competent pilot on board when his ship was run ashore. Supposing that the captain of a ship, under such circumstances, disregards the advice of his pilot, and takes the conduct of the ship into his own hands, and that while under his charge she runs on shore, which is the converse of the case now under consideration, what would be the judgment of the Admiralty on the captain? Would he not be held to have acted with great rashness? The hon. Gentleman opposite has, I believe, stated correctly the rule of the merchant service, that when a ship is in charge of a pilot, the responsibility of the captain ceases. I do not know exactly what the rules of the Admiralty are in cases of ships sailing under such circumstances; but I submit to the House, as a matter of common sense and common justice, that if she runs ashore, the officer ought to be at once acquitted of all offence, or that his offence ought to be regarded as one of a venial character. Such an occurrence ought not to involve a young and promising officer in anything like severe or harsh censure. But whatever may be the responsibility of an officer when he has a pilot on board, before he was deprived of his command he ought not to have had such language addressed to him as that used by Admiral H. Johnstone, who said "I am in receipt of their Lordships' direction to signify to you, and to Mr. Phillips, the master of the *Vigilant*, that my Lords consider your respective conduct in this matter to have been highly reprehensible and deserving of their Lordships' severe censure." A young officer receiving such a censure must feel that he would labour under a stigma for the rest of his life. But no officer ought to be subjected to such censure unless he has been fairly tried by a properly constituted tribunal. During my short experience at the Admiralty I do not recollect any case coming under my notice which was referred to a court of inquiry. This is a point on which we ought to have some information from my noble Friend the Secretary to the Admiralty. What are those courts of inquiry? How are their proceedings conducted? Are they at liberty to disregard every principle of justice? Have they power to examine witnesses on oath? At all events, have they power to try an officer for an offence of this kind in the absence of the party accused? It appears that this court of inquiry was ordered to assemble on board Her Majesty's ship *Formidable*, at Sheerness. It consisted of three post-captains—Captains Thomson, Fisher, and Luard. Lord Elphinstone made his statement, and, on the next witness being sent for, the noble and gallant Captain asked whether he was to remain in court. The reply was, "No, you are to retire;" and during the remaining five hours of the inquiry, and while eleven witnesses were successively under examination, he continued in ignorance of the proceedings, and, of course, had no opportunity of cross-examining those witnesses. He did not wish to dwell further on the subject, for it was a painful one; but he hoped his noble Friend the Secretary to the Admiralty would state to the House what was expected of the captain of a ship in pilot waters, with a pilot on board, and whether officers were to be subjected to loss of command and severe censure after trial by such a tribunal as this court of inquiry.

MR. ADAM said, he thought that the service was much indebted to the hon. and gallant Gentleman who had brought the case under the notice of the House. The proceedings of the Admiralty, with reference to the *Conqueror* and the *Vigilant*, had given rise to very strong feelings in the naval profession. In the latter case an officer had been tried, condemned, and, he might say, executed by the Admiralty, on the report of a court of inquiry, before which he was not present, which had not examined witnesses on oath, and which had received the evidence of persons whom the accused could not cross-examine. Lord Elphinstone was allowed to read a statement of the proceedings of the court of inquiry. He did so, and made remarks upon them. He then sent to the Admiralty to ask for a court martial. The Admiralty replied that they saw nor eason to alter their censure; but that if, after such a statement of their opinion, he wished for a court martial, he was welcome to it. Would any officer have accepted a court martial after that? Why, such a court would have been trying the Admiralty, and not Lord Elphinstone. If it removed the censure from him, it would have placed one on the Admiralty. He believed it would have come out before a court martial, that when the ship went ashore, Lord Elphinstone showed much courage and ability in getting her off, and that the ship's company believed they owed their lives to him; but the inquiry could not have removed the censure, or given Lord Elphinstone back his ship. It was supposed by some that Lord Elphinstone had put his ship ashore on seeing a light when running before a gale of wind; but the contrary appeared to be the fact. He was creeping up in order to anchor in a place that would be out of the way of other ships. He anchored in a place where a considerable depth of water was marked in the Admiralty charts; but, so far from there being such a depth there, the fact was, that at low water the men walked round the ship. Again, it was said that the accident occurred from the captain attempting to "wear" the ship. No attempt was made to "wear" the ship at all. But the question at present was, not what Lord Elphinstone had done, or how he had got his ship on shore, but what the service was to look for in future. Was an officer to find himself censured and turned out of his command by a court that could not be considered a fairly-constituted tribunal? That was a question which deserved the attentive consideration of the House.

LORD CLARENCE PAGET: I was in hopes my hon. and gallant Friend would have confined himself to the Question which he had put on the paper, and that this unfortunate stranding of Lord Elphinstone's ship would not have been brought before the House, for I agree with the hon. Gentleman behind that it can do him no manner of good. The accident which happened to the *Vigilant* was undoubtedly a great misfortune, and I must add it was certainly accompanied with very grievous neglect on the part of Lord Elphinstone. She was coming from Scotland bound into the Thames. The wind was blowing hard from the south-west, and at the time of the accident the vessel was in the channel called the Swin. If there is a channel in the Thames better known than another, it is the Swin. It is admirably buoyed, with lighthouses and floating lights on every sides, and it is laid down in new and admirable Admiralty charts. It is true that the *Vigilant* was in the charge of a pilot, and undoubtedly the fact of a vessel being in charge of a pilot tends in a certain degree to exonerate her commander if she gets into trouble; but I can assure the House that the captain and the master cannot be absolved on that account from great blame for allowing the ship to ground on a well-known sand in a perfectly well-known channel, and in the middle of the day too. Whether or not Lord Elphinstone was in the act of wearing his ship is a matter of minor detail. There is a conflict of opinion about it; but if he was wearing in order to turn her off the sand, it shows he knew the danger he was in. There was evidence to show that he was steering a course, and that is a point of great importance which was dealt with by the court of inquiry. I am glad to give my testimony to the zeal and courage displayed by Lord Elphinstone afterwards in rescuing his ship from her perilous position. The gallantry of himself and his officers cannot be too highly commended, but the fact of his getting his ship aground was one which the Admiralty could not pass over without awarding great blame. The first step which the Admiralty took was to appoint a court of inquiry. These courts of inquiry are of old date, and no practical naval man will say that they do not afford great facilities for inquiry into important matters connected with the discipline of the navy, and that, on the whole, they are very advantageous to the service. My right hon. Friend (Sir J. Pakington) shakes his head, but I would ask him by what other means could we conduct the inquiries which are occasionally necessary with respect to accidents or the conduct of officers upon distant stations, where it is difficult to get a sufficient number of officers together to form a court martial, or on matters which are not of sufficient gravity to be referred to a court martial. When a ship is lost, the survivors are tried for losing it; and when a ship grounds, there is generally a court of inquiry. After this disaster the Admiralty ordered a court of inquiry to be held at Sheerness, and three distinguished officers were appointed to it. I am bound to admit that they committed a great mistake in not permitting Lord Elphinstone to attend, or, I should say rather, in not recalling him, for there is a great distinction between refusing an officer permission to attend, and simply directing him to withdraw after his evidence has been given, and not recalling him. I admit that they ought to have allowed him to be present during the inqury. The Admiralty having expressed their censure of Lord Elphinstone, he wrote back requesting to be tried by a court martial, and they then immediately sent him a copy of the whole of the evidence, in order that he should have an opportunity of inspecting it, and said, that if he then wished for a court martial they would grant him one.

SIR JOHN PAKINGTON: Yes; but you punished him first.

LORD CLARENCE PAGET: The Admiralty censured him certainly on the evidence laid before them.

SIR JOHN HAY: And you dismissed him from his ship.

LORD CLARENCE PAGET: Not so. The course the Admiralty pursued was this. The ship was greatly damaged, and was no longer fit to go to sea. The consequence was, another ship was commissioned, the crew was turned over to her, and another captain was appointed.

SIR JOHN HAY: And the *Vigilant* put out of commission.

LORD CLARENCE PAGET: Yes, the *Vigilant* was put *hors de combat*. Lord Elphinstone declined the court martial, because he said a court martial could not restore him to his ship, nor remove the censure. But I appeal to the House whether a court martial, which is essentially a court of honour, would have been biassed in their judgment by the fact of a censure having been expressed by the Admiralty. I do not believe that any court martial in the army or the navy would take such a fact into its consideration. The Admiralty then had offered Lord Elphinstone a court martial, and he had wisely refused it. Then why is all this indignation expressed? Are we to be told that because a captain has a pilot on board, that therefore he has no longer charge of his ship? An hon. Gentleman says that this is the case in the mercantile navy while merchant ships are in pilot waters; but why is that? It is because the insurance would be vitiated if the captain interfered with the pilot in pilot waters. But are captains of the navy to be put in charge of pilots? I think every naval officer will demur to that. I regret that the case of a very promising young officer should be bandied about in public. His character stands as high as ever. He has had the misfortune to suffer a disaster which has happened to many a good officer besides him. He has had a severe censure from the Admiralty, which he richly deserved; and I contend that but for his injudicious friends he might have risen to an eminent position in the navy, worthy of his historical name. I am asked two questions by the right hon Baronet the Member for Droitwich:—First, whether a captain is justified in disregarding the advice of the pilot when the pilot has charge of his ship? My answer is, that we do not acknowledge in the navy (and it is so distinctly laid down in the Queen's instructions) that the presence of a pilot, whether unable to read and write or whether a man of superior ability, relieves the captain and master of the responsibility of disregarding, if necessary, the wishes of the pilot. It has happened in many instances before this, that officers have been blamed for accidents to their ships, even though pilots have been on board. The second question which the right hon. Gentleman puts to me is with regard to the absence of Lord Elphinstone from the Board. I confess, that so very important does that omission appear to the Admiralty, that the Duke of Somerset has under consideration the giving directions to prevent any such omission in any future case. But if it be the opinion of hon. Gentlemen in this House that courts of inquiry are unadvisable and work injustice, I believe that officers of the navy of all ranks are of opinion that they save many an officer from the more severe and more public ordeal of a court martial, and I am quite certain that I am expressing the feelings of the navy generally when I say that courts of inquiry are of very great advantage to the service. I should here finish my observations had it not been that the hon. and gallant Gentleman who opened this discussion alluded to the Navy Discipline Act of 1861. I believe he said that officers had the idea that there was no security that any sentence passed would be considered binding by the Admiralty, and that the proceedings with reference to the *Conqueror* had given very general dissatisfaction. [Captain JERVIS: I referred to the case of the *Conqueror*, and not to the Discipline Act.] I understood that the hon. and gallant Gentleman referred to the Act. I saw it stated that Captain Sotheby of the *Conqueror*, having been acquitted by a court martial, had been most unjustly censured by the Admiralty. The reason of that was, that it was absolutely necessary that an error which had crept into the navy, that the captain was not responsible for the conduct and safety of his ship, should be eradicated. In the case of the *Conqueror* the court martial fully acquitted the captain, and blamed the master. Seeing, however, that the captain had conducted the ship into a narrow and dangerous passsage, and had let the fires out when passing a dangerous reef, the Admiralty would have greatly neglected their duty if they had not censured the conduct of Captain Sotheby. I am afraid that this discussion will not be to the advantage of a fine young officer, inasmuch as it will tend to make more public a disaster in which I admit there was a great deal of ill luck, but with regard to which I cannot for a moment deny that there was gross neglect on the part of Lord Elphinstone.

SIR HUGH CAIRNS: Whether this discussion will be of advantage to Lord Elphinstone I do not presume to offer an opinion; but I have a confident expectation that it will be of advantage to the Admiralty. The noble Lord asks what is the meaning of all this indignation. I have not the honour of knowing Lord Elphinstone, but I frankly tell the noble Lord I feel the indignation which I trust and believe every hon. Member feels when he hears that a gross and palpable injustice has been committed; and I say that, upon the confession of the noble Lord the Secretary to the Admiralty himself, a more palpable injustice has never been committed than in the present case. I must ask the House to consider the details which they have heard from the noble Lord. My hon. Friend asked what was the reason for appointing a court of inquiry at all, and what were the cases in which such courts were usually appointed. The noble Lord says courts of inquiry are very useful in two cases:—First, on a naval station where there are not officers enough to constitute a court martial; and secondly, for the investigation of minor offences which are unworthy the attention of a court martial. Was this either of those cases? Are there not a sufficient number of naval officers in and near London to constitute a court martial; and does the noble Lord mean to say that a charge against an officer of stranding a valuable ship through carelessness is a minor offence not worthy the attention of a court martial? I say there is no reason given why the legitimate mode of investigation into a grave offence by court martial was departed from, and a court of inquiry adopted. But that is a trifle to what follows. The noble Lord says that with regard to the proceedings by the court of inquiry the Admiralty are very sorry to say a grave error was committed; that Lord Elphinstone was called upon to give his testimony, and when that was done he was desired to retire. [An hon. MEMBER: Was not re-called.] He was desired to retire, and I should suppose that was a tolerably broad hint that he was not to come back. But the noble Lord says the evidence taken behind Lord Elphinstone's back was quite clear and convincing. I remember a story in a book, which we have probably all read, of a celebrated rural magistrate, who said he always liked to stop at the end of the evidence of one side, for when the evidence on the other side was given it was very confusing. And in this case I cannot help thinking that the course which the court of inquiry took was eminently calculated to produce clear, unvarying, straightforward evidence. There was no cross-examination. No witnesses were called except on one side, and there was no examination on oath, I believe, at all. The noble Lord calls this a court. I hope, in future, the name will be abandoned. It was somewhat a mockery to call it a court. Call it by any other name you think fit, but pray do not call it a court. It is a contradiction in terms, and the name had better be given up. So much for the justification by the Admiralty of the course which was pursued. What happened? An inquiry takes place, in which the Admiralty admit a grave error was committed, the accused party not being allowed to be present to conduct his case. Under those circumstances, what did the Admiralty do? The noble Lord says they administered a severe censure, founded, be it observed, upon the report of the court of inquiry which committed so grave an error. But the grave censure is only half what they did. Was there no dismissal? I will tell the House what took place. The *Vigilant* was put out of commission. The very next day another ship was commissioned. Every officer, every man, and every boy in the *Vigilant* were transferred to the newly-commissioned ship with the exception of Lord Elphinstone. I am in the judgment of the House. Was that, or was it not, a dismissal of Lord Elphinstone?—and that, be it observed, upon the footing of the report of a court of inquiry which, in the judgment of the Admiralty, had committed a grave error, and I say an error going to the whole root of the conclusion at which they arrived. What happens next? The Admiralty are appealed to by Lord Elphinstone. Lord Elphinstone, having had no means of being present and conducting his own case, or of calling the witnesses whom he wanted, asked to be tried by court martial. If the Admiralty had admitted the error, recalled the censure, held it in suspense until a full and perfect trial had taken place, and ordered a court martial to assemble immediately, they would have substantially retrieved the error, and no great harm would have been done. The Admiralty send the evidence to Lord Elphinstone, and desire him to make any observations he pleases in the margin, and to send it back. Lord Elphinstone makes observations on the evidence, and the Admiralty pass a new sentence, unhesitatingly declaring that the court of inquiry had come to a proper conclusion; but that if Lord Elphinstone liked to have a court martial, he might have it then. It certainly is something new for a man to be punished first and then told that he may have a trial. And then, when the question is brought before the House of Commons, what is the atonement offered by the Admiralty at the last hour? The noble Lord says the Admiralty is extremely sorry, and that a great misfortune has occurred in the matter; but, at all events, things are now going to be set right, inasmuch as for the future care is to be taken that there should be full inquiry. How such a statement can be regarded as doing justice to Lord Elphinstone I am, however, at a loss to understand.

SIR JOHN HAY said, that after the observations of the hon. and learned Member for Belfast it might seem to be superfluous that he should trouble the House with any observations; but having served with Lord Elphinstone, and knowing, as he did, his high professional character, he was unwilling not to bear testimony against what he considered to be the misconduct of the Admiralty in the particular instance under discussion. He was able to speak with some knowledge on the point, because he was, he believed, the very first person with whom, as an old captain of his, Lord Elphinstone had communicated on the subject of the misadventure. The *Vigilant*, he might add, left the coast of Scotland under orders from the Admiralty in October last. The very heaviest gale of the season was blowing as she passed Harwich. She was in charge of a pilot who had a certificate from the Trinity House, who had the very highest testimony from Admiral Smart and the captain of the *Porcupine*, and who was naturally received on board the *Vigilant* with the utmost confidence. The vessel was brought down to the entrance of the Swin, and was steaming up the Swin at eight o'clock in the morning. It was at the flood tide, the gale was blowing from the S.S.W., and with the wind on the starboard bow. The captain and master came up and asked the pilot, who had been up all night, to go down to breakfast. As the ebb tide would make directly and the vessel would be drifted out to sea again, the master suggested to Lord Elphinstone that he should anchor. Everything was got ready for anchoring, when the pilot was sent for to select the place. It was, no doubt, the bounden duty of the captain of a man-of-war to see that the pilot was a competent man; but if up to the moment that the vessel went aground, the pilot was found to be perfectly competent, the captain had a right to place confidence in him. The pilot came on deck, and with the master examined the chart, suggesting, that as the *Vigilant* was a vessel with low masts, she should, to avoid the danger of being run down while at anchor, be anchored nearer to the light vessel. Lord Elphinstone made every arrangement, by working round head to wind, to steam in towards the light vessel. There was no question as to the management of the ship, but the difficulty was, that in the heavy gale blowing the pilot could not see a buoy, which ought to have been visible. The master asked, whether he was not going in too far, and the men were in the chains with the lead, and the pilot declared that he knew the ground well, and that they must go farther in. Lord Elphinstone, however, gave the order to "slow" the engines; but, in less time than it took to describe what occurred, the ship was ashore. What time was there, then, to displace the pilot, even if it had been right to do so? In half an hour the vessel was high and dry; and although, when the tide flowed again, the waves broke with great violence, the arrangements were so seamanlike and skilful, that the ship was taken into Sheerness in safety, though somewhat damaged. A court of inquiry was subsequently appointed to try Lord Elphinstone, and yet, after his evidence had been taken, he was excluded from the court, and was not allowed to know anything that was going on. Lord Elphinstone immediately took steps to call attention to the fact, and he (Sir John Hay) held in his hand a letter in which Sir W. Johnson, the Commander-in-Chief at Sheerness, the officer under whose authority the court sat, admitted the irregularity of the proceeding. The ship was then put out of commission, and Lord Elphinstone was placed upon half-pay—dismissed from his ship, as he (Sir John Hay) should call it. Lord Elphinstone then applied for a court martial, but that was refused him. Lord Elpinstone had assured him that he had applied personally at the Admiralty for that measure of justice before his letter was written, and that he was treated with disdain and contumely. He would not go further into the case, as the facts had been most accurately stated by the hon. and learned Gentleman the Member for Belfast; but what he wanted to point out was, that officers of the navy did not agree with his noble Friend as to the disadvantage of such cases as that of the *Vigilant* being brought under the notice of the House. He thought that Lord Elphinstone had gained extremely, and that the Admiralty had lost extremely, by the discussion. With reference to the question of the *Conqueror*, which bore considerably upon the case, the action of the Admiralty with reference to the court martial in that case, had shaken the confidence of the navy in the value of courts martial and their decisions. In Lord Elphinstone's case, whatever confidence they might have in courts martial, it might be expected that the decision of such a tribunal might be influenced by the fact of having to try the Board of Admiralty for an unjust censure, instead of an officer in the service for alleged misconduct.

Mr. COLLIER said, he felt quite satisfied the House would agree, that if the Admiralty had allowed the case of a vessel of war being lost on a well-known sand to pass without inquiry, they would have rendered themselves liable to the severe censure of the House. It being the duty of the Admiralty to inquire, two courses were open to them. They might have made that inquiry by means either of a court of inquiry or a court martial. The right hon. Baronet the Member for Droitwich asked what a court of inquiry was. Mr. M'Arthur, in his work on *Courts of Inquiry*, said that "From various precedents and long-established custom they have become an essential branch of naval and military jurisdiction." [Sir John Pakington: Does he say that they are not bound by the rules of justice?] He said nothing of the kind; but he said that they were ancient courts, instituted by the prerogative of the Crown, for the purpose of informing the Crown as to the merits or demerits of its officers. Courts martial were criminal courts, having power to pass sentence; courts of inquiry were not criminal courts, they could not pass sentence, and had no power to examine witnesses upon oath. The court of inquiry having made its report, Lord Elphinstone, complaining, and with justice, that they had proceeded in his absence, asked for a court martial. There lay the whole gist of the case, because the Admiralty had offered him a court martial and he had refused it. [An hon. Member: After the censure.] True, but after the court of inquiry, and after the censure, he asked for a court martial. The Admiralty wrote informing him that he might have a court martial if he pleased, but recommending him, before he accepted the offer, to read the report and minutes of the court of inquiry, which were transmitted, and upon which he was offered an opportunity of making any remarks he pleased. Lord Elphinstone returned the record of the proceedings with a statement in which he excused himself by throwing all the blame upon the pilot, asserting that he placed implicit confidence in him, and that he did not in any way assert his authority as commander. Now, it was expressly directed by the rules and circulars of the Admiralty that the commander of a vessel of war should not trust to a pilot, but should himself be responsible. It was on Lord Elphinstone's own statement, therefore, that the Admiralty replied that there was nothing in it to alter the opinion which they had formed, but that he might have a court martial if he desired it. Lord Elphinstone refused the court martial, and that was the whole case. The court martial which he desired was offered, and he was allowed time for consideration. After considering and reflecting he refused the court martial, and thought it more desirable that his case should be brought before that House. In answer, it was suggested that a court martial would not have done its duty. [" No!"] He was glad to hear that contradiction; because it was a gross libel upon naval officers to say they had so little spirit, so small a sense of honour, or so slight a regard to their oaths that they would be influenced by the foregone conclusion of the Admiralty. The case amounted to this. There was a miscarriage on the part of the court of inquiry; but on the part of the Admiralty there had been no miscarriage. They were bound to act on the report of the court of inquiry. Lord Elphinstone desired a court martial; they had offered it, he had refused it, and under these circumstances had no grievance.

Mr. WHITESIDE said, that the hon. and learned Gentleman, who no doubt spoke in his capacity as counsel to the Admiralty, had failed to show that there was any Act of Parliament warranting the Admiralty in trying a man by a court of inquiry. But if there was, surely such a court must proceed according to the ordinary rules of law, and not send the accused out of the presence of his judges, saying, " It makes no matter whether you are present or absent; we intend to dispose of you, and you will hear from the Admiralty when sentence is pronounced." Thus, like judge Rhadamanthus, sentencing first and inquiring afterwards. If the Admiralty was to act as it had done in that instance, it would be necessary for the House to look sharply after the Departments, and take care that important branches of the public service should not be so disposed of. The hon. and gallant admiral the Member for Wakefield (Sir John Hay) had stated that Lord Elphinstone had applied personally for a court martial, and that he was treated with disdain. No Department, he maintained, ought to venture to treat a man, who had a claim to justice, in such a manner as that. The noble Lord the Secretary of the Admiralty said, that when they had discovered that the court of inquiry had acted in an improper manner, they said to Lord Elphinstone, " Now that we have censured you, and proclaimed your incompetency, we will send you to be tried by a court martial;" and that is called justice. I trust that my hon. and learned Friend, when he has an opportunity of advising the Admiralty in future, will help them from getting into such scrapes.

MEETING OF IRISH MEMBERS.

QUESTION.

Mr. ESMONDE said, he thought some explanation was due of the circumstances connected with a meeting of Irish Members said to have been held in order to consider the provisions of the Government Bill relating to Irish Salmon Fisheries. If that meeting had been of a public character, all whose interests were concerned should have been invited to attend; if not, there must have been a violation somewhere of the rules of conduct usually acted upon in such cases. He begged to ask the Chief Secretary for Ireland, Whether a statement which appears in several of the Irish Papers, to the effect that on last Thursday a meeting of Irish Members, convened by Sir Robert Peel, was held in one of the apartments of the House of Commons is correct; and, if so, to inquire why he omitted to invite the attendance of Members representing large interests in connection with the Irish Salmon Fisheries; and whether the report of what took place at such Meeting which appears in *The Freeman's Journal* of Saturday last, headed, " From our own Correspondent," is a correct one; and whether there was a reporter present during the proceedings?

Mr. W. O. GORE said, he would beg to remind the right hon. Baronet that he had not answered the latter part of the Question addressed to him in the earlier part of the evening with reference to the grounds on which permission was refused by the Stipendiary Magistrate to Mr. John Crawford, of Newtowngore, to keep arms for the defence of himself and his property.

Sir ROBERT PEEL: I am afraid I did not sufficiently explain myself in answering the Question put in the early part of the evening. There have been frequent attacks, as my hon. Friend states, on the property of this miller; but having made full inquiries through the stipendiary magistrate, we have reason to believe that there has been great exaggeration in reference to these attacks, and that they were not made with any malicious intent—in fact, that they were not strangers who committed the offence. More than that, the police station is in close proximity to this property; and if danger were apprehended, assistance could easily have been obtained. It is well known that under the powers of the Act of Parliament certain parts in Ireland are proclaimed. The district in which the miller lives is one of them; and that is the reason why licence has not been given to carry arms. As regards the Question put by my hon. Friend the Member for the County of Waterford, I must admit that I was equally astonished with him to see a very full report of a speech supposed to have been made by me on a very interesting subject — a speech occupying half a column of the newspapers —a very good speech, but I must candidly admit that I did not make it. We all know that reporters are very inquisitive gentlemen, and that they endeavour, if possible, to obtain a knowledge of what is taking place even in the most secret conference; but I sat there during the whole time the meeting lasted—about two hours —and neither in the cupboard, under the table, nor elsewhere, did I see anybody who gave me the impression that he was taking notes of what was passing. I therefore utterly disclaim being any party to that speech. An hon. Friend of mine said, "I presume that is the speech you were going to make in introducing the Salmon Fisheries Bill, which you afterwards had not the opportunity of making, but which still appeared, as you had sent it off beforehand." And such a thing did once occur. It is perfectly well known that an hon. Member once prepared an elaborate speech, with "Hear, hear!" and "Cheers" introduced in it, which he could not deliver because the House was counted out, but which appeared in the papers nevertheless. I can assure hon. Members that was not the case with me. I never sent that speech —I should be very glad to have made it; but I sat there listening to the remarks of others, to be prepared for discussion when the question should come before the House. The meeting was not strictly private, although held in a private room. The object was to ascertain the views of hon. Gentlemen returned from Ireland with regard to the Bill the Government was on the point of introducing in relation to the Irish Salmon Fisheries. [MR. WHITESIDE: Was it a meeting of Irish Members generally?] Not generally; the room was too small. I endeavoured to explain the other night that the right hon. Gentleman the Member for the County of Limerick (Mr. Monsell), my right hon. Friend the Member for the County of Kerry (Mr. Herbert), and my noble Friend the Member for Cockermouth (Lord Naas), agreed with me that by meeting together we might so frame a Bill as to secure that general approval which was not accorded to the Bill of the hon. and learned Gentleman the Member for Wexford. I asked my noble Friend the Member for Marylebone (Lord Fermoy) and a number of other gentlemen to be present; the hon. Member for Waterford (Mr. Blake) came into the room, and I asked him if he would be good enough to get together any Irish Members who might be interested in the subject, as we should be glad to receive any advice which they might offer. My hon. Friend, I believe, tried to do so, and perhaps the report which appeared in the newspapers is in some small degree to be traced to him. For I understand now, having just received a letter on the subject, that the report of our proceedings was made by an hon. Gentleman who admits that he was not present at the meeting, but gave to the reporter an account of what he presumed had taken place. [*Cries of* Read!] It is a private communication, and, of course, it would be improper for me to do so, but the Gentleman says he did it as "an impromptu movement." Once more I beg to say that I have nothing whatever to do with the report. I believe the Under Secretary for the Home Department did speak to several of the Irish Members on the subject, and probably a good deal of what is put into my mouth may have fallen from him.

MR. BLAKE said, as he had been rather pointedly alluded to by the right hon. Baronet, he wished to say a few words. In the face of the letter he himself had written to the right hon. Baronet, it was surprising that he should convey to the House the impression that the report appearing in *The Freeman's Journal* was traceable to him.

SIR ROBERT PEEL said, he had understood the hon. Member for Waterford himself to declare that the report which had appeared might be traceable to some remarks he had made in the Gallery. He assured the hon. Gentleman that he had no wish to misrepresent him.

MR. BLAKE said, the right hon. Baronet had entirely misunderstood his observations, and he was anxious for that very reason that the letter which the right hon. Baronet held in his hand should be read to the House. He had never intended to convey that the report was traceable to him in any shape or form; and the hon. and learned Member for Youghal (Mr. Butt) would no doubt, bear him out in his assertion that the report probably emanated from a gentleman who had not been present at the meeting at all. He did not look upon the meeting as in any way a confidential one, nor did he suppose that gentlemen present were precluded from mentioning what transpired. It was quite true that the right hon. Gentleman did not make the very capital speech attributed to him; but the substance of it was contained in a printed paper, which was furnished to those who attended the meeting, and which contained the heads of the proposed Bill. He believed that the speech emanated from an hon. Member who was not present, but who derived his information from an hon. Member who was. He could not see that any imputation rested upon any hon. Gentleman for what had taken place.

Mr. BUTT said, that what was attributed to the right hon. Baronet as a speech was in reality a printed circular, which was placed in the hands of the Members attending the meeting, and he thought the whole affair had been treated in too grave a manner.

Colonel DICKSON said, that with reference to the case of the miller who had been refused an arms licence, he wished to say that he had voted for the introduction of the Arms Bill, and under the circumstances of the country thought that such a measure was necessary; but he did hope that the right hon. Gentlemen would take care to prevent the exercise of any undue authority by those who carried out the Act. Generally speaking, the stipendiary magistrates of Ireland acted with much discretion, but he protested against their taking upon themselves to refuse permission to carry arms to a man who could by no possibility make a bad use of them, and who had been actually recommended to carry arms by a local magistrate.

Mr. BAGWELL said, that a refusal to allow a person to have arms in his possession was entirely subversive of the liberty of the subject. He thought it must have originated in a mistake, and he hoped that it would not go forth to the public that this monstrous doctrine came from the Irish Executive—namely, that a respectable man was not to have arms for his defence because he lived in a proclaimed district.

UNITED STATES—FEDERAL INTERFERENCE WITH NEUTRAL TRADE.

OBSERVATIONS.

Lord ADOLPHUS VANE TEMPEST said, that representing as he did a constituency which had a considerable interest in shipping, he was anxious that before the adjournment of the House the neutral trade of this country should not be left in its then unsatisfactory position. From Earl Russell's statement in another place, it almost appeared as though Federal cruisers had a right to seize, without limit, neutral vessels running to Matamoras and to Nassau. Yet the noble Earl had laid it down in a most able despatch to the Federal Government, that though that Government had undoubtedly the belligerent rights in respect to neutral vessels, the indiscriminate use of that right would become an intolerable evil. By the last mail from America it appeared that the Government of Washington had opened the question in respect of the cargo of the *Peterhoff*. Now, Judge Story held distinctly that the question of cargo was not to be considered with regard to neutral trade, but that it was a question of destination; and he further stated that there could be no question of contraband of war between two neutral countries. If that position was international law, he thought that Her Majesty's Government ought to adhere to it. The Federal Government would, he believed, be prepared to concede to their just demands if they held their own; but if they abandoned the ground which they were justified in taking on this question, that Government would make new encroachments. It would be necessary to take a stand at last, and he thought that the Government ought to take that stand, and ought to insist that the Washington Cabinet should adhere to the principles which Mr. Seward laid down in answer to Admiral Milne last year. As matters stood, they were surrendering the trade with Mexico and the West India Islands to the New York merchants and to those of France.

Motion *agreed to.*

House at rising to adjourn till *Thursday* 28th May.

RELIGIOUS ENDOWMENTS (IRELAND).

SELECT COMMITTEE MOVED FOR.

Mr. DILLWYN said, he rose to move for a Select Committee to inquire how far the present distribution of endowments for religious purposes throughout Ireland may be so amended as most to conduce to the welfare of all classes of Her Majesty's Irish subjects; to search the Journals of this House for any Resolutions passed since the Acts of the 39 & 40 *Geo.* III., c. 67, having reference to the application of any surplus revenue arising from Ecclesiastical Endowments in Ireland; and to report how far such Resolution or Resolutions appear to have been subsequently carried into effect. He thought the time had come when a great change should be made in the arrangements with regard to the temporalities of the Irish Church, and further that the liberal party especially were pledged to the advancement of that question. He was perfectly aware that any measure which was likely to settle permanently, or even materially advance the great question involved in his Motion, must emanate from the Government. A matter of such magnitude and importance could not be taken up with any hope of success by a private Member; and in order to have a fair chance of success, it must be taken up and urged forward with all the power of the Government. As that was the case, and as the present Government was supposed to represent the Liberal party, it had long been a matter of surprise that the Government had so long neglected to take the question up. Year after year he had hoped that some mention of the subject would have been made in the Speech from the Throne, and year after year he had been disappointed. It had been allowed to sleep, like Reform and many other questions, which once formed the watchwords of the Liberal party. Under these circumstances, he thought it was the duty of Parliament to take up the matter as it was a question which in some respects stood in an exceptional position to others. The question of Reform was one which the Government had abandoned, as he thought unwisely, although he admitted that the country had shown great indifference on the subject. Peace, Reform, and Retrenchment were questions which had been in turn abandoned by the Government; but it must be remembered that it was in the power of the country at any time to interfere, and force the Government to carry out their pledges with regard to these questions. But that was not the case with the Irish Church; for there was no doubt whatever, that if the question was put to the Irish people, whether or not the temporalities of the Irish Church should be maintained on their present footing, the response would be that they were not content with their present state. The institutions in other parts of the United Kingdom were maintained in accordance with the will of the people; but the Established Church of Ireland was altogether in a very different position, and a very able writer, Mr. Goldwin Smith, had stated that "the hold of the Irish Church Establishment, on the affections of the Irish people, was a garrison of 20,000 men." That was perfectly true; and as the power of the country was wielded through the House of Commons, it behoved the House to see whether that power was wielded for the advantage of the whole nation, and in a manner justified by the national exigencies, and whether the Irish Church Establishment had answered the desired end. He liked to shelter himself behind the opinions of statesmen and eminent men, and therefore he would quote a short extract from the speech of the right hon. Gentleman the Member for Buckinghamshire, whom he did not then see in his place. Speaking of the Irish people in 1844, the right hon. Gentleman said—

> "That dense population, in extreme distress, inhabited an island where there was an Established Church which was not their Church; and a territorial aristocracy, the richest of whom lived in distant capitals. Thus they had a starving population, an absentee aristocracy, and an alien Church, and, in addition, the weakest Executive in the world. That was the Irish question. Well, then, what would hon. Gentlemen say if they were reading of a country in that position? They would say at once, 'The remedy is revolution.' But the Irish could not have a revolution; and why? Because Ireland was connected with another and a more powerful country. Then what was the consequence? The connection with England thus became the cause of the present state of Ireland. If the connection with England prevented a revolution, and a revolution were the only remedy, England logically was in the odious position of being the cause of all the misery in Ireland." [3 *Hansard*, lxxii. 1016.]

Consequently, the House of Commons was especially bound to protect the Irish from the injustice alleged to be committed against them. The force used in maintaining the Irish Church Establishment could only be justified by political necessity or success. Believing that the Irish Church, far from being a political necessity, was a cause of great weakness to this country, and that so far from being a successful institution it had proved a signal failure, he felt he should not be doing his duty as a Member of that House if he sat there and allowed the question to slumber any longer. But he had another and less important motive, which was that he was ashamed to call himself a Member of the Liberal party, to sit year after year upon those benches and see the question quietly shelved. During the nine years he had

had the honour of having a seat in that House, the subject had only once been brought before their attention. He referred to the Motion brought forward with great ability by his hon. Friend Mr. Miall, in 1856. Why was that party named Liberal, if it allowed such things? It would deserve the reproach of being a party of promises rather than of performances if it continued to do so. He was resolved, that so far as he could, the stigma should not apply to him; and therefore he determined to call the attention of the House to the question, although he should have been glad to have seen it taken up by a Member of greater standing and ability than himself.

He felt one difficulty in dealing with the subject—namely, that the facts and arguments were so well known, that if he were to go into them fully, he should be told he was only proving truisms; and if he did not do so, he might be told he had not proved his case. However, he only asked for inquiry. One thing, at all events, was plain, that the result of the rule of this country in Ireland had not been attended with satisfactory results. In 1823, Lord Brougham said—

> "Matters in Ireland could not rest as they are for ever. One day or other the time must come that the House will have to give account of its stewardship of the country. England, possessing Ireland, is in the possession of that which ought to be her security in peace, and her sinew in war, and yet in war what has Ireland been but strength to her enemies—what in peace but an eternal source of revolt and rebellion?" [2 *Hansard*, lx. 1276.]

Lord John Russell, speaking on the Maynooth question, said—

> "We cannot help being struck with the fact that there has been no time in the history of Ireland since this country obtained a footing and dominion there, in which there was not some dreadful contest—something amounting to a civil war—and a state of the law that encouraged the people to consider themselves rather as victims of tyranny than as the subjects of a just Government."

He (Mr. Dillwyn) appealed to recent facts, as illustrating these observations. Scarcely a year passed without witnessing disorder, turbulence, and disturbance of various kinds in Ireland. Hon. Members often ascribed the unsatisfactory state of things in Ireland to the turbulence of the Irish people; but if they were not the quietest people under the sun, they would not have put up so long with the gross injustice to which they had been subjected, inasmuch as they were treated in an entirely exceptional manner. There was no other part of the British dominions which was treated in the same way—no other part of the Empire in which the religion of the people, a point upon which most countries were so susceptible, was treated as it was in Ireland. They took the revenues arising from the soil of Ireland, and applied them to the teaching of a religion which the majority of the people believed to be a most dangerous heresy. In Canada, in India, they would not dream of doing anything of the kind. No part of the three kingdoms was more firmly united to the Crown than Scotland; but so long as England endeavoured to force upon the Scotch, not an alien religion, but a religion differing only in form from their own, they stubbornly resisted; and he believed, that if that endeavour had been persevered in, the union with Scotland could not have been maintained. The maintenance of the Church Establishment in Ireland prevented that union of the different classes of Irishmen which was necessary for social progress. In England the whole body of the people united in support of law and order; and he believed, that if an attack were made upon the liberties of the people, Tories would unite with Whigs in defence of those liberties. But it was impossible to expect a similar union amongst the various classes in Ireland so long as that source of discord, the Church Establishment, existed. He would lay before the House one instance of the operation of the system. In the *Irish Ecclesiastical Gazette* of the 15th of February 1863, he found a letter, in which the writer stated that he did not object to any man on account of his religion, whether he was an infidel, a Socinian, or a Roman Catholic; but he thought a Protestant landlord ought to have Protestant tenants, and a Protestant employer ought to have Protestant servants. That was an illustration of the unhappy spirit which the antagonism of the two churches produced in Ireland. In England ministers of religion of all denominations were the best allies of the Government in the preservation of order, and they were prominent in every movement for the promotion of the education and prosperity of the people. But that was not the case in Ireland, because there the Catholic priest felt himself aggrieved by the maintenance of the Church Establishment, and could not be expected to be an ally of the Government in the preservation of order. In support of his assertion that the evils of Ireland were mainly due to the Established Church, he might refer to the opinions of some of the occupants of the Treasury Bench.

The President of the Indian Board (Sir Charles Wood), in March 1835, asked where the House would find in any country a rich Church with a small congregation containing a minority of the population. The right hon. Baronet then asked why the Legislature did not strike at the root of the evil, and determine to make a different appropriation of the revenues of the Irish Church? In 1845 the President of the Board of Trade (Mr. Milner Gibson) said that "Parliament might do what it would for Ireland, but so long as the Irish Church remained it would be a badge of conquest and degradation. There must be religious equality in that country." He did not however rest his case upon either his own opinion or the isolated opinions of statesmen, however prominent, but the course which the House of Commons pursued on the subject; and the Resolutions it had passed, showed it had been felt by statesmen in general that the Established Church had been at the root of the mischief in Ireland. At the beginning of the present century Mr. Pitt, being anxious for the Union, determined to carry Catholic emancipation. He failed, and resigned office. After thirty years the emancipation was carried by the Duke of Wellington, who saw the necessity of making the conciliation that Mr. Pitt had urged, although up to that time he had strenuously opposed it. The next step was that by which some of the Irish bishoprics were cut down and church rates were done away with in Ireland. Those were beneficial measures, but they did not meet the great question at issue, which he took to be the re-distribution of the funds set apart for ecclesiastical purposes in Ireland, for the benefit and use of the great masses of the people of that country. In 1835 the appropriation clauses were brought forward. Two Resolutions were adopted by the House. The one declared that the House should resolve itself into a Committee—

> "For the purpose of considering the expediency of applying any surplus revenue of the Church of Ireland which may not be required for the spiritual wants of the members of that Church to the religious and moral instruction of all classes of the community."

That Resolution was acted on in Committee, and the House subsequently passed a further Resolution, which declared—

> "That it is the opinion of this House that no measure upon the subject of tithes in Ireland can lead to a satisfactory and final adjustment which does not embody the principle contained in the foregoing Resolution."

The Government of Sir Robert Peel resigned in consequence of those Resolutions, which had been adopted during the discussion on his Tithe Bill. Sir Robert Peel was turned out by noble Lords and right hon. Gentlemen who occupied seats in the Cabinet at present. The Government which succeeded Sir Robert Peel's brought in a Bill to give effect to those Resolutions. It was thrown out in the House of Lords; but they held on to office. Nevertheless, the subject had been mooted once or twice since; but those noble Lords and right hon. Gentlemen seemed to have abandoned a principle on which they themselves turned out a Government. About the year 1845 Sir Robert Peel, having again come into office, directed his attention to the state of ecclesiastical affairs in Ireland. He did not attempt to deal with them as he had endeavoured to do before; but feeling that something should be done to conciliate the Roman Catholics, he brought forward the Maynooth Grant in its present form; but that measure did not, in his opinion, meet the case; and this was shown by the result, as he would appeal to the House whether it had not failed to give satisfaction to any party, whether Roman Catholics or Protestants, and whether, looking at the debates and divisions upon it, any hon. Members believed it could be considered either a satisfactory or final settlement of the question.

He (Mr. Dillwyn) would candidly avow to the House that in advocating inquiry he did so in the expectation it would lead to a great change—that it would lead to a re-distribution of the revenues of the Church in Ireland which would be more in accordance with what was required by the existing wants of the people. When the subject had been brought forward by others, it was said, by way of objection, that by the 5th article of the Act of Union they were bound to preserve the Church of Ireland as a portion of the United Church of England and Ireland. That article provided that the Church of England and Ireland should thenceforth be one United Church of England and Ireland, and that the doctrine, discipline, and worship of the United Church of England and Ireland should be in force for ever. But it said nothing about the temporalities. Moreover, Parliament had over and over again dealt with the temporalities of the Church both in England and Ireland, and there was a Bill at that very time before Parliament introduced by a Bishop, with regard to Wales, which would have that effect. He contended, therefore, that no breach of the 5th article of the Act of Union was involved in such a re-distribution of the temporalities of the Church of Ireland as he wished to see brought about. The Church of Ireland was not placed by the Act of Union in a different position from that of the Church of England. No one disputed that Parliament might, and had dealt how it pleased with the Church of England, and it certainly had an equal right to deal with the Establishment in Ireland. If he wanted an argument to show that they had the power for which he contended, he might quote a speech of the noble Lord at the head of the Government, who, in answer to a Motion brought forward by Mr. Miall in 1856, said Parliament was competent to deal with the Church of England and Ireland, but they must deal with them not in order to destroy them, but to render them more perfect in their operation. But the object of the Church was for the benefit of the whole people, and it did not carry that object out. If the Irish question were again to be settled, he did not believe that Parliament would re-establish the Irish Church on its present basis. Many hon. Members on the other side of the House had admitted as much to him, though they pleaded that it worked well, on the whole, and had done some good. The whole Liberal party, including the Members of the Government and some Gentlemen on the other side, admitted that the Establishment was an injustice, an anomaly, and altogether an objectionable institution. The question was, could its maintenance be justified? The only ground of justification for it was that it was either a political necessity, a source of national strength, or that it promoted harmony and true religion. As to its being a political necessity, it was well known that the Government, since they had been slipping away from the principles which apparently they had put forward to gain the support of Irish Members, had been gradually losing their support, until there was not a single Irish representative on the Treasury Bench. [Sir ROBERT PEEL: The Attorney General for Ireland.—An hon. MEMBER: Where is he?] Instead of its being a source of national strength, it was a source of national weakness. They had to keep in Ireland, for the maintenance of that Church, an army of 21,000 men, exclusive of 12,450 constabulary. All foreign nations, when they had a quarrel with them, pointed to Ireland as their weak point. France did it, and America too, and every one had noticed the burning animosity displayed by Irish emigrants against this country. He had little doubt, that if Ireland were invaded, a great portion of the people would rally round the invader, instead of, as they doubtless would in this country, rallying round the Government. Instead of producing harmony, the Irish Church prevented union, and destroyed all chance of peace and good will. It might be said that the Church in Ireland must be maintained to teach religion in that country. If it claimed to be an infallible Church, like the Catholic Church, he could understand that argument; but coming from the Protestant Church he could not understand it. The Established Church in Ireland could only be looked upon as a Missionary Church; it had tried its mission for some hundreds of years, and they knew with what success. They knew that it had succeeded in gaining over to the Church only a small proportion of the whole population of the country. It appeared from the religious census that there were in the province of Armagh, in 1834, 557,315 members of the Established Church, and in 1861 there were in that province 455,353 members of the Established Church. In the province of Dublin there were, in 1834, 295,845 members of the Established Church, and in 1861 there were in that province only 236,519 members of the Established Church, showing that so far from there being an increase there was a very great falling-off. The revenues of the Church in Ireland in 1834 amounted to 18*s.* 7*d.* per head; in 1861 the revenues amounted to 17*s.* 7*d.* per head, some reduction having taken place in consequence of the Tithe Act. They were told that the decrease in the population accounted for the decrease in the number of members of the Established Church, but that was not borne out by the facts; because the decrease being less where the Church was strongest, it might fairly be assumed that the greatest decrease was not among members of the Church, but among members of the Roman Catholic religion. Since 1841 the decrease of population in Munster had been 882,603, the Church numbering 80,860; in Leinster 516,319, the Church numbering 180,508; in Connaught 548,000, the Church numbering only 40,296; and in Ulster 472,118, the Church numbering 379,773. In speaking of the numbers of Church population, it must be remembered, that even the number, small as it was, was maintained not by the temporalities of the Church alone, but also by extraneous aid. Constant appeals were made to this country for money. He had received a pamphlet not long ago, the title of which was, *Good News from Ireland;* but the good news seemed to be, that if more money were sent, there would be more converts. They did not seem to rely on their own resources, or the resources of the Irish Church, but to depend upon subscriptions from this country. The religious census in 1834 showed that the proportionate percentages to population in Ireland were—of the Established Church 11, of Roman Catholics 81, of Presbyterians 8, and of other denominations about one-third. In 1861 the Established Church had increased to 11½; the Roman Catholics had decreased to 78, owing to the falling-off in population; the Presbyterians, who had no other temporalities than the *regium donum*, had increased to 9, and other denominations to 1½ per cent, thus showing that the less assistance that was given the better, and that voluntary efforts were more successful than a system of endowment based upon injustice. It seemed to him that they could not maintain the Irish Church much longer in its present position, and they could not expect the Irish people to remain passive and quiet *ad infinitum*. All the leading statesmen of both the great parties in that House, one after another, with only some few exceptions, had expressed most strongly their opinion on the absolute necessity of some change, and he trusted that a sense of right and justice would induce the adoption of a remedy for a great and pressing evil. The Conservatives, unwilling as they were to concede anything, had conceded the necessity of some change in Ireland; and they had carried out what they thought they ought to do. They passed the Maynooth Grant, though it was opposed by some Gentlemen on that side of the House. On the Liberal side of the House the appropriation principle was admitted in 1835, and they seemed disposed not to deal in a narrow, petty spirit with the Irish question. But, unfortunately, they adopted those principles when out of office; and when in office, instead of carrying them, they contented themselves with carrying small measures, which merely touched the distribution of the funds of the Church among its own members, and not among the whole people of Ireland, for the benefit of whom he conceived it to be the duty of Government to see them administered. The Maynooth Grant had had to struggle through an uncertain existence, and it could not be said to be a permanent settlement. Its prospects, indeed, were anything but flourishing. It was opposed on both sides of that House; it did not give general satisfaction to English constituencies; and he understood that even among many Roman Catholics it did not meet with approval. Under such circumstances, he did not think it could be long maintained; and when it fell, Parliament would have to meet the difficulties of the question face to face. If that Vote were disturbed, there would at once be an unsettlement of existing arrangements as regarded the ecclesiastical endowments in Ireland. It was better, therefore, to be prepared in good time for a change which might soon come; and the best way, in his opinion, in which to meet that change was by appointing the Committee which he proposed. The Government did not seem inclined to take any steps in the matter, but he hoped that the Liberal party would refuse to support the Government if the latter did not endeavour in some way to carry out the principles by which they professed to be guided. The hon. Member for Poole (Mr. Danby Seymour) had given notice of an Amendment, which was very long if not very intelligible; but it would seem, if carried, to pledge the House to more than would be justified by the present state of their information. He believed, however, that the authority of Archdeacon Stopford was appealed to in support of the views embodied in it. Archdeacon Stopford was no doubt a very well-informed man; but the House probably would not take the question merely on his *ipse dixit*. He (Mr. Dillwyn) could hardly imagine what could be the grounds of opposition to his proposition. He had been told that that was not the time to bring forward the subject—that the Roman Catholics were unpopular in this country. But although it was true that Roman Catholics were not much favoured in this country, yet justice and fair play were highly approved; and if justice and fair play were denied to the Roman Catholics, it could not be expected that they would be more well-disposed towards the Government of this country. The noble Lord at the head of the Government, in a speech which he made in 1845 respecting the grant to Maynooth, said that—

> "It is impossible, in my opinion, that the present state of things in Ireland, in regard to the two establishments of the two different sects in Ireland, can be permanent. . . . . . A provision by the State for the Catholic priesthood is a measure to which the Government and this House will at no distant period be compelled by their sense of justice to proceed. The great mistake made by

> Governments, not only in this country but everywhere, is to be too late in the measures which they adopt. . . . . . Government comes down with its measure, but comes when the time of proposing it with effect is gone by; and that concession which may be—no doubt on the present occasion it is—the result of conviction, and the spontaneous offering of modified opinions and a sense of justice, wears to the public all the appearance of a surrender to fear."—[3 *Hansard*, lxxix. 1304.]

He (Mr. Dillwyn) would urge the Liberal party not to delay upon that great question. He could not shut his eyes to what was passing—that the noble Lord, upon important questions, was indebted to the party opposite for support, and that judging from the results of recent elections, the time might soon come when parties might have to cross the House. The Liberal party could not consistently attack their opponents when in office, if they refused now to act upon their avowed principles. He asked for a Committee—a fair and impartial Committee—to inquire and report with a view to the introduction of a measure that might make the union of this country real, and Ireland itself contented and prosperous. The hon. Gentleman concluded by moving for the appointment of a Committee.

SIR JOHN TRELAWNY seconded the Motion.

Motion made, and Question proposed,

> "That a Select Committee be appointed to inquire how far the present distribution of endowments for religious purposes throughout Ireland may be so amended as most to conduce to the welfare of all classes of Her Majesty's Irish subjects; to search the Journals of this House for any Resolutions passed since the Act of the 39 and 40 *Geo.* III., c. 67, having reference to the application of any surplus revenue arising from Ecclesiastical Endowments in Ireland; and to report how far such Resolution or Resolutions appear to have been subsequently carried into effect."

MR. HENRY SEYMOUR said, that he rose to move the Amendment of which he had given notice. His hon. Friend had commenced by saying he was very nearly bringing in a Bill to alter all the religious endowments throughout Ireland; and it was only on second thoughts that he brought forward this Motion for a Committee. He mentioned also that his Resolution was founded on a proposition formerly made by Lord John Russell as to appropriation. Now, one of the chief arguments which he (Mr. H. Seymour) would have to address to the House would be, that a settlement of the Irish Church question was possible without entering into the question of appropriation. Both the friends and the opponents of the Irish Church were of opinion that the existing state of things must be modified to a considerable extent. The only question was in what way it should be done. He, as a member of the United Church of England and Ireland, was anxious that its resources should be so modified as to increase its strength; and he was happy to say that the question was dealt with in a similar spirit of moderation by many Roman Catholics. Serjeant Shee, on bringing forward the question ten years ago, said that he fully admitted that the endowments were first due to the members of the Church, and that until they were fully provided for its resources ought not to be diverted to any other object. At the same time, if any abuses could be shown to exist, all true friends of the Church must wish for their removal, as the very fact of their existence must prove a source of weakness and impair the efficiency and usefulness of the Establishment. The Irish clergy themselves were alive to the necessity for some inquiry, and indeed there was among them a considerable party which called loudly for reform. Archdeacon Stopford, who was well known from the part which he had taken in regard to this question, had written a remarkable pamphlet, from which, as the hon. Gentleman had suggested, he had adopted the terms of his Amendment, and he did not think he could have borrowed them from a better source. He believed that his Motion would meet the necessities of the case, which was not the case with that either of the hon. Member for Swansea or the hon. Member for Liskeard (Mr. Osborne), who had likewise an Amendment to propose. The object of Archdeacon Stopford's pamphlet was to show that there ought to be a re-distribution of the ecclesiastical revenues of Ireland; and it was a very good sign that the members of the Church should themselves come forward in that spirit. Such a movement was unprecedented, and ought to receive the encouragement of Her Majesty's Government. In his pamphlet the archdeacon pointed to many livings which ought to be diminished, while others ought to be augmented. Among other cases he mentioned a vicarage extending over an area two miles long and wide, net income £115, 17 Protestants; a rectory, net income, £115, 110 Protestants; a union, net income, £330, 24 Protestants; a vicarage, four miles by two in extent, net income, £165, 24 Protestants; a union, net income, £260, 27 Protestants; a union, net income, £280, 31 Protestants. All these benefices lay close together, and the archdeacon recommended, that instead of being held by separate incumbents, they should be united under stipendiary curates. The Motion of the hon. Member for Swansea assumed that the Committee would be able to ascertain the present position of endowments in Ireland, to show that there was a surplus, and to point out the manner in which it ought to be distributed. If the Committee ascertained all that he seemed to anticipate, it would have done no good, but only much mischief, because the real inquiry must comprehend a multiplicity of details, into which the Committee could not enter. It would only open up the questions which agitated the country thirty-one years ago, and which were abandoned by the very Government which raised them. Although the hon. Member for Swansea had proposed to deal with a surplus, he had obtained no Returns to prove that it existed, nor were there any such Returns. He granted that changes were required in the Irish Church; but even Roman Catholics admitted that the Protestant clergy should have a proper stipend to live upon. Reform was demanded upon good grounds, because there were some clergymen in Ireland who did no work at all, and others who did very little; while, on the other hand, there were clergymen in Ireland who did work, but without any pay. Such cases occurred in every diocese. By the 93rd section of the Church Temporalities Act, it was provided that the Ecclesiastical Commissioners for Ireland should increase benefices up to £200 a year. How many had been so increased? Very few, indeed. In the diocese of Armagh, which was the best provided with clergy and where the clergy were best paid, he had a list of nineteen benefices with an income of only £1,717, or an average of £90 a year each. Yet some of these parishes had between 2,000 and 3,000 Protestant inhabitants. In one union in the west, which consisted of ten parishes, and was fifty miles long by thirty broad, there was an income of only £200. The number of Protestants had some years ago diminished to about 500, but a society had been formed to supply it with clergy, and the number of Protestants had increased again to about 5,000. There had formerly been only one church; but now there were ten, besides three licensed chapels. The Commissioners had only endowed two churches with £75 each, and endowed two others with £25. Very few benefices had received augmentations since 1836. An endowment society had been established in West Connaught, three years ago, to relieve the wants of the district. The noble Viscount at the head of the Government subscribed £20; the Member for North Warwickshire subscribed £20; and the hon. and learned Member for Belfast (Sir Hugh Cairns) subscribed £60. In justice to the Irish Church they ought not to speak of a surplus until they had first inquired into its requirements. A Royal Commission, not a Select Committee, was the proper instrument for real and effective inquiry. It would give precisely the sort of information required for practical action. A different distribution of ecclesiastical revenues was required, and that no Select Committee could make, not having the means of ascertaining the relative position of parishes. The object which a Commission, if appointed, should have in view was to use its discretion and judgment upon details already to a considerable extent found for it. It had been suggested that the inquiry might fitly be undertaken by the Ecclesiastical Commissioners for Ireland; but that body already had onerous duties to perform, and it would be impossible to throw upon them this additional labour. Others contended that the end in view might be obtained by procuring Returns from the bishops; but some central body would still be required to amalgamate those Returns and to adjust their contents upon a general principle. A Royal Commission, on the contrary, armed with full powers of eliciting information, would obtain much more satisfactory results; and if appointed at once, would be able to report before the opening of next Session, so that the entire question of the Irish Church could be settled before that time next year. Another reason for a Royal Commission was that to the Queen belonged jurisdiction in ecclesiastical territorial matters. The second head of inquiry in the Motion of the hon. Member referred to searching the Journals of the House, the most important entry in which would be the Resolution moved by Lord Russell in 1835; but he should think that no Whig Government would wish to have that brought forward too prominently. A question was put to Lord John Russell in 1858, by Sir Robert Peel, and the noble Lord stated that the Government had done their best, and had introduced a Bill for the settlement of tithes on the appropriation principle. Since then, however, the appropriation principle had been altogether abandoned, and he should altogether deprecate a renewal of discussions leading to much animosity and bitterness. He had only been induced to take up the question from a belief that the original Motion would have a very bad effect, and because no one else had put an Amendment similar to his own upon the paper. He believed that the question of the Irish Church, treated on its own merits by both sides of the House in a political lull such as that which then existed, would not prove as difficult as it appeared at the outset. He was in hope that it might be dragged from the arena of party politics, and prevented from becoming, like the church rate controversy, an annually recurring source of ill-feeling at both sides of the House. If it were taken up by the Government, at the wish of a portion of the Irish Church, the disputed points might be settled in a period shorter than most persons imagined, and without that strife and animosity which were certain to ensue if a Royal Commission were not appointed. The hon. Member concluded by moving his Amendment.

Mr. NEWDEGATE seconded the Amendment.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, praying that She will be graciously pleased to appoint a Royal Commission to inquire into—

1. The territorial arrangement of existing Benefices, whether consisting of single parishes or unions of parishes, and upon impropriate parishes; as to their extent, contiguity of the parts, position of churches, and means of internal communication; and upon the provision of the cure of souls; and on the amount of population and number of Protestants in each Benefice;

2. On the erection of new parishes where required, by formation or dissolution of unions, or by divisions of parishes, or exchange of portions of parishes or unions, having regard to amount of ministerial work, and the circumstances of surrounding parishes:

3. On the districts which it might be desirable to serve provisionally by Stipendiary Curates:

4. On the incomes of Benefices in Ireland, and on parts of Benefices, so far as might be necessary fairly to adjust the incomes of parishes proposed to be erected:

5. On the incomes of parishes or districts proposed to be served provisionally by Stipendiary Curates:

6. On poor Benefices which need to be augmented:

7. On the liability of appropriators and impropriators, and the provision and payments made by them for the cure of souls:

8. On the revision and amendment of the Law which would be required to give effect to their recommendations,"

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. Henry Seymour

Mr. WHITESIDE: I rise to oppose the Motion of the hon. Member for Swansea, and all the other Motions that stand upon the paper with reference to the Irish Church. It has been said that language sometimes is used to conceal men's thoughts; in the present instance I am quite satisfied that the language of the hon. Gentleman has been used to convey his thoughts. But it is justifiable for us who oppose his Motion to inquire what has been the policy of that school of politicians to which he belongs. The hon. Gentleman, having endeavoured to make a political reputation by nibbling at the Church of England, now aspires to establish a character by attacking in a bolder manner that branch of the same United Church which exists in Ireland. He has told us to-night when the subject of that Church was last discussed here. I remember it well. In the month of May 1856, a Gentleman, who once adorned the same benches, rose and gravely made a Motion which had the support of the hon. Member. Its mover said, in the usual way, that the circumstances of Ireland afforded a favourable opportunity for the settlement of the question, and he proposed, that as an Incumbered Estate Court existed in that country, it would be a wise thing to put the Church into that court and sell it by auction. That Motion might have been made by a revolutionary trooper in the time of Oliver Cromwell. That hon. Gentleman failed in his object, and he has since transferred his talents to a more congenial sphere; but though he soon vanished from our view, the mantle of his inspiration has descended upon the shoulders of the hon. Gentleman the Member for Swansea. There are two classes of politicians in the world—the one with a constructive, and the other with a destructive genius. When Mr. Miall had shown his destructive talents in selling off the Church in Ireland, it became necessary for him to construct a theory as to what was to become of the proceeds of her property. And what was his luminous idea on that subject? He thought those proceeds might safely be employed in the erection of lighthouses and lunatic asylums. The noble Viscount, with infinite good humour—and I never admired him more than on that occasion—thought his hon. Friend had gone a little too far; he could not give his assent to the Motion; he had some lingering respect for the 5th Article of the Union; and in a very happy way he put an end to the debate on the Irish Church, which has not been disturbed from that hour until it has now been taken under the protection of the hon. Member opposite, who complains, and with perfect truth, that no other man in Parliament could be found to meddle with the subject, and therefore he felt it his imperative duty to undertake its settlement himself. Public opinion he has, Sir, at his back; for it is enough to fill the House with consternation to hear how excited the people of Ireland have lately been on this question. Why, after a diligent search made in the records of this House, I find that during the last year there was not a single Petition on the subject of this Church, its property, or position, and that for some considerable time past there has been but one Petition from Ireland at all bearing on that Church—a Petition of which I will make a present to the hon. Gentleman, for it was in favour of a convocation. But if the hon. Gentleman should chance to fail in his Motion, as fail he will, the hon. Member for Poole comes to the rescue. I thought that that hon. Member had devoted his talents chiefly to the consideration of questions connected with the East; that he had taken the right hon. Baronet the Secretary of State for India under his surveillance, and meant to explain to the House what is doing by that right hon. Baronet and his incomprehensible Council. I had imagined that the affairs of China might satisfy that hon. Gentleman, but these do not appear to content his vaulting ambition, for he suddenly descends upon the Church in Ireland, and recommends that constant device of the Whigs, a Royal Commission. Well, a Royal Commission is an excellent thing, and to excite the House to yield to this proposal I may say that I have made another diligent search to discover what is the sum which has been expended of late years upon these Commissions which lead to nothing, and I found that it amounted to £823,171. That fact I set against the able speech of the hon. Gentleman. But there is another Member of this distinguished triumvirate in reserve. We have, Sir, an ex-Secretary of the Admiralty—forgetful of all the delinquencies of that Board since he quitted it—forgetful, too, of the nice questions on which he has spoken so ably, touching iron-cased ships, fortifications, and the comparative merits of the Whitworth and Armstrong guns—suddenly rushing into the arena of controversy and taking the Church of Ireland under his protection. I am satisfied, from what we know of his abilities, that he will bring to bear on this subject all the force of his eloquence, raillery, and wit; but I think the result of his attempt will resemble that which followed the efforts recently made against iron-clad forts by those American ships which attacked in vain, were smiled upon by their opponents, and then battered into submission.

Well, the hon. Gentleman who made this Motion indulged us with some general reflections before entering into particulars. And first he gave utterance to a deep and no doubt sincere lamentation on the condition of the great Liberal party. In regard to that, I can give him no consolation. His arguments did affect me considerably; and while I entirely concur with him in his remark, that he was very little acquainted either with his subject itself or with the condition of Ireland, I admit that he appeared to be very well acquainted with the condition of the Liberal party. For he said, Sir, that they had forgotten their principles and abandoned their measures, and never did man more conclusively prove than he did the rashness of the vote he gave in order to bring that party into political power. But if they will only listen to him on the present occasion—although I do not know whether they will hearken to the voice of the charmer, charm he never so wisely—if they will but take up the old exploded appropriation clause, notwithstanding the warnings of the late Sir Robert Peel—if they will only revive the old Whig dodge of attacking the Church, then his affections may be recovered; and he promises to the Ministry which might be so misguided and so forgetful of their duty, that the great Liberal party, whose disorganization he so painfully depicted, and what he inadvertently called "the Irish Members"—an expression to which I shall presently recur—will return to their allegiance. Speaking of the state of Ireland, the hon. Member declared very truly that there had been in that country political rebellions, disorders, conspiracies, and assassinations. And his panacea for all these evils is to abolish the Christian Church ["No, no!"]—to abolish, I say, a branch of the Christian Church in that country. That was his remedy. I am sure I do not misrepresent his arguments or his facts, which I intend to follow fairly; although I own that in doing so I feel like a heavy-laden soldier marching across an arid wilderness, in which fatigue, hunger, and intolerable thirst are far more to be dreaded than the arms of the enemy. He told the House, and truly, that there is a profound tranquillity on this subject in

Ireland, and that a statesman of no mean order, at least in the party of which he is a shining ornament, thinks that when the country is tranquil on a question and no complaints are made of the law as it exists, then is the time for interfering to disturb and confuse the minds of the contented subjects of the Queen. The hon. Member also quoted a passage from a book which I read once, unfortunately, but which I never mean to read again, written by Mr. Goldwin Smith, a gentleman who resides in Oxford and lectures on history. In reference to that I will only say that great men, who have thought and read much more deeply than Mr. Goldwin Smith on such subjects, have held that that Church of which he has spoken so lightly and so rashly was intimately connected with the monarchy and with the maintenance of British power in Ireland, and that as soon as you destroy that Church, you will weaken that monarchy and uproot that power.

Now, it is a remarkable fact that this Motion is not brought forward or suggested, as far as I am aware, by the Roman Catholic Members of this House. I did, however, observe that the hon. Member for Peterborough (Mr. Whalley) had a Motion on the paper for to-night relating to Maynooth. That Motion, Sir, he has most suspiciously withdrawn; and having given his Vote against church rates and the Church in England, he now clears the way for an attack on the Church in Ireland. I can assure that hon. Gentleman, that if he imagines that this kind of Radical policy will give him the position of a leader of the Protestant gentlemen of Ireland, he is under a great delusion. But let me ask why we are to deal with this question. Is it because we have very few important Bills before us that we are to employ ourselves in attacking the Church? I regret that we have not measures of more practical interest to engage us; but I wish to know whether we are about to re-consider the foundation of all the great institutions of the realm—the Church, the peerage, or whatever else has hitherto been regarded as fundamental, with a view of determining whether they should not be altered or subverted. That is a very serious question, because if this matter of the Church in Ireland touches the monarchy, the constitution, and the Union, is it a subject that ought to be undertaken by a private Member of Parliament, or does it fall within his province to unsettle that great fundamental institution? I have no intention, in considering this question, of speaking in language that would be unsuitable to those who differ from me; on the contrary, I would apply to it the words of Canon Wordsworth, delivered in the Abbey close by. That distinguished divine said—

> "The condition of the Church, wherever it may be, is a sacred and solemn thing. Hence every Church has a claim to the reverence of all Christian men. In the present case it is strengthened by ties, both civil and religious, as are the Churches of England and Ireland. These Churches stand side by side. If one of the candlesticks is removed, the other, it is probable, will not long remain. If the light of the one is pure and streams forth in pure lustre, the other will burn brightly."

On the ground then of our common religion and our common nationality, we must all feel a deep interest in the condition of the Irish Church, and must approach the discussion of it with something like feelings of reverence. The very fact that the Church in Ireland has existed for centuries, and that it is incorporated in the constitution of the country, is a powerful argument in favour of its preservation, and those who impugn it are bound to give better reason than the rash conjectures—for they were nothing else—of the hon. Member for Swansea. If I were asked to say why I maintain that branch of the Church which exists in Ireland, my answer would be, plainly and directly, that I maintain it because I believe as firmly as my own existence that it upholds the ancient, pure, Catholic faith which was professed in Ireland centuries before the English set foot in that country. The ablest scholars, the best divines, the soundest antiquaries are agreed upon that point, and no man has proved it more logically or more conclusively than Canon Wordsworth in the series of discourses which he delivered in Westminster Abbey for the purpose of establishing our claim to be the true descendants of the ancient Catholic Church in Ireland. That man is profoundly ignorant who attacks the ancient Church in Ireland. The question between us and the Roman Catholics is which of us most nearly conforms to that Church; but, I repeat, that man is profoundly ignorant who assails the purity or doubts the existence of the ancient institution. Few will venture to deny that the argument of the divine who compared the ancient creed with that which we repeat every Sabbath day—who showed that the Nicene creed agrees in substance with that established by St. Patrick—was conclusive; and therefore I maintain that the Church in Ireland preserves the old, ancient, true Catholic faith. But if I am asked for another reason, I would refer to that which occurred in the reign of Elizabeth. The hon. Member for Swansea has wondered to-night how it happens that the Church has not made greater progress in Ireland. In the reign of Queen Elizabeth all the bishops save one—men who were confessedly the direct descendants of the ancient bishops of the ancient Church—men of great learning and piety—assented to the change which was then made, adopted the Reformation, signed the roll, took the oaths, and sat in Parliament. According to Dr. Todd, of Trinity College, who is at present writing a history of the Archbishops of Armagh, there was only one bishop who dissented, and he left the country and never did another episcopal act. The present bishops are the direct descendants of those men, and are therefore the representatives of the ancient Church. On this point I have only to add, that while there are a good many people in Rome who are ready to find fault with the orders of the English Church, not one questions the direct and unbroken descent of our bishops from the earliest times. Nor must the hon. Member for Swansea imagine that he can carry everything before him by simply asking how many go to church here and how many there. I agree with Burke that it will be a bad day for mankind when great principles come to be decided by numerical majorities. Henry VIII., who was not much of a Protestant, quarrelled with the Pope because he wanted to be King in England and Ireland. It was a struggle for power and supremacy, and had little to do with matters of religious faith. The battle continued during the reigns of Elizabeth and Charles, and it never ceased while one descendant of the House of Stuart remained to maintain it. Let me assume that the hon. Member for Swansea lived 300 years before he was born; that he flourished in the days of Elizabeth; that he was summoned to the Council with Burleigh, Bacon, and Davis, and that he was asked to decide the question with what branch of the Church should the State link its fortunes in Ireland. How would he have acted in those circumstances? Would he not have stood by the judgment of the biggest intellects that ever existed in this country, men whose names are written in the history and literature of England, great scholars, brilliant writers, wise and sagacious statesmen? Such were the men who deliberately connected the State with the Church of England in Ireland, and not with the Church of Rome, which was the Church of the majority. Why did they come to that decision? We often hear broached now arguments that are destitute of principle. Has the State, I ask, not a right to say with what form of Christianity, what ritual, what creed, what discipline, it should connect itself as most consistent with the Monarchy, the Constitution, and the law of this great country? Cecil and the others settled that question in the reign of Elizabeth, and why? The Pope at that time naturally thought, that if things went on as they promised to do in England and Ireland, he should be deposed from the power he possessed in those countries, and therefore he exerted himself to prevent so undesirable a result. He excommunicated the Queen; and although the man who affixed his bull upon her palace was tried and executed, he was punished for his political misconduct, and not for his opinions. What I want to know is, if the Ministers and Councillors of Elizabeth were obliged to decide with what form of Christianity they should connect the State—were they to connect the State with those who would destroy it, or with those who would strengthen and uphold is? They decided, like men of sense, that they should connect the State with that Church which at all times had been true to the Monarchy, faithful to the principles of the Constitution, and friendly to the well-regulated liberty of the country.

But I shall go further, and meet the hon. Member for Swansea, as men of his peculiar school must always be met, with an argument derived from the evidence of his senses. If I am asked what faith has the Church of Ireland professed, I must refer to another reign. King Harry was not the sweet-tempered gentleman which he is represented to have been by some modern historians; he was, at all events, rather unpleasant to his wives; but he was an able man, a man of great courage and high intellect, and let us not forget that his antagonists were the chivalrous Francis, a powerful Emperor, and a brilliant Pope. It was no easy task to maintain the liberties of England against such formidable opponents. He broke off from the Pope because the Pope wanted to share his sovereignty; and I think he did quite right. The hon. Member for Swansea has asked what has the Church done for Ireland. "What is truth?" asked jesting Pilate, and did not wait for a reply. Let us see what was the policy of James I. The character of James I., as drawn by the late Mr. Disraeli, is a most interesting study. That

Sovereign was, I believe, a learned, able, and wise man. Large grants were made in Ireland during his reign for the maintenance of the Protestant religion. What right have you to meddle with those grants? Have those who got them failed to perform their duty? Have they abandoned the Reformed faith? No; in the darkest hours of your history they have upheld that faith without wavering or flinching; and therefore I say, you have no right to lay a finger on their property. It has been asked, what has the Church ever done in Ireland? In order to answer that question I ask any candid man, what was the state of the country at the time when the large grants I have referred to were made? Why, Sir, there is not in the history of the world a more interesting chapter than the settlement of Ulster in the reign of James I. Ulster was then the most sterile part of Ireland; but the sagacious Monarch, was of opinion, that if he could plant in those barren wastes the laws, language, and religion of England, then, perchance, men might grow up there who might change the wilderness into a garden, bring commerce, trade, population, cultivation, and create a great, rich, and flourishing kingdom. You ask how many people are there in Ulster now? I ask how many were there then? I ask you to look at what the country was, and what it is. I appeal to the history and writings of the great statesmen and authors of that time to vindicate the magnanimous policy of the English nation in establishing the noblest colony they ever planted. Sir John Davis has left us a vivid description of the transformation of Ulster. In the quaint but graphic language of his day he tells us how Ulster, from being one of the most rude, barren, unpromising parts of Ireland, the scene of turmoil and rebellion, became the best managed, the most orderly, and the most productive. Sir John Davis says that King James, in designing the settlement, did not utterly exclude the Irish, but admitted a mixed population of British and Irish, who might grow up into one nation. That was the principle on which the colony was founded; and I defy the hon. Member opposite, or any one else, to point out any grievance under which Irish gentlemen laboured at that time. The Parliament of which Sir John Davis was Speaker comprised both Protestants and Catholics. In his speech from the chair Sir John gave one of the most admirable statements of the duties and conditions of a Parliament. He laid down the principle that the English and Irish were to possess equal rights, and that all cause of quarrel being removed, Protestants and Catholics were both to be admitted to a share in the Government of the country. In a letter to Lord Salisbury Sir John Davis gives an account of a circuit through the province. Wherever his party encamped they took care to inquire whether there was in the neighbourhood a church in which the truths of the Scriptures could be taught. Differing from the hon. Member opposite, they held that no State could exist unless it had a connection with some branch of the Christian Church. Therefore, while these men redeemed the waste and transformed it into a garden, they did not fail in every district to establish a church and to provide for a minister; and the Church which they thus established was the Church of England and not the Church of Rome. Well, what followed these proceedings? I believe that those who guided the policy of the foreign power—I mean the Papacy—came to the conclusion, that unless they could root out the plantation, overthrow the Church, and thereby extirpate the English name, race, and power from the land, it would spread over the kingdom and would make Ireland a source of strength to England; whereas if they could but destroy it, they would have in that country a platform for their operations in England. That was the real cause of the movement of 1641. That movement was not provoked by oppression, but its object was to annihilate the reformed faith, and with it the British power in Ireland, and to restore the country to the domination of a foreign Power. Hence Spain at one time, France at another, and the Papacy repeatedly interfered in the domestic affairs of Ireland. Therefore, when I am asked why the great statesmen of Ireland did not connect the State with the Church of the majority, I reply that it was because they wanted to preserve the independence of the State from foreign control, to maintain freedom, and to uphold truth. I cannot admit the argument, that because there happens to be in Wales or in any other province a number of persons who do not believe in the Church of England, the Church is therefore to go down. On the contrary, there is the more need to keep it up, in order to bring the Dissenters to their senses. But have there been any Petitions from Dissenters to support the present agitation? No; the Dissenters of Ireland are too wise for that. They feel that they must take their stand with the Church. If the Church goes down, the Church of Scotland will soon go down too, the Wesleyans will disappear, and, as for the Quakers, they will be swallowed up in a moment. The hon. Member has also admitted that he is not supported on this occasion by the Catholics. As far as the large grants in Ulster are concerned, the hon. Gentleman who makes the Motion has no case at all. The hon. Gentleman asked what have the ministers of the Irish Church to say for themselves if that Church, after being once powerful, has now become weak? But on what grounds does the assertion implied in that question rest. In the first place, the statement with respect to the property of individual members of the Church is incorrect. By the *Irish Directory* for 1863 it will be seen what is the net income of the parochial clergy, and I hold in my hand a letter from a parochial clergyman, in which a complaint is made of the manner in which the gross income is spoken of instead of the net. The clergyman states that he has a living of £700 a year, but that after deducting necessary and unavoidable payments, his net income only averages about £292. The difference between the gross and the net income is expended for taxes imposed by the Ecclesiastical Commissioners. The fact and the truth are that a great number of livings are under £100 a year; and a most amusing circumstance, connected with the Irish Church, occurred on the publication of Serjeant Shee's pamphlet. The learned Serjeant stated that he should not wish any clergymen to have a less income than £300; and he was then told that £70,000 a year more must be given to the Irish Establishment in order to raise the incomes of the clergy to the point at which the learned gentleman admitted they ought to stand. But has the hon. Gentleman opposite, when he speaks of the property of the Church, turned his attention to any one of the documents at his command? In the Reports of the Commissioners may be seen what they state with respect to the question of the property of the Church. They admit that the contributions from individuals for building churches were very large; but with respect to the repairs of churches, the Commissioners state that their funds only enable them to provide for repairs absolutely necessary to preserve the buildings. The House has been told that the Irish Church is a failing Church, and that no progress has been made in its improvement. Now, I will show, on good authority, what has been done since the Union. There have been 944 churches built in Ireland since the Union in 1800, and 224 enlarged. Of these 638 were built, and 53 enlarged, before the establishment of the Ecclesiastical Commission in 1834, and since 1834, 239 churches have been built or rebuilt, and 171 enlarged, chiefly by the funds of the Board, assisted by private subscriptions; and 67 additional churches have been built exclusively by private funds. The Commissioners state—

> "The sums expended during those ten years in building, rebuilding, and enlarging churches have amounted to £196,652 11*s*., from which deduct subscriptions £90,759 0*s*. 4*d*., expended by the Commissioners. There are now in this office applications for rebuilding and enlargements, amounting to £89,400, without including five new churches, urgently called for in Belfast alone, which will cost at the least £10,600, so that the actual applications could not be complied with under £100,000, in addition to which it would take £12,498 to paint and clean internally churches requiring it at present, if there were funds available. These applications, however, very inadequately represent the whole wants of the Church, even in this one particular—that is, decent places of worship. The inadequacy of the Commissioners' income to meet even these claims for years to come will be apparent from the following analysis of their income and expenditure:—Gross income, including addition from the Archbishoprick of Armagh lately vacant, calculating renewal fines at their annual amount, if renewed regularly every year, £110,000; Church requisites including salaries of clerks, &c., £36,934 9*s*. 10*d*; average repairs of churches, £25,000; ministers' money, forced on them by Mr. Fagan's Bill in 1857, £12,529 15*s*. 4*d*.; curates' stipends, £5,892; augmentations of poor livings, £4,234; insurance fund, £2,130; incidental expenses, £1,640 16*s*. 7*d*.; salaries, &c., £6,165 14*s*. 10*d*.; law expenses and solicitor, £800; superannuation allowance, £217 10*d*.; total expenditure over which the Board has no control, and which may be called fixed charges, £95,694 6*s*. 7*d*.; leaving but £14,305 13*s*. 5*d*. a year in any way at the disposal of the Board to meet claims for building and enlargements. The foregoing not only excludes all applications for building chapels of ease, but omits all reference to other important trusts contemplated by the Temporalities Acts."

Now, we have been asked for a picture of a diocese in Ireland, and I therefore applied to a friend connected with the Church in Dublin, for a little sketch of what has been done since that able scholar and excellent man Archbishop Whateley came to the diocese; and it appears that in the diocess of Dublin a number of churches have been built and are building, and it is in such a way that the country has become covered with churches and a Protestant population. I ask, then, is a Church of no use when it happens to be the Church of the minority. Let the House consider that the Church of Rome has a wonderful organization, which is sometimes, though erroneously, sneered at. The Church of Rome, in its organization, its missionaries, its priests, its friars, and its Jesuits, is one of the most wonderful institutions in the world, while the Protestant Church has nothing but the parochial system to set against it. If we beat down that parochial system, do we think that the efforts of a few wandering fanatics in the country will be able to resist the operations of that great organized system which has so much influence, not only in Ireland, but in the world? I must not forget the unceremonious manner in which the hon. Gentleman opposite treated the Act of Union. The hon. Gentleman read a clause in that Act, containing the most solemn and binding contract ever entered into by two nations, and then said, "There is the Act of Union." I will not allow the hon. Gentleman to escape in that way. Mr. Pitt was a gentleman, and spoke the truth; and had Mr. Pitt been alive, and had he witnessed the manner in which the clause in the Act of Union was treated, he, no doubt, would, with all the majestic eloquence of which he was a master, have rebuked the hon. Gentleman for misrepresenting the views and opinions of the statesmen who framed that document. What did Mr. Pitt's representative in Ireland say. Lord Castlereagh said—

> "One State, one Legislature, one Church—these are the leading features of the system, and without identity with Great Britain in these three great points of connection we never can hope for any real or permanent security. The Church in particular, while we remain a separate country, will ever be liable to be impeached on local grounds. When once incorporated with the Church of England, it will be placed upon such a foundation as to be above every fear from adverse circumstances. As soon as the Church establishments of the two kingdoms shall be incorporated into one, the Irish Protestant will feel himself at once identified with the population and property of the Empire, and the establishment will be placed on its natural basis."

Well, the Parliament of Ireland may have been induced, by unworthy means, to vote away the independence of their country—that I will not deny; but I do not believe all the honours and peerages and titles that were given could have obtained from an exclusively Protestant Parliament the surrender of their independence, had not Mr. Pitt and his mouthpiece, Lord Castlereagh, pledged the faith of England to the maintenance of the Protestant Church. And this House will not be an assembly of English gentlemen and statesmen if, having got what you wanted, the incorporation with the Imperial Legislature of a local Parliament difficult to manage, you should proceed to vote away the existence of the Irish Church notwithstanding the article of the Act of Union which guaranteed it. If that be done, I should like to know the value of the Act of Union itself. That Act states, that after the Union you should no more interfere with the existence of that form of the Protestant religion established in Ireland than by the Articles of the Union with Scotland you would be allowed to do with that form of the Protestant religion established in Scotland. If you will refer to the history of the Scotch Parliament written by Daniel Defoe, you will find that the Scotch were apprehensive, that if they yielded the independence of their Parliament, what they called the prelacy would get rid of the Presbyterian form of worship, and restore the Episcopalian form, which they disliked; but they were informed that the faith of England was pledged to the Union; that the honour of the country was pledged to maintain the Protestant religion in Scotland; that although they might be in a small minority in this House, they would be certain that the fundamental part of the Union would never be impaired; and I hold that I should be bound to vote with the Scotch Members if any attempt were made to alter the Presbyterian form of worship, as much bound as I am to maintain the Established Church in Ireland. If you adopt any other policy, you will adopt a dangerous policy, and one of which those who originally propounded it have not considered the consequences. The hon. Gentleman may say, "Don't talk to me of consequences. Tell me first about your numbers, and then see what opinions of able statesmen I have got to show how the Church can be done away with." Well, about numbers. Hon. Gentlemen must have observed that for some time past little Returns have been handed to them about the Church in Ireland. And what is the object of the hon. Gentleman? To represent, if he can, that Protestantism in Ireland has receded. Whether an Englishman ought prudently to do that is not for me to say. But what does the hon. Gentleman do to prove his point. He takes two periods—the year 1834 and 1861; 1834, because it is supposed that at that time Protestants were most numerous, and 1861 because in consequence of famine, emigration, and other causes the Protestants may appear less numerous. And then the hon. Gentleman said he would show a diminution of 200,000. But there was no Census in 1834, and therefore the House may reasonably ask how the numbers for 1834 are obtained. The numbers have been taken from the Report of the Commissioners on Public Instruction in Ireland; but how did they arrive at the numbers? A decennial Census had been taken in 1831, and they said, "We will take the rate of increase in the population from 1821 to 1831, and apply it to the time between 1831 and 1834." And in that way they got a Protestant diminution of 200,000. That reminds me of an anecdote about the late Dr. Cooke Taylor, who went over to Ireland with Lord Clarendon. A gentleman being asked who Dr. Cooke Taylor was said, "He is statistician to the Castle." A country gentleman asked, "What is a statistician?" "Oh," replied his friend, "it is a man who is hired to invent facts for the Whigs." The decennial period from 1831 to 1841 showed altogether an increase of only 231,184, but the wiseacre who made the calculation gave the increase of the three years, from 1831 to 1834, as 209,574, being about 140,000 on the wrong side. But how was the supposed diminution to be accounted for? The Census of 1831 was not accurate, because the enumerators were taken from the mass of the people, and, as an official gentleman informed me, a great mistake was committed, because they were paid according to the numbers returned. So that if an enumerator wanted to put a couple of pounds in his pocket, he had only to return a few thousand more than he ought. But before 1841 the mistake was discovered, and in that year the Government got rid of those enumerators, and took the constabulary, and certain assistants approved of by the constabulary authorities, to perform the duty; and at the last census even those assistants were got rid of, and none but those who were under the immediate control of the State were employed. Then the hon. Gentleman deducted the Wesleyans. What right has he to do that. When the Wesleyans take the sacrament, they take it in the Church. Under the last Census the Wesleyan Methodists, a most respectable body of men, than whom none are better affected to the Church, amounted to 47,000. Then there were 27,000 other Protestants, sturdy fellows perhaps, who refused to say to what body they belonged; they, too, are taken away, and the numbers of the Established Church diminished still more. The hon. Gentleman also deducts the Independents, the Baptists, and the Quakers. But what right has he to take away the half a million members of the Church of Scotland also? Do those Presbyterians ask him to do so? Do the Synod of Ulster ask to have it done? In the North of Ireland half the family may be Presbyterian and half Protestant. By what authority, then, are the Presbyterians separated from the members of the Established Church? The hon. Gentleman also forgot another part of the argument. He stated the diminution of population from emigration, and that diminution has no doubt been wonderful. It appears that from the year 1825 to 1844 no less than 1,250,000 emigrants left Ireland, 1,000,000 of whom went to America. Since that period to the present the numbers who have emigrated from Ireland are about 1,500,000. The curious question then arises, what is the religion of those people in the countries to which they emigrate. The heads of the Roman Catholic Church sent a respectable gentleman, a Mr. Mullen, to America to see what became of the Catholic emigrants when they got out there. He reported that the number of Catholic emigrants in America was 3,970,000, not less than 1,990,000 of whom were lost to the Catholic Church. The Roman Catholics left a country in which the Scriptures were freely inculcated, and it is certainly most astonishing that so large a number when they reach America come over to the Protestant form of religion. [Mr. Bernal Osborne: Hear, hear!] The hon. Member means, that if Ireland were Americanized, she would become Protestant. It is assumed that Irishmen are discontented and quarrelsome; but I am satisfied with Ireland as it is, and I believe that Irishmen are much less discontented and less quarrelsome than people generally in this country imagine. Crime is not by any means so common in Ireland as it is sometimes represented to be, and it is forty years since there has been an execution in Dublin. At all events, do not let hon. Members opposite impute that the Church is not perfectly successful whenever it has taken root and had the opportunity of perfecting its mission. Before the Emancipation Act was passed there was an inquiry before Committees of the Lords and Commons on the question whether it would be perfectly safe, in respect of the Established Church, to grant emancipation. The right hon. Richard A. Blake—himself a Roman Catholic—who went to Ireland as a friend of the Marquess of Wellesley, and received the appointment of Chief Remembrancer, was examined before a Committee in 1825. Mr. Blake told the Committee that he should not wish to see any settlement of the Catholic question effected, in which the rights of the Established Church were not preserved. Mr. Blake made the above statement before a Committee of the House of Commons. He said before the House of Lords' Committee—

> "I should not be favourable to any settlement which went to disturb the Protestant Establishment; I considered it a main link in the connection between Great Britain and Ireland, and with that connection I was satisfied the interests of Ireland were essentially identified."

Mr. Blake added, that he did not think—

> "the Protestant Church of Ireland could be disturbed without danger to the general securities we possess for liberty, property, and order—without danger to all the blessings we derive from being under a lawful Government and a free Constitution."

Of all the statesmen who have argued the question of the Irish Church, the late Sir James Graham was the most impartial. He traced the settlement of the Church to the settlement of property, and he uniformly contended that it would be impossible to overthrow the one without endangering the rights of the other. By what right or title can the descendants of a clever engineer, named Sir William Petty, claim their property, compared with the claims of the late Primate, who received £15,000 a year, but which has been reduced one-half? [Mr. BERNAL OSBORNE: No; £9,000.] The late Primate disposed of that sum so well, that I, for one, regret that it was not £20,000. But if the hon. Member (Mr. Dillwyn) meddles with the property of the Church, what chance will the absentee landlord have of getting his rents? There are great political reasons why the Church of Ireland should be connected with the State in England, and I will give the House a fact from history. When Wolfe Tone planned the subversion of the English Government in Ireland, he went to Paris, and persuaded Carnot and the great revolutionists there to give him the armament that was to be commanded by Hoche, and which, if it had landed, would have marched all over Ireland. Carnot asked Wolfe Tone if he was sure of the Roman Catholics. Tone replied that the priests would join when the expedition was seen to be successful. "But what about the heads of the Catholic Church?" he was asked. Tone replied that he did not like the then head of the Catholic Church in Ireland, because he had ordered the priests not to give the sacraments to persons whom the English thought traitors. Carnot then, in reply to Tone's questions, told him that General Bonaparte was in Rome, and had caught the Pope. Tone thereupon urged Carnot to write a despatch to Bonaparte, directing him to make the Pope send an edict to his legate in Ireland to join the French the very day they landed; and added that the expedition would then be successful at once. If these great revolutionists could calculate on a foreign Power being turned to the subversion of the British Empire, can the House wonder that the great wits and far-seeing statesmen of Elizabeth's reign discovered the importance of connecting the State in Ireland with a Church in whose loyalty they could place the most implicit reliance? Upon all these grounds—upon the history of the country, the history of the Church—upon the state of Ireland—upon the condition of the Church, never so satisfactory, I rest my defence of the Established Church of Ireland. But I will add, because I do not wish to conceal it, that it is mainly to be defended because it is connected with the Reformation. Let that event never be forgotten by Protestants. It burst the fetters that enchained the human mind. It taught people to think, and shook the powers of darkness and of evil; from that moment the Church of Ireland has held up the lamp of truth. It may have been obscured, but it has never been quenched. The light now shines with steady lustre, and will grow brighter and brighter every day, until, I trust, it will at last illuminate our island.

MR. BERNAL OSBORNE moved the adjournment of the debate.

MR. DILLWYN said, he wished to ask the Government for an assurance that they would give a night after the recess for the discussion of that important question.

VISCOUNT PALMERSTON said, the hon. Gentleman would find no difficulty in fixing a day.

MR. MONSELL said, that after that intimation from the noble Lord the only course would be for his hon. Friend to introduce the question upon the first day of Committee of Supply.

MR. BERNAL OSBORNE said, he should have no objection to that course at all, and gave notice that upon going into Committee of Supply he should move a Resolution on the Irish Church.

MR. SPEAKER asked whether the hon. Gentleman would name any day.

MR. BERNAL OSBORNE named the 28th instant.

Debate adjourned till *Thursday* 28th May.

CIVIL BILL COURTS (IRELAND) BILL.

On Motion of Sir ROBERT PEEL, Bill to amend the Procedure in the Civil Bill Courts in Ireland, *ordered* to be brought in by Sir ROBERT PEEL and Mr. ATTORNEY GENERAL.

Bill *presented,* and read 1°. [Bill 138.]

VACCINATION (SCOTLAND) BILL.

On Motion of The LORD ADVOCATE, Bill to extend and make compulsory the practice of Vaccination in Scotland, *ordered* to be brought in by The LORD ADVOCATE and Sir WILLIAM DUNBAR.

Bill *presented,* and read 1°. [Bill 139.]

AFRICAN SLAVE TRADE TREATY BILL.

On Motion of Viscount PALMERSTON, Bill to carry into effect an Additional Article to the Treaty of the seventh day of April one thousand eight hundred and sixty-two, between Her Majesty and the United States of America, for the suppression of the African Slave Trade, *ordered* to be brought in by Viscount PALMERSTON and Mr. LAYARD.

POOR REMOVAL (NO. 3) BILL.

On Motion of Mr. VILLIERS, Bill for the further amendment of the Law relating to the removal of Poor Persons, natives of Ireland, from England, *ordered* to be brought in by Mr. VILLIERS and Mr. BRUCE.

Bill *presented,* and read 1°. [Bill 140.]

FISHERIES (IRELAND) BILL.

Bill to amend the Laws relating to Fisheries in Ireland; *presented,* and read 1°. [Bill 137.]

House adjourned at One o'clock, till Thursday, 28th May.

HOUSE OF LORDS,

Monday, May 21, 1863.

MINUTES.]—PUBLIC BILLS—*First Reading*—Salmon Fisheries (Scotland) Act Continuance (No. 112).

Second Reading—Savings Banks Monies (No. 97).

Committee—Stock Certificates to Bearer (No. 100); Customs and Inland Revenue (No. 101).

Report—Stock Certificates to Bearer (No. 100); Customs and Inland Revenue (No. 101).

Their Lordships met; and having gone through the business on the Paper,

House adjourned at half past Five o'clock, to Monday the 1st of June next, a quarter before Five o'clock.

HOUSE OF COMMONS,

Thursday, May 28, 1863.

MINUTES.]—NEW MEMBER SWORN—Right Hon. Thomas O'Hagan, *for* Tralee.

NEW WRITS ISSUED—*for* London, *v.* Western Wood, esquire, deceased; *for* Tralee, *v.* Sir John Arnott, Manor of Hempholme; *for* New Ross, *v.* Charles Tottenham, esquire, Chiltern Hundreds.

SUPPLY—Resolution (May 18) *reported.*

WAYS AND MEANS—*considered* in Committee.

PUBLIC BILLS—*First Reading*—Royal Naval Reserve* [Bill 142]; Passengers Act Amendment* [Bill 143].

Second Reading—Execution of Decrees* [Bill 125].

Select Committee—Harwich Harbour [Bill 101], *referred* to a Select Committee*; Land Drainage (Provisional Orders) [Bill 85], *referred* to a Select Committee*.

Committee—Drainage and Improvement of Land (Ireland) [Bill 106]; District Parochial Churches (Ireland)* [Bill 122]; Admiralty Courts (Ireland) [Bill 45].

Report—Drainage and Improvement of Land (Ireland) [Bill 106]; District Parochial Churches (Ireland)* [Bill 122]; Admiralty Courts (Ireland) [Bill 141].

PROSECUTION OF REV. PATRICK LAVELLE.—QUESTION.

MR. HENNESSY rose to ask Mr. Attorney General for Ireland, Whether the threatened Government prosecution, commenced more than twelve months ago, against the Rev. Patrick Lavelle, would be further proceeded with?

MR. O'HAGAN, in reply, said, the prosecution in question was instituted under these circumstances:—Informations had been laid against the Rev. Mr. Lavelle, charging him with participation in a riot. The local Magistrates differed as to the taking of the informations, and they were taken by one of the resident Magistrates. They came before him (Mr. O'Hagan) in in the usual way, and a bill was found by the grand jury against the Rev. Mr. Lavelle and his brother; but before the trial came on, the brother of the Rev. Mr. Lavelle—the person principally charged in the indictment for riot—died under very painful and melancholy circumstances. He was killed by a fall from his horse. Immediately after that, representations were made to the local authorities that it would tend to the advancement of good feeling and kindly spirit in the neighbourhood if proceedings were stopped. Under these circumstances, he had thought himself justified in directing the prosecution to be stopped, and no further proceedings would be taken in it.

THE PATRIOTIC FUND.

QUESTION.

Mr. J. A. SMITH said, he wished to ask the Under Secretary of State for War, Whether his attention has been drawn to the Report of the Patriotic Fund, and the causes of the resignation of the majority of the members of the Ladies' Committee of the Royal Victoria Patriotic Asylum, appointed in January 1862; also to notice the admission of the late Sir George Cornewall Lewis, that a girl of sixteen years of age had been flogged in that establishment; and further, that the conduct of the officials who had committed this act was condoned by the Executive Committee; and to inquire what steps have been taken to prevent the recurrence of such practices. As he understood the right hon. Baronet the Member for Droitwich (Sir John Pakington) wished to make some observations on this subject, which he could not do that night, according to the forms of the House, he (Mr. J. A. Smith) would repeat the Question on Monday, on going into Committee of Supply?

Sir JOHN PAKINGTON said, the statement of the hon. Member for Chichester, which, coming as it did ten days after notice, he had now heard with great surprise and regret, induced him (Sir J. Pakington) to ask the hon. Member a question. Having himself had the honour of being a Member of the Royal Commission on the Patriotic Fund, and also a Member of the Executive Committee, he that morning attended a meeting of the Committee. That Committee felt that the hon. Gentleman had so shaped his Question as to convey an insinuation against the Royal Commission and the Executive Committee. They therefore wished to meet those insinuated charges as soon as possible, and he (Sir John Pakington) asked the hon. Member whether he would bring forward his Question not later than Monday next, in order that explanations might be given on the subject.

Mr. J. A. SMITH said, he would put the Question as early as the forms of the House would permit.

SUPPLY—CIVIL SERVICE ESTIMATES—PACKET SERVICE ESTIMATE.

REPORT.

Resolution (May 18) *reported,*

"That a sum, not exceeding £250,000, be granted to Her Majesty, on account, towards defraying the Charge of the Post Office Packet Service, which will come in course of payment during the year ending on the 31st day of March 1864, which sum includes provisions for payments to Mr. Joseph George Churchward, for the conveyance of Mails between Dover and Calais and Dover and Ostend, from the 1st day of April 1863, to the 20th day of June 1863, but no part of which sum is to be applicable or applied in or towards making any payment in respect of the period subsequent to the 20th day of June 1863, to the said Mr. Joseph George Churchward, or to any person claiming through or under him by virtue of a certain Contract, bearing date the 26th day of April 1859, made between the Lords Commissioners of Her Majesty's Admiralty (for and on behalf of Her Majesty) of the first part, and the said Joseph George Churchward of the second part, or in or towards the satisfaction of any claim whatsoever of the said Joseph George Churchward, by virtue of that Contract, so far as relates to any period subsequent to the 20th day of June 1863."

Resolution read 2°.

Mr. WALPOLE: Sir, I rise, according to notice, to call attention to the unusual form of the Report, founded on a Vote taken in Committee of Supply, which the Clerk has just read at the table. If you look at the Report, you will find that it is in an entirely unusal and novel form. The Votes in Committee of Supply are usually Votes giving a sum of money to the Crown for a certain specified purpose. On this occasion, to the usual form of Votes is appended an opinion with reference to a particular contract, declaring negatively that no portion of the money voted shall be applied to the purposes of that contract. In order to understand this subject thoroughly, the House must bear in mind the proper functions of a Committee of Supply, and the mode in which these functions are to be carried out for the public convenience—nay more, for the due preservation of the constitutional privileges of the two Houses of Parliament in their relations with each other, and with the Crown. The Committee of Supply is really the cardinal point upon which the whole working of our constitution depends, and the forms adopted with reference to Committee of Supply are the means by which the working of that constitution is kept in order. On the one hand, you do not allow the Government even to go into Committee of Supply until any Member of this House, who has a grievance or a matter of complaint to bring before the House, or a matter which ought to be brought under the consideration of Parliament, has had the opportunity of submitting it to your consideration. And when you go into Committee of Supply, after all these matters have been disposed of, and after Members have had the opportunity of interrogating the Ministers, as they have a right to do, you go into it for one purpose and for one purpose only—to decide on granting and to decide on the amount you will grant to the Crown for the service of the year with respect to any particular Vote. I assert boldly, and you, Sir, will correct me if I am wrong in my assertion, that during the last century there has been no form of proceeding similar to that adopted in the Committee of Supply before the recess. I believe that not a single instance can be brought forward of that form, or anything like, it having been adopted. Nay more, according to the best research I have been able to give the matter, and according to the best research which others more competent than myself have given to it, the form of Vote has always been strictly limited, as it ought to be, to the grant of a sum of money. If that be so, it becomes a serious question, what consequences will flow from an alteration in the form deliberately adopted and sanctioned by usage; and, being sanctioned by usage, more important than if contained in a written Resolution. I do not state that there is any written Resolution; but more than by written Resolution, it is established by the usage of Parliament, which gives vitality to all our proceedings, and which usage, if uninterrupted, is to my mind more important and more forcible than any written Resolution. There has been one alteration in recent years with reference to the form in which Votes in Committee of Supply are taken. Those Members of the House who were Members in 1857, will recollect that Sir Denham Norreys made a Motion to the House upon a discussion in Committee of Supply, as to the form in which the Votes were taken, and that matter was referred to a Select Committee of the House. Members of the House whose authority was the greatest upon the subject were Members of the Committee. No evidence was taken. Lord Russell was in the chair. The matter was discussed. Various Resolutions were proposed, and to some of those Resolutions I wish to call the attention of the House. Sir Denham Norreys, who moved the appointment of the Committee, proposed a series of Resolutions which would have entirely altered the form of proceedings in reference to Committees of Supply. Two of those Resolutions at the beginning of the series were in this form:—First, That a general discussion upon the principle or policy of a Vote may be raised on the Chairman announcing the purpose of the Vote and the amount required; second, that such general discussion may be raised by moving a question analagous to the Previous Question, or by a Resolution affecting the principle or expediency of the Vote. Those two Resolutions were proposed with others. I was a Member of the Committee; and although the two Resolutions were moved a first time for the purpose of being recorded upon the records of our proceedings, the Committee would not entertain them a second time. Other discussions were raised; but the importance of those two Resolutions is this—that it was distinctly raised for the first time whether it was expedient to alter Votes in Supply, with the view of taking the opinion of Committees of Supply upon the policy of the Vote, or the expediency of passing it. The Select Committee would not, and did not, entertain it. But what the Committee did for the convenience of the House was in strict conformity with the rule that proceedings in Committee of Supply should be limited to the amount of money to be granted to the Crown. You will find in the little book originated by the late Speaker four Orders in reference to Supply, and those Orders were embodied in Resolutions of the House on the 9th of February 1858, the year after the Committee sat. Those Resolutions were all drawn up according to recommendations made by the Select Committee, and the alteration which they made was simply this:—The House will remember that when you took a Vote in Supply you used to take a Vote upon the aggregate sum; it was thought inconvenient to take it in that form, because when a Member wished to object to an item, there was no indication to Ministers of the Crown what part of the Vote was objected to. The alteration was this—any Member might move, not merely the reduction of the aggregate amount, but that a particular item should not be included in the Vote. Accordingly, now in Supply you may take a division on any item or the *quantum* and amount of any item; and when you come to the end of the items, you can only take a decision on the Vote itself in the form of that Vote, or in the form of a reduction of the sum, without any Amendment. I beg to impress upon the House the position upon which I take my stand. I say that the only mode known to this House of taking a Vote in Committee of Supply is on the proposition made by the Ministers of the Crown as to the amount which this House is prepared to give, or by an Amendment to the Vote, limiting the amount which the Crown has asked for. The terms of my Motion are to the effect that the form of this Vote is an unusual one; and unless my assertions are contradicted, I think that part of it is established. I now proceed to what is of much more importance. I undertake to show that it is a most inconvenient one; and, with the utmost deference to the opinions of those around and before me, who are much better able to judge of this question than myself, I beg them to consider the consequences which will flow from taking Votes in this form. I think I can prove, that if adopted, it will, in the first place, alter the relations of this House to the Crown in matters of Supply; secondly, that it will be committing to a Committee of Supply matters which have never been committed to it before; and thirdly, that it will alter the relations of this House to the other House of Parliament in the most inconvenient manner. As long as you take Votes in Supply in the way you now take them, you have an opportunity of discussing every question of policy before you go into Supply. If you introduce into Supply questions of policy which ought to be decided in the House, and ought not to be referred to Committees of Supply, what will be the consequences? Take the Army Estimates—the first Votes taken in the Session. When the House went into Committee of Supply on the Army Estimates, the right hon. Member for Staffordshire (Mr. Adderley) and the hon. Member for Taunton (Mr. Mills) raised a very important question—whether your armies shall be employed in the colonies at your expense? If you adopt this form of proceeding, what is to prevent my right hon. Friend next year submitting, not to this House, but in Committee, a Resolution appended to the Vote, that the Committee will give the sum asked, provided not a shilling of it is expended in the maintaining troops in the Colonies. I suppose it will not be contended that the Government may propose a Vote in this form, but that a Member cannot amend a Vote in a similar form; otherwise it will be giving to Ministers a power beyond the power of Members, which at present they do not possess. Take the navy—the hon. Member for Sunderland (Mr. Lindsay) has raised a most important question, and has been in the habit of discussing it with great ability—whether our ships shall in future be constructed as wooden ships, as iron-clad ships, or as iron ships. We have had discussions on this question this very year; but if you adopt this new form of proceeding, in Committee on the Navy Estimates it will be competent to move, in the very words of this Vote, that such sum shall not be applied, and shall not be applicable, to the construction of any ships other than iron ships. The consequence is, that you take from the executive Government a power which ought to be vested in the executive Government alone. The argument constantly urged against the propositions of the hon. Member for Sunderland is, "Give us the money as an executive Government, or give it not. If you do not give it, you show a want of confidence in us, and we go. If you do give it, you must trust the Executive, whoever it is, as to the mode in which it is expended." Need I go through the other Votes? Our Education Estimates have not yet come on. A most interesting debate has been originated by the hon. Member for Berkshire (Mr. Walter) whether the Code, as now settled, shall be the Code on which the money shall be granted. If you adopt this proceeding, there will be nothing to prevent the hon. Member for Berkshire moving that the Committee of Supply will give the whole sum, but that not a shilling is to be applied, or to be applicable, to the payment of pupil teachers or certificated schoolmasters. The same may be the case with regard to public buildings. You may append a condition to almost every Vote in Committee of Supply — that this or that architect shall superintend the building—that the building shall be in this or that style of architecture, or that this or that condition or qualification shall be imposed. And then I ask whether the functions of a Committee of Supply would not be wholly altered? The Ministers of the Crown ought to be the last to do this, or to do anything which may tend to fetter them in the application of the money when voted. They should say, "We ask for money for specified purposes; we ask you to judge of the amount and mode in which the money is to be granted; but we ought not to be interfered with in the manner in which it is to be expended." I think that my first proposition is made out, and that if you adopt this form of proceeding, you introduce a novelty pregnant with consequences which must disturbed the relations existing between this House and the Crown in matters of Supply, and that questions such as those to which I have adverted ought to be decided by this House alone, and not to be delegated to a Committee which has one special purpose to fulfil. Let nobody imagine that this is a mere matter of form.

There are forms in which the substance is so wrasped up, that unless you observe them, you will be surrendering great constitutional principles. If you refer a Bill to a Committee upstairs, you fix the limit to which they may go in dealing with it; and if any Member of the Committee goes beyond that limit, he is taking a course which the House does not sanction. In Committees of the Whole House I agree you may enter generally into questions bearing upon the state of the nation; but very often—indeed, generally—even there you go into Committee to consider Bills relating to trade, religion, and matters of that kind. But in Committees of Supply you have only one purpose, that is the granting of money to the Crown for the services of the year. You have no authority beyond that, and I contend that you had not the other evening, when in Committee of Supply you passed the Vote to which my Motion refers. The materials were not before you to form a judgment as to whether it should or should not be taken. Mr. Churchward's contract was not before you, nor was any other; and the proceeding is attended by so much inconvenience that it ought, I think, to be set right. I have shown you that by the way in which you acted you are altering the relations which have hitherto subsisted between this House and the Crown in regard to matters of Supply. I would now ask my right hon. Friend the Chancellor of the Exchequer, whether he is sure you will not, by adopting the Vote, be altogether altering the relations between this House and the House of Lords? We had, three years ago, a very warm discussion, leading very nearly to important differences between the two Houses. It was then settled that you had complete authority over Bills of Supply, and that the other House could not amend them. By that decision I will always stand. There is, however, a correlative power given to the House of Lords; and that is, that since we possess that privilege of recommending what Supplies shall be given to the Crown without its being open to the House of Lords to amend the measure of Supply sent up to them, they on their part can insist on the observance of the condition that you do not annex to those measures any matter foreign to Supply. Supply is in your hands; and if the House of Lords does not pass a Supply Bill in the form in which you send it up, you refuse to entertain their Amendments; but they, on the other hand, as an independent branch of the Legislature, claim for themselves the right to which I have just referred. The object of that claim is that the House of Lords shall not be deprived of the power of judging as an independent branch of the Legislature of any matters that are foreign to Supply. Do not, therefore, endanger your own power by appending something to your measures of Supply which the House, of Lords might, and, in many cases, would feel it their duty to reject? When this subject was first brought before the House, I ventured to ask whether the Government proposed to insert the Vote in question in the Appropriation Bill. The Solicitor General answered, at least indirectly, in the affirmative, and his answer raises a most important question. He said in substance, "It will be introduced into the Appropriation Bill, for then we shall have the decision of Parliament negativing the application of the money to the purposes of Mr. Churchward's contract, and that will enable us to meet any legal claims made on us in a court of law in that respect." Now, I am glad to see the hon. and learned Gentleman in his place, and I would ask, what it is he seeks to put in the Appropriation Act? It is the expression of an opinion with regard to Mr. Churchward's contract. [The SOLICITOR GENERAL intimated dissent.] My hon. and learned Friend shakes his head, and that is a very ingenious way of getting out of the difficulty. But you invite us to vote a sum of money, which sum you say shall not be given to Mr. Churchward for any contract after the 20th of June 1863. Now, do you imagine that the House of Lords, when they receive a Bill couched in these terms, will not ask for some information as to the meaning of that long negative condition which you append to the Vote? If they ask for that information, do you not think they will find that a certain contract has been entered into by the House of Commons which you want impliedly and indirectly to set aside, and not directly, as you ought to do; and will they not thus have something before them which is not Supply? The argument of the Solicitor General is that a legal claim under the contract can be sustained, unless the House refuses to provide the necessary money. If the House does not provide the money, my hon. and learned Friend will argue in a court of law that the condition of the contract has not therefore been fulfilled. Thus he will have his legal answer. But, from the course which has been taken, I draw, whether rightly or wrongly, this inference—I think it probable the Law Officers of the Crown were consulted on this point, and that having to consider in what mode a demand made by Mr. Churchward could be met in a court of law, very acutely and ably suggested this what I may term "special plea." If this special plea were incorporated in an Act of Parliament, they would then use the Act as an answer to Mr. Churchward's claim. Now, if I am right in this conjecture, I would say to the Government, "If you did not intend to recommend to the House to continue this contract, you ought to have taken the legitimate mode of deciding that question. You should not have sought to decide it in a mode which, although it may have the effect of exempting you from a legal difficulty, yet will have a very bad effect as regards the constitutional privileges of the House of Commons." But I may be asked what other course I could suggest under the circumstances? I would say to the Government, "You can effect your object in another way, and I tell you most distinctly you ought to adopt that and not your present course." Three years ago—in July 1860—you passed a Resolution stating that effect should not be given to any contract until it had been laid on the table of the House for one month. Now you might, any time last year, have taken the opinion of the House on this contract, and you ought, in my humble judgment, to have done so. You would then have had a decision of the House as to whether it should or should not be continued. There would, however, have been great inconvenience in your doing that, though I do not wish to attribute any wrong motives to the Government in the matter; but I do not believe that the Government forsaw the inconveniences that might possibly arise from the course they were taking. I would, at the same time, beg the House to bear in mind how the contract stands. This very night a Petition was presented on behalf of Mr. Churchward, praying that his case in respect of the Packet Contract may be submitted to legal or other inquiry, before any proceeding to prejudge the same be taken in the House; and I am informed, indeed, I may say I know — that it contains two allegations — one to the effect that when the contract was made (the present Government, and not the Government who originated the contract, being in office) Mr. Churchward having applied in reference to the contract, was informed that he previous contract of 1855 was cancelled, and had no legal existence, and that all the payments he had received from time to time were payments made in regard to the terms of the contract in 1859. In the Petition it is moreover mentioned that by a former contract Mr. Churchward would be entitled to certain sums for certain special services; that he applied for these sums, and that the Government did not give them, because by sums of money which under the new contract he would be entitled to receive he would be paid for those special services. Mr. Churchward has received money, I will not say under the contract, but on the footing of the contract, down to this year. How is the Government—how is the House to act in this matter? I agree that it is of immense importance that contracts which extend beyond the year should not be taken as matters of course without the sanction of this House being given to them. No one would support the Government in that more strongly than I would; but I say that the opinion of the House ought to be taken before going into Committee of Supply, directly upon the question whether the contract is to be made or not, and not indirectly by a negative condition annexed to a Vote contrary to the constitutional forms of the House. I must remind the House of other grounds upon which this Vote has been irregular. It was stated by the Secretary of the Treasury, who spoke with perfect fairness and with great ability and clearness, that Government had made better contracts which they were going to substitute in lieu of this one. But upon that point the statement is ambiguous. The contract for the conveyance of mails from Dover to Ostend is not, it seems, to be given to one of our countrymen, but to the Belgian Government. The contract for the service between Dover and Calais, as far as I could follow the statement, is not a better one than that which we had with Mr. Churchward. But is it a contract at all? It was said that the offer was withdrawn, and that that withdrawal was also withdrawn. Let the House bear in mind what is the consequence as regards this House. You have passed a Resolution that no Vote should be taken upon these contracts until they have received the sanction of the House by lying for a month upon its table. Has this new contract been laid upon your table? It has not. I said at the outset that the House was not in a position to judge whether the Vote excluding Mr. Churchward ought to be agreed to or not. You cannot be in a position to decide that until the new contracts are before you. You are bound to ask for these contracts. If the Government say, "We are only taking a Vote on account," I reply, "You are taking a Vote on account of a contract other than that of Mr. Churchward, and you have no right to take that Vote until we have seen that contract." But they may say, "We want the money for the other contracts." I say, take the money for the other contracts, bring in a special Estimate for this service, let us see what you intend, let us have all the facts before us, and let not public faith be shaken, as it will be if one Government is to make a contract and another is to break it—not boldly, openly, and in the face of the House of Commons, but by a negative Vote taken in a Committee of Supply. [The CHANCELLOR of the EXCHEQUER indicated dissent.] I see that my right hon. Friend thinks that I have overstated this part of the case. If I have done so, I have not done so with the intention of casting upon the Government the imputation that they have taken this course advisedly and with their eyes open and clearly directed to the points which I have raised. I fully believe that they had not considered the consequences which I, after giving the best attention which I can to the subject, apprehend will flow from the adoption of this step. If I am right, the Government ought at once to withdraw this Vote, and thus avoid the establishment of a most dangerous and most inconvenient precedent. For these reasons I move the omission from this Vote of all the words after "March 1864," relating to Mr. Churchward's contract.

Amendment proposed, to leave out from the words "March 1864" to the end of the Resolution.

THE CHANCELLOR OF THE EXCHEQUER:—My right hon. Friend has, in his speech, raised a question which is of great importance as regards the forms of proceeding in this House; and he has likewise, I am bound to say, raised a question which is of still greater importance, with reference to the substantial powers of this House and its duty to superintend and purify the channels of the public expenditure. I think it is unfortunate that these two questions are, perhaps from the nature of the case, brought to an issue upon one and the same Vote, because the purpose of the Resolution which my right hon. Friend has proposed would be to leave the monies which have been voted in Committee of Supply applicable to the payment of the contract of Mr. Churchward, and consequently would cancel and annul all the prior proceedings of the House. However, I am quite ready to meet my right hon. Friend upon both and upon either of these questions, both upon the point of form and the point of substance; but I entreat those who have listened to my right hon. Friend upon the point of form not to forget that which was so forcibly explained by my hon. and learned Friend the Solicitor General upon a former night with respect to the point of substance, to which I shall venture briefly to allude before I sit down. I come first to the point of form. My right hon. Friend stated that the Resolution which has been passed in Committee of Supply is altogether novel and unusual, and he enforced that proposition by various statements which appear to me to be laid down in a form by far too unqualified. My right hon. Friend spoke of the authority of usage as being higher than that of any written Resolution. The authority of usage may be very high or it may be very low. That depends in the main upon the importance of the principle involved in the usage. If a great principle is involved in the usage, I agree with my right hon. Friend; but if, on the contrary, principle is to be not compromised, but saved, by a departure from usage, then I say that to set up these high doctrines of the authority of usage is not political wisdom, but rather approaches—I do not apply it to my right hon. Friend—to political superstition. My right hon. Friend again laid down, in terms the breadth of which alarmed me, his doctrine that no matter of policy can be considered in Committee of Supply. I want to know from what storehouse of constitutional lore he has drawn the materials and the authority for that assertion. He says that nothing but a mere question of amount can be considered in Committee of Supply. In the first place, how can you possibly separate questions of amount from questions of policy? Suppose that my hon. Friend the Member for Birmingham wants to recommend in Committee of Supply the adoption of a peace policy, what need he do but propose to cut down by one-half the Votes for the Army and Navy? It is impossible to separate questions of amount from those of policy, and this doctrine of my right hon. Friend is full of exaggeration, which might, if accepted, land the House in the greatest difficulties. I demur altogether to accepting these abstract propositions which my right hon. Friend has laid down with respect to the powers of the Committee of Supply. What I apprehend to be the spirit of the institution of the Committee of Supply is this:—To leave the hands and the speech of the House of Commons as free as possible, to give it the widest possible scope, and to place no bar in the way of its exercising its power at the very first step when it is called upon to vote money. That I take to be the principle upon which the Committee of Supply is founded. That is the principle, as I understand its rules and usages; and if we have occasion, as I admit we have occasion, to adopt a mode of proceeding and a form of expression that is new, let our form of expression be tested by this—not whether it is new, but whether it is good—not whether it is agreeable to the form of proceeding upon every other occasion, but whether it is justified and required by the circumstances out of which its adoption has arisen. My right hon. Friend says that not only is the Resolution novel and unusual, but that it is also most inconvenient. With respect to proof of its inconvenience, I must confess that I thought he marched with enormous strides from proposition to proposition; and that he extracted from the terms of this Resolution many things to which it does not apply. He said, "If you pass this Resolution," — not "you may be raising questions of extensions which it may be argued are more or less analogous to this,"—my right hon. Friend was not contented with any such moderate and cautious statement; a moderate and cautious statement of that kind would not have been received with the warm cheering which followed upon the warm doctrines of my right hon. Friend. My right hon. Friend said, "If the House adopts this Resolution which is now in the hands of the Speaker, it will be in the power of the hon. Member for Taunton, in Committee of Supply on the Army Estimates, to move that no part of the money voted shall be applicable to the service of the army in the Colonies." I do not pretend to say what are the powers of a Committee of Supply. I have heard of no authority, I know of no authority, living or written, which has laid down in a precise and intelligible manner what are the propositions with respect to the application of money which a Committee of Supply is precluded from entertaining; but this I know, that in Committee of Supply an appeal is made to the proper authority, and that the proper authority declared the proceeding to which my right hon. Friend excepts to be a regular proceeding—[Lord JOHN MANNERS: No, no!]—a proceeding within the competency of those by whom it was conducted, and therefore a regular proceeding, and that decision has not been questioned in this House. ["No, no!"] Does the noble Lord intend to allege that the Vote passed in Committee of Supply was not within the powers of the Committee of Supply? [Lord JOHN MANNERS: I allege—] I do not ask the noble Lord to tell me what he alleges; that he may do in his speech. It was not I who made the appeal to the noble Lord; it was he who interposed the negative in the middle of my sentence. Well, without entering into any personal controversy, I assert that the Resolution has been declared within the powers of Committee of Supply by the decision of the proper authority, which decision has not been questioned by any appeal to the Chair. What further declarations and modes of limiting the Votes of Parliament are within the power of the Committee of Supply it is not for me to state; but the adoption of this Resolution does not justify in argument the assertion that therefore the Member for Taunton might specify, by an addition to a Vote of Supply, that no part of the money voted should be for the service of the army in the Colonies. It does not follow, that because a proposal of this kind may be made by the Crown, therefore a similar proposal may be made by an independent Member. That is a matter which has to be discussed. My right hon. Friend has entirely overlooked that distinction. But, in point of fact, the proposals are not similar; they are totally distinct. The proposal of the Crown refers to the exclusion of a particular individual from the performance of a stipulated service. It has no bearing on the service itself. It does not limit or alter the service; and consequently it is no precedent for any Vote which might limit or alter that service. I do not pretend to say whether the Committee of Supply could adopt the course suggested by my right hon. Friend. My impression is that such a proposal would be found out of the power of the

Committee; but if it were found within their powers, then the question whether it was a proper course or not would be discussed, and decided upon the grounds of Parliamentary convenience, utility, and public expediency. That is the test to which I wish to bring the decision of the question raised by my right hon. Friend. I observe that my right hon. Friend has cautiously confined himself to the proceedings of the present century. I have admitted that the proposal made is not a usual or a common one. But is my right hon. Friend sure that he has not been entertaining the House with a doctrine which is opposed to the authority of Parliamentary precedent? Has my right hon. Friend referred to what took place in this House on the 27th of January 1767? I really did think that a regard for antiquity was among the pre-eminent claims of my right hon. Friend, and of those who sit around him; and I am much shocked to find that they cannot bear any reference to the wisdom of our ancestors in 1767. I had better read the passage in *Hatsell* at length—

> "On the 27th of January 1767, on the Report of the Army Resolutions from the Committee of Supply, Mr. Grenville moved to amend the fourth Resolution, which was for paying the troops in America, by prefixing words to this effect:—'That such troops as shall be kept up in America shall be paid by America.' When this Amendment was proposed, the Speaker, Sir John Cust, said, 'He thought himself obliged, in point of duty, to acquaint the House that he had doubts whether this Amendment could be received, consistently with the rules and forms of the House; that by the Resolution of the 18th of February 1667 no Motion for an aid or tax is to be made but in a Committee of the Whole House; and that the uniform practice of the House had, upon this order, established the custom of laying no charge whatever in the Chair.' Mr. Grenville replied that this was an alleviation and not a tax; but that, even if it was to be considered as laying a charge, it was only following the precedent of the 10 *Will.* III., c. I., grounded upon the Resolution of this House of the 19th of December 1698, 'That such forces as shall be kept in Ireland shall be maintained by the kingdom of Ireland.' To this the Speaker answered that it was true it was an alleviation of the tax on Great Britain, but it was a charge on America; and, as to the precedent of Ireland, that appeared to him not as a Resolution of the House, charging upon Ireland the 12,000 men to be kept up there; but, considering the circumstances and history of that time, only as a declaration of the House of Commons—1, that the Crown should be restrained from keeping up more than 12,000 men in Ireland; and 2, that whatever number of men should be kept up, England would pay none of them. The House very generally, and I think with reason, adopted the Speaker's objection, in point of order."

Now, I am not going to make more of this precedent than it deserves, but I say that the force and bearing of it are to this effect—not that limitations of charge are beyond the power of the House of Commons—that was not the objection of the Speaker—but that these limitations of charge, involving as they may do the charge itself, ought not to be adopted in the House when the Speaker is in the chair, but when the Speaker is not in the chair—namely, in Committee of Supply. ["No, no!"] It is quite competent to those who take an opposite view from mine to express that view by-and-by; but I have given that which appears to me to be the *bonâ fide* intention of the passage I have quoted. My right hon. Friend will perceive that I object altogether to his references to the things which he says may be done if we adopt this Motion. I maintain, that if such things are done, they will not be done in consequence of this Motion, which is a precedent for nothing except what corresponds with it in principle and in substance. In its substance this is a proposal by the Crown to the House of Commons that a particular person, with reference to a particular contract, shall be excluded from the performance of a particular service. That is the substance of the proposal, and it is a precedent for nothing more. But the question is whether it is called for. My right hon. Friend has urged some objections, on which I think he can hardly be disposed himself very strongly to rely. How can we, he says, send up to the House of Lords a taxing Bill containing foreign matter? Now, is the opinion of the House of Commons that a certain contract for public money has been attempted to be made by a particular individual with the aid of corrupt inducements—is that opinion foreign to the business of Supply? I cannot believe that my right hon. Friend does not see that in a most perfect *bona fides*, and without any attempt at encroachment, such matter is strictly germane to the business of Supply, more especially if we show that there was no other proceeding which it was in the power of the Government to adopt. My right hon. Friend stated that he would undertake to show what course of proceeding we might adopt, but I am bound to say that though I entirely followed his objections, I am by no means certain that I comprehend what he proposed we should do, and what he said would be an unexceptionable proceeding as far as form is concerned.

MR. WALPOLE: Perhaps I may be allowed to state what I think should have been done. I would have submitted a distinct proposition to the House on the subject. I would have taken the opinion of the House upon the contract—whether it ought to be continued or not; and if the House should have decided against its continuance, I would then have had the other contract prepared which is intended to be substituted for it, and would have submitted that other contract in a special Estimate to the House.

THE CHANCELLOR OF THE EXCHEQUER: My right hon. Friend says that in the first instance he would have submitted a proposal to the House which would test the opinion of the House upon the contract of Mr. Churchward; and, supposing the opinion of the House had been that the contract should not be recognised, he would have brought in a distinct proposition, affirming the payment of the money for the service to some other party. According to that, the difference between us is that he would have inserted the name of some party in the Estimate, instead of excluding the name. I want to know would not that have been just as great an innovation on the proceedings of Committees of Supply as that which has been proposed by the Government. Where is the case in which Committees of Supply have specified who is to perform a service? The plan is infinitely worse than the one we adopted. It would throw into the hands of the Committee of Supply the duty of the executive Government, of pointing out by whom public services are to be performed. What the Government have proposed is very different. We have proposed that the Committee of Supply shall join us in pointing out the person by whom a contract shall not be performed, because of corrupt conduct on his part, which renders him unworthy of holding such a contract. My right hon. Friend was mild in his language, but he followed others who have not been so mild and reserved with regard to the conduct of the Government. He says our course has been indirect; that we are attacking Mr. Churchward through the medium of a negative Vote; that we ought to have taken the opinion of the House of Commons upon the principle. Why, Sir, we did so. What my right hon. Friend says we ought to have done we have done. We have obtained the opinion of the House of Commons upon the principle of Mr. Churchward's contract. ["No!"] I never recollect any instance in which, it being the duty of the Government to leave the conduct of a question to this House, the Government itself was so little concerned. When we came into office, we found the whole subject of contracts in a state, as we conceived, most dangerous to the purity of Parliamentary Government. We proposed to the House of Commons that a Committee should be appointed to investigate the subject. This Committee addressed itself to the investigation of Mr. Churchward's contract, and being composed—impartially as I think—of many Members of great weight, ability, and experience, it decided, not as was said lately in this House, by a majority of two, but by a majority of eleven to four, that a Resolution should be adopted which declared Mr. Churchward's contract to be upon his part corruptly obtained. The arriving at such a decision, by such a Committee, placed the Government in a position of some difficulty; because it is for the House and not for the Government to judge of the weight which ought to be attached to the Report of its Committees, and it would have been invidious for the Government to take the first step in a matter promoted by their political opponents. The Government were rescued from the difficulty by an independent Member sitting on the other side of the House, who deliberately, and in terms as clear as the wit of man could devise, challenged the judgment of the Committee, and called on the House to reverse and reject the Report of the Committee. We did not say that the Report of the Committee bound the House to a particular opinion, but we formed the opinion that the judgment of the Committee was right, and that it ought to be supported by the House. I am sorry to quote myself on the subject, but after what has been said by my right hon. Friend, I wish to show that we have sought the opinion of the House on this subject. It is questioned that Captain Leicester Vernon also sought the opinion of the House? There can be no doubt he sought that we should repudiate and reject the judgment of the Committee, and that he called on the House to say that the decision of the Committee should be treated as so much waste paper. Well, so far from leaving the House in any doubt, I spoke as follows:—

> "When the contract was made, Mr. Churchward's attention was pointed to the fact that the monies for satisfying it were not at the command of the executive Government, but were to be

voted by the House of Commons. Does not every man, woman, and child know that the monies so voted by Parliament are freely voted; and can it be supposed that Mr. Churchward, in accepting that contract, was not aware that it was subject to the free exercise of the discretion of Parliament. We are now arrived at the time when it is necessary to exercise that discretion, and I will grant that we are bound to exercise a just, wise, and liberal discretion. But does wisdom, justice, or liberality bind us to support a contract of this nature by our own free, voluntary vote, when an impartially-selected Committee of this House has reported that the party, in order to obtain that contract, has resorted to corrupt and degrading considerations? That is, in point of fact, the whole question; and on that question the House will vote. The Government do not wish to influence the vote of the House; they look rather for an indication of its will, and by that indication their future course will be directed." [3 *Hansard*, clvii. 1412.]

Was it possible for the Government to do more? My right hon. Friend says we ought to have initiated a proposal that Mr. Churchward's contract should be repudiated. But that would have been a most offensive and odious course to pursue towards those who preceded us in office. We were saved from that necessity by the Motion of Captain Leicester Vernon, and we made known to the House that we regarded that vote as a clear, definitive, and decisive judgment by the House on the contract of Mr. Churchward. It thereupon pleased the House of Commons, in March 1860, to vote by a majority of 162 to 117 against the Motion of the hon. Member, and thus to give the very indication of the opinion and wish of the House that we asked for, and to leave us the obligation of doing that which we are now doing. We have therefore acted in terms of precise conformity with the course which we then announced to the House. My right hon. Friend says we ought not to have come to that Vote in Committee of Supply the other night, when the contract was not before us. Why, this was not a matter which came before us for the first time; it was a matter which we had before us four years ago in the Report of the Committee; it was a contract which had been submitted to this House, and upon which it voted three years ago. It was, moreover, a contract on which we obtained that very judgment of the House which my right hon. Friend says we ought to have had. Then my right hon. Friend says that we ought to have adopted an affirmative and not a negative Vote, and that the House ought to have had the other contract before it. But in what position should we have placed the House if we had put before it two contracts with different parties? If we had carried an affirmative vote for a new contract, we should have fastened down the House to the execution of that contract. But some hon. Member might then have made a Motion on the part of Mr. Churchward, and in favour of his contract. What would have been our position if that Motion had been carried? It was impossible to obtain a definitive decision except by the course that we have adopted. A vote of the House on Mr. Churchward's contract would not have decided the question, because we have got that. There was no course open to us by which we could have avoided the ridiculous yet possible consummation of leading the House into the adoption of two contracts, except the plan which we have adopted of bringing the case of Mr. Churchward before the House. This is, in fact, a matter in which the Government have made themselves the faithful and humble guardians and exponents of the declared sense, first of the Committee, and then of the House itself, in March 1860; And what is now proposed by my right hon. Friend is that we should repudiate the Report of the Committee impartially constituted, which sat four years ago, and which was arrived at by a majority of eleven to four; that we should repudiate the vote of the House of March 1860, which was carried by a considerable majority, and which was understood by every one to be a vote decisive of the question; and that we should now repudiate the decision of the Committee of Supply a few nights ago. Two decisions of the House, and one decision of a Select Committee, are to be overturned; and for what purpose? What is the meaning of the words in Mr. Churchward's contract, "to be paid out of monies to be voted by Parliament"? Is is doubted that the House of Commons, if it is convinced of corrupt motives and conduct on the part of a person seeking a contract, has not the power to decline to give effect to that contract. That is a most important question. A Petition has been presented to the House of Commons by Mr. Churchward, in which it is stated that he is threatened, by a recent vote of this House, with the loss of his contract. A "recent vote," forsooth! He knows nothing of the Report of the Committee, and of the decision of the House in 1860. Those are facts, as it would seem, wholly immaterial. It is also immaterial that since 1860 the Government have declined to recognise his contract, and have proceeded on an interim arrangement. Mr. Churchward says he is threatened with the deprivation of his rights, and this upon allegations that are not true, and which are moreover utterly beside the question of his rights and claims against the Government. [Lord JOHN MANNERS: Hear, hear!] I hear the cheer of the noble Lord, and that is the doctrine I am combating. That doctrine is that corrupt measures having been taken by a party in order to obtain a contract from the Government, and those corrupt measures being discovered by this House, yet that the House is not justified in withholding the funds on the concession of which the completion of the contract was conditional, but is bound to go forward and vote the money necessary for the purpose. [Lord JOHN MANNERS intimated dissent.] The noble Lord says "No;" and I am glad of it. But that is the doctrine of Mr. Churchward. But is not the House to retain a power over these contracts, and to set its face against impure and corrupt proceedings? All contracts entered into by the Government are full of danger, and I know no other power exercised by the Government that this House ought to watch more carefully or to keep within narrower limits. My right hon. Friend is under a misapprehension in supposing that the new contract ought to be laid before the House. The Vote is for the service independent of the contract, and does not bind the House to the contract. The question is, whether the corrupt conduct of the parties to a contract justifies the House in withholding the money necessary for carrying out that contract. I must say that my right hon. Friend has failed to show, not only that the course taken by the Government is arbitrary and unwarranted, but that there was any other course which would have been possible for them to adopt, if it was their object—as it certainly was their object—to maintain intact the rights and powers of the House of Commons.

LORD JOHN MANNERS said, that he would reply in one word to the Question of the right hon. Gentleman why this Amendment was brought forward. It was that justice might be done. The right hon. Gentleman had divided his speech into two branches—the first intended as a refutation of the historical argument of his right hon. Friend (Mr. Walpole), and the second a declaration upon the substance of the matter at issue. His right hon. Friend had challenged the Government to bring forward any precedent to justify what, he contended, was a most unprecedented course for the Government to take; and the right hon. Gentleman the Chancellor of the Exchequer, in reply, brought forward a volume of the recorded Proceedings of the House, and proceeded to read an account of something that had taken place in 1767. But when the right hon. Gentleman had quoted his precedent, the House was quite surprised to find that the decision given by the Speaker of that day was totally opposed to the conclusion which the right hon. Gentleman would have established; and that if that precedent were to be relied upon, the argument of his right hon. Friend (Mr. Walpole) was intact and unanswerable. And then the right hon. Gentleman, to use his own words, "waxing warm" in his argument, stated, to the astonishment of the House, that in Committee of Supply the other night the Chairman, in answer to a question put by the right hon. Gentleman the Member for Cambridge University, had distinctly ruled that the course proposed by Her Majesty's Government was in accordance with the forms and spirit of the House; and he (Lord John Manners) then took the liberty of contradicting the right hon. Gentleman. [The CHANCELLOR of the EXCHEQUER: No, no!] The right hon. Gentleman seemed to say that was not his statement. But certainly he understood the deliberate statement of the right hon. Gentleman to be, that the Chairman had ruled that the Government were entitled to take the course which they had taken with respect to the Vote in Supply. He (Lord John Manners) dissented from him at the time, and would now give the most emphatic contradiction to that statement of the right hon. Gentleman; and he was in the recollection of the House when he said that the decision given by the Chairman of Committees was not upon the form of the Resolution submitted by the Government, but upon the Amendment suggested on that (the Opposition) side of the House, which he ruled to be in order. It must be in the recollection of many hon. Gentlemen that the Chairman of Committees distinctly stated that he would give no opinion upon the Main Question; that it was not his province, and he declined positively to do so.

It was on that ground that he (Lord John Manners) took the liberty of saying "No!" to the statement of the Chancellor of the Exchequer, and he now repeated that the right hon. Gentleman had no ground for his assertion. Well then, if that Resolution was wholly unprecedented and unsupported by authority, was the case which the right hon. Gentleman endeavoured to make out upon what he called the substance of the matter one whit better than that which he had tried to substantiate upon the forms of the House? The right hon. Gentleman spoke of the contract having been entered into, on Mr. Churchward's part, from corrupt and degrading motives. He (Lord John Manners), having sat upon the Committee which investigated the matter, ventured to say that no evidence had been submitted which would justify such a charge; and he would say more—if any hon. Gentleman would read the proceedings of the Committee, he would find, that differing as the majority did from the minority as to the Resolution to be adopted, they never went the length which the right hon. Gentleman had stated. Now, he would ask how and when this famous Committee was appointed. The House would remember the peculiar circumstances under which it sprang into existence. A general election had just taken place. Certain seats—but not so many as they on that (the Opposition) side of the House could have wished—had been wrested from right hon. and hon. Gentlemen opposite. No imputation, no charge was thought too vile in that House to account for so extraordinary a change in popular opinion. Those charges and those imputations were made, not, he regretted to say, by men of little weight or mark, but by Gentlemen of the highest character and standing in the House of Commons. Lord Derby was accused of having purchased the support of the whole of Ireland by the Galway Contract. Well, on the subject of that very contract they (the Opposition) had the satisfaction, the other night, of coming to the rescue of Her Majesty's Government from the rabid hostility of certain Scotch Members. His right hon. Friend the Member for Huntingdon (General Peel) was accused of having purchased all the publicans in the country, and the borough of Berwick-upon-Tweed in particular. They remembered with what solemnity these charges were made, and they remembered also in what miserable confusion those who made them were obliged to retract them. Well, it was under all that excitement that the Committee on the Dover Contract was appointed; and much was said of the malpractices between the Treasury and the Admiralty, from which this Contract resulted. The Committee met, and proceeded to investigate the matter. On the third day Mr. Churchward was called, and was questioned and cross-questioned by the right hon. Gentleman the Member for Portsmouth (Sir Francis Baring). Mr. Churchward stated that he had tendered his support to Captain Carnegie in a room at the Admiralty, and gave him certain advice as to how he should fight out his battle at Dover. On the next day Captain Carnegie gave his account, and it was to the effect that Mr. Churchward, having promised him his support, proceeded to say that he was anxious on the subject of his contract. [*Ironical cheers and laughter from the Ministerial Benches.*] Hon. Gentlemen laughed, but they had not read the evidence. In answer to Question 966, "How came you and Mr. Murray and Captain Carnegie together?" Mr. Churchward said—

> "I had heard that a deputation had been sent from Dover to Captain Carnegie to stand for Dover. I was at the Admiralty, and I saw Captain Carnegie go into Mr. Murray's room. I had not been introduced to Captain Carnegie before, but on that occasion Mr. Murray introduced me to him; and I said to Captain Carnegie, 'I understand that there is a memorial or a requisition for you to stand for Dover; if you go down to Dover, I think that you will have every chance of success, and it will cost you very little; at any rate, I shall be very glad to give you any interest that I can use for Dover."

[*Cheers from the Ministerial Benches.*] He was only putting in the fewest words the acknowledged fact that Mr. Churchward tendered his support to Captain Carnegie. That then was Mr. Churchward's version. Captain Carnegie's statement was as follows:—

> "Mr. Churchward spoke to me on the subject of the pending election for Dover; and having volunteered his support, and promised me his assistance in general terms, he made an allusion to his anxiety to obtain the renewal of his contract; and he said, that they were anxious to defer signing the renewal of his contract until after the election was over; but he felt that that would be too hard on him, and that he would rather prefer voting for Mr. Bernal Osborne and for myself, inasmuch as he would have a friend in power whoever was in office. He also added, that he thought they wanted him to return two Government Members for Dover; and if they did so, he should be obliged to comply with it."

Next day, Mr. Murray, who was the only

witness of the alleged conversation, made his statement. In answer to Question 1,521, "Have you a distinct recollection of what passed on that occasion?" Mr. Murray replied—

"My recollection agrees with the statement which Mr. Churchward has made, and, to the best of my recollection, nothing was said about the contract on that occasion."

Again, the following Question, 1,535, was put to him:—

"Are you prepared to affirm positively that during the five minutes that he and Captain Carnegie were together nothing of the purport stated by Captain Carnegie with regard to the contract passed?"

And to that Mr. Murray replied—

"I have a very distinct recollection of what did pass, and I do not think that the contract was ever mentioned."

And, in answer to Question 1,538, Mr. Murray stated—

"I think that I did make remarks of the nature which Captain Carnegie has described in conversation with him; but I am quite sure that Mr. Churchward never said those words to Captain Carnegie in my presence."

These were the three statements which were before the Committee. Something was said the other night by the Chairman of the Committee (Mr. Cobden) about the unanimity with which the Committee received the statements of Captain Carnegie and discredited those of the other two witnesses, and he (Lord John Manners) on that occasion gave as distinct a "No!" as he could to that assertion. The fact was, that not only was the Committee not unanimous in accepting the statements of Captain Carnegie and in discrediting those of the two other gentlemen, but several divisions were taken on the subject, and there were repeated attempts, and he himself made one, though he failed, to get into the Report a statement, showing that Captain Carnegie's version had been contradicted by the other two gentlemen. The Chairman of the Select Committee, who spoke so positively the other night, must allow him to explain how it was, that when Captain Carnegie had made the statement which was the only ground for the monstrous charge against Mr. Churchward, the Chairman himself felt that Captain Carnegie's statement was so weak and so impotent to carry with it the conclusion at which he wished to arrive, that he asked Captain Carnegie the Question 1,393, to which he now begged to call attention. The Chairman asked—

"Will you be good enough to explain to the Committee what the means were to which you felt a repugnance, so far always as they had reference to the contract with Mr. Churchward for the Dover packet service?"

And then Captain Carnegie proceeded, for the first time, to tell the Committee what was the gloss, and he (Lord John Manners) would show the ignorant gloss, put upon the alleged words of Mr. Churchward by Captain Carnegie. Captain Carnegie said—

"I felt this repugnance, that as a Lord of the Admiralty I must be a party in some sense or other to the renewal of a contract, or the granting of a contract, which passed through the Board of which I was a member; and therefore I thought, that if the support of Mr. Churchward was to be given to me at Dover upon any consideration of that sort, I was a most improper person to stand for Dover, inasmuch as I must be, or be supposed to be, at all events cognizant of a transaction which I did not think a proper one."

After that, the Chairman said to Captain Carnegie—

"I take it that your letter must have reference to more specific communications with regard to Mr. Churchward's promised support than you have yet given the Committee. Would you tax your memory, and relate any communication that passed between you and Mr. Murray, or anything else with regard to the part which Mr. Churchward was to take in your election for Dover?"

Captain Carnegie's answer was—

"From Mr. Churchward I heard nothing more than what I have already stated to the Committee."

That statement being that Mr. Churchward, having promised his support to Captain Carnegie, made an allusion to his anxiety about the contract. Well, then, was it come to this, that future Election Committees would have to inquire into the mental condition of those whom the Report of the Select Committee called "influential electors,"—into their hopes, apprehensions, and expectations? Let the House bear in mind, too, that these expectations were not held out on the part of the candidate, but were said to be entertained by the voter. If it was to be the rule that Election Committees should make such inquiries, there would indeed be plenty of work chalked out for them. The House would do well to observe the extraordinary want of connection between the premiss laid down in the Report of the Committee, and the conclusion drawn from it by the majority of the Committee. The word "expectation" appeared in the Report not from heedlessness or want of consideration, for the paragraph, as prepared in the Chairman's draught, contained the word "understanding," and on the Motion of an hon. Gentleman, who could not be accused of any unfair partiality towards Mr. Churchward, the word "understanding" was struck out and "expectation" substituted. But he wished the House to remark the want of connection between the premiss and the conclusion attempted to be drawn in the Report. The premise was as followed:—

> "It appeared in evidence before your Committee, that Mr. Churchward, one of the contractors, on the eve of the last general election, at the time when the extension of his contract was under consideration at the Treasury, volunteered his support, as an influential elector for Dover, to the Hon. Captain Carnegie, one of the Lords of the Admiralty, if he should become a candidate for that borough, on the expectation that his contract was to be extended, and expressed his intention, if required, to vote for two Government candidates for Dover."

That was the only charge made by the Committee against Mr. Churchward, even on the supposition that Captain Carnegie's memory was infallible; but how was it morally possible for Mr. Churchward to avoid entertaining that most reasonable and sensible expectation? He knew—no man better—what the form of conducting a contract was, and he knew that the renewal of the contract had been recommended by the Admiralty to the Treasury at least six weeks before the date of the conversation alluded to. Was this, then, a matter deserving to be branded by the indignant eloquence of the right hon. Gentleman, who used the word "degrading," though it was not to be found in the Report of the Committee, nor in the Evidence? Well, such was the premiss, and what was the conclusion? It was in these terms—

> "While most anxious for the fulfilment of all engagements entered into in good faith between the Government and individuals, the Committee submit for the consideration of the House whether Mr. Churchward, in having resorted to corrupt expedients, affecting injuriously the character of the representation of the people in Parliament, has not rendered it impossible for the House of Commons, with due regard to its honour and dignity, to vote the sums of money necessary to fulfil the agreement to extend his contract from the 20th of June 1863 to the 26th of April 1870."

Was there ever so flimsy, airy, and unsubstantial a foundation for so serious and monstrous a conclusion, that Mr. Churchward was guilty of corrupt practices? The logical conclusion was, not that the contract should be broken, but that it should hereafter be penal for any voter to entertain any expectations before giving his vote. It was always painful to enter into discussion as the credibility of witnesses giving different versions of the same transaction; but it was necessary on this occasion, on account of the Chairman of the Committee erroneously stating that the Committee were unanimous in favour of Captain Carnegie's version. Upon that occasion the Chairman asked, what motive had Captain Carnegie? He (Lord J. Manners) declined to impute any motive for the failure of memory exhibited by Captain Carnegie; but he would ask, in return, what motive had Mr. Churchward, six weeks after the extension of the contract had been recommended by the Admiralty, to make such a statement as that imputed to him? Who and what was Mr. Churchward? Why, he was admitted to know all the details of the Admiralty; he was perfectly cognizant of its mode of transacting business; he had obtained by open competition the Dover contract in 1854; and he must have been aware, if the Admiralty had anything to do with the renewal of the contract, that it was not to a naval Lord, like Captain Carnegie, but to the civil Lord, to whom he should make application. In addition to this, when there existed a direct contradiction, on the part of Mr. Churchward and Mr. Murray, the reasons advanced for the repudiation of this solemn contract appeared the flimsiest which had ever been proposed for the sanction of Parliament. The whole case then may be summed up thus:—Either Captain Carnegie's version was correct or incorrect. If correct, it amounted to no more than this—that ignorant of the real facts of the case, he was under a misapprehension as to the effect of what he thought Mr. Churchward said; but subsequently admitted that he was wrong in his impression. This appeared, from the following extract from the evidence, given before the Committee:—

> "At the time this conversation took place were you under the impression that the renewal of the Dover contract was still pending in the Admiralty?—It was pending somewhere; I do not know that it was pending in the Admiralty. Did you know whether the opinion of the Admiralty upon the renewal of the Dover contract had been already finally expressed some six weeks?—I did not. If you had been aware of that fact, would your feeling of repugnance to become a candidate for Dover have been so great as you have just told the Committee it was under the circumstances?—No, certainly not."

Consequently, the House was now called on to punish Mr. Churchward, on account of an erroneous impression, arising from ignorance in Captain Carnegie's mind. After a lapse of three years, not even political vengeance would be justified in adopting so unprecedented and enormous an act of injustice. But, on the other hand, if it were only admitted that Captain Carnegie's memory had in this instance failed, the whole case fell to the ground. Now, one word as to the form in which the Report of the majority of the Committee invites the decision of the House. He had shown how completely the conclusion, such as it was, went beyond the evidence, and transcended the grounds laid down for it in the Report. But in form it submitted the question whether the House could, with due regard to its honour and dignity, vote the money necessary for the contract. Well, in private life, it was well known, if a man were to plead "honour and dignity" in bar of his pecuniary obligations, what a court of law and what his neighbours would think of such a plea. The course proposed, then, by the Government, did not consult the "honour and dignity" of the House; but was moreover in the teeth of their own solemn declaration in 1860. The right hon. Gentleman had said, in the conclusion of his speech, that he wished the House to give a final decision, which should have the effect of barring Mr. Churchward's remedy in a court of law. The Solicitor General had admitted that the effect of the Resolution would be to debar Mr. Churchward from successfully vindicating his claim in a court of law, and the Chanceller of the Exchequer had to-night asserted that the course the Government were now taking was identical with that which they took three years ago. The speakers on behalf of the Government seemed to say that Mr. Churchward had no right to complain. On the former occasion, however, the then Solicitor General declared that—

> "If Mr. Churchward had suffered a wrong in a matter of contract with the Crown and its officers, he denied that he was without a remedy in a court of law. He could not bring the same kind of action as if a private individual were concerned, and he might have to submit to a somewhat cumbrous and dilatory mode of proceeding; but when a payment became due, he might proceed by a petition of right for its recovery, and every facility would be given him by the Law Officers of the Crown to bring the matter before any one of the courts of law."—[3 *Hansard*, clvii. 1382.]

Could Mr. Churchward have conceived in 1860 that this precious Resolution was to be the only facility afforded to him for obtaining a judicial settlement of his case? This was a case in which, indeed, the "honour and dignity" of the House were at stake; but there was another and an equally great quality at stake—and that was their independence. This Session had witnessed many singular proceedings. They had seen the Cabinet in a state of disunion on great questions affecting the ancient constitution of this realm; but here, for the first time this Session, they witnessed the gratifying spectacle of an harmonious Cabinet and a unanimous following engaged—in doing what?—in an attempt to deprive an individual of his claims against Her Majesty's Government. He entreated the House, as it valued its honour, as it valued its dignity, and as it valued its independence, not to become an accomplice in one of the most pitiful acts of political revenge ever conceived by malignant ingenuity, and directed to the consummation of the grossest injustice.

Mr. LINDSAY said, he had taken no part in these discussions hitherto, having great doubts as to the course which, as an independent Member, it was his duty to pursue, but he had recently read all the debates on the subject, and would state the conclusions to which he had been led. It appeared to him, that if they charged Mr. Churchward with corruption, they could not exonerate the other parties to the agreement. The Committee were possibly right in exculpating the Members of Lord Derby's Government from any taint of corruption, but it was clearly inconsistent to acquit them and, at the same time, to inculpate Mr. Churchward. The Committee themselves, it appeared, must have been in doubt as to the corrupt motives of Mr. Churchward, because it was stated in their Report that he gave his support to Captain Carnegie in expectation only of getting a renewal of the contract. But six weeks before that time Captain Carnegie and his colleagues had done all they could to procure that result. Long before there was any thought of a dissolution the Admiralty recommended the Treasury, on public grounds—not out of any favour to Mr. Churchward— to continue the contract. He could well understand that recommendation on the part of the Admiralty, because in a service of that nature a contractor must be engaged for some time before he brought his plant and staff into perfect operation, and in developing the different branches of trade. On the other hand, he could also understand the Treasury, when it was referred to them, hesitating to decide on the contract, not on account of any conduct of Mr. Churchward, but on the grounds of the policy of granting any subsidy at all for such a service. But let the House consider how Mr. Churchward, as an elector of Dover, would have voted, and how his influence would have gone, provided there had been no question with respect to the contract. He had known Mr. Churchward for ten or twelve years to have been a very strong Tory—he had been editor of *The Morning Herald*—and it was very natural that he should have given his support to the Conservatives on that occasion. Taking all these things into account, he had no longer any hesitation as to how he ought to vote. If any Members, however, were in doubt, they ought to act generously, and give their vote in favour of the weaker party.

LORD ROBERT CECIL said, they had witnessed that night the somewhat strange spectacle of the Chancellor of the Exchequer defending his own Resolution in a very eloquent speech, without being supported by anybody on his own side of the House. He supposed that hon. Gentlemen opposite thought that this was a sort of business which should be done in silence; and that the less they said about this attempt to crush an innocent man, in order to gratify political passions—the less they talked while doing the dirty work—the better. He could not consent to that arrangement. It might be in the power of a majority of the House to perform this act of political revenge; but it was not in their power to impose a seal on the mouths of the minority who opposed it. Therefore, in spite of the palpable impatience of hon. Gentlemen opposite, he must make a few remarks, without trenching on that sacred hour which they foresaw approaching. He was not going into the blue-book —he was not going into the proceedings of the Committee—he could not, however, allow the observation of the Chancellor of the Exchequer, that the Committee was impartially constituted, to pass without a word. The words "resorted to corrupt expedients" were inserted in the Report of a Committee of fourteen Members. Eight were Liberals and six Conservatives, and the eight voted on one side and the six on the other. That was what was called, in the decorous language of the House, an impartially-constituted Committee; and he gave the right hon. Gentleman all the credit he could derive from the verdict of such a jury. For the sake of argument, he would concede everything connected with Mr. Churchward's "corrupt expedients." He would allow that Mr. Murray and Mr. Churchward were either inconceivably neglectful or wilfully mendacious and that Captain Carnegie's motives were as pure as driven snow. He would rest the case upon the pledge given by the Government to Mr. Churchward, and on the morality of their present proceedings. He asked the House to consider the question merely as one of contract. The case stood thus:—In 1859 the advisers of the Crown made an agreement with Mr. Churchward that he should have certain services to perform until 1870. On the faith of that bargain, Mr. Churchward invested a large sum of money—as much as £18,000 according to the blue-book. Now, he presumed that the present Government did not hold themselves to be, for purposes of contract, in a different position from their predecessors. What the one set of Ministers pledged themselves to do the next set of Ministers were bound to perform. If any other sort of morality were to be applied to public contracts, public integrity would become a sham. Words were introduced into the contract in question to the effect that the services rendered were to be paid "out of such monies as Parliament should provide." He did not in the least dispute the right of Parliament to refuse to provide the money, although he might be of opinion that it was one of those rights which ought only to be exercised in the most extreme cases. But what was the duty of the Government? They undertook to pay Mr. Churchward out of monies to be provided by Parliament. Would not any honourable person, any man of business, understand that to be an implied contract that they would ask Parliament for the money? Would it not be so understood by any honourable business-like man? He could not conceive that in private life a different interpretation could by any possibility be placed on those words. It would be a mere fraud, a swindle, if one man told another he would pay him out of funds to be provided by a third, and then went and on his knees entreated that third person not to furnish the money. In private life if a man did such a thing, no respectable people would speak to him. There was a recent case, of a very analogous character, which enabled them to test this matter. The Queen's Government had promised the Greek nation to cede to them the Ionian

Islands on the condition, among others, that the cession should be consented to by the parties to the Treaty of Vienna. Supposing a change of Government should take place, and supposing the new Ministry should allege that some Greek had gone to a Junior Lord of the Admiralty, and made a corrupt proposal, and, acting upon that allegation, should entreat the parties to the Treaty of Vienna to refuse their assent to the cession, what would the House think of the morality of such a proceeding? Would not the Government that so evaded its own solemn obligations be branded as the most dishonest which ever ruled in England? Yet this was precisely what they were now about to do for the purpose of taking his money from an insignificant individual because he had happened to offend a Minister who could manage to keep his rancour fresh for five years. If Mr. Churchward had offended against the law, let him be indicted; or if he had committed a breach of the privileges of that House, let him be brought to the bar and sentenced to whatever punishment they pleased. Let him and his accomplices be punished to the utmost extent of their deserts; but let them not, for the sake of punishing him, cast a slur upon the hitherto unstained financial honour of England. Nothing could be more ridiculous and petty than to take such intense precautions about their own political virtue. One would think that a Junior Lord of the Admiralty was a delicate female whose virtue must be protected in every possible way; and one almost expected to hear all the commonplaces on the subject—that the seducer was worse than the seduced—that the Junior Lord of the Admiralty was more sinned against than sinning, that he was an unfortunate male, and so forth. Surely they should be able to take care of their political virtue themselves? They did not want to encourage a Ministry to break its own public faith in order to save themselves from a solicitation which they were confessing by this very act they were too weak to resist. Suppose the Chancellor of the Exchequer's butler were to give an order for wine, and suppose the tradesman to whom the order had been given should, six weeks after, resort to a corrupt expedient for getting the right hon. Gentleman's further orders, it would be quite right for the Chancellor of the Exchequer to say that he would never employ that tradesman again; but would he be justified in refusing to fulfil the contract into which he had already entered? It seemed to him (Lord Robert Cecil) that they were dealing with something much more important than a party difference, and much more important than Mr. Churchward and his contract—they were dealing with the faith which England had never once broken, whether with native or foreigner. From this time forward there would never be any certainty that any contract into which any Government might enter might not be quashed, because some political partisan might afterwards discover that the contractor had been guilty of resorting to corrupt expedients. When the Chancellor of the Exchequer applied for a loan, supposing a few hours before it was contracted, some words should fall from the contractor implying political motives, did they mean to say that they would repudiate the loan? ["Oh!"] They might not like the comparison, but others would draw it for them. He entreated them, if possible, to put aside party passions in deciding so momentous a question as this, and to resolve, that whatever the political views of a contractor might be, they would never sanction the repudiation of a contract on account of electioneering transactions.

Sir FITZROY KELLY (whose address was repeatedly interrupted by cries of "Divide!" "Divide!") said, he very much regretted that the forms of the House deprived them of the appeal to the Speaker upon the great and important constitutional question which had been raised by the right hon. Gentleman the Member for the University of Cambridge. Never, in the Parliamentary history of this country, had such a Resolution as that by which Her Majesty's Government sought to violate or to annul a contract been grafted upon a Vote in a Committee of Supply. The question was one of justice and fair dealing between the Crown, acting through its Ministers, and one of Her Majesty's subjects, against whose character not the shadow of an imputation existed, and who had, for the last ten years, served his country under various contracts with different departments of the Government, not only without ever failing in the honourable and faithful performance of his duty, but in such a manner as more than once to call forth the approbation of the Crown for the efficient and admirable manner in which the service had been performed. He did not deny that it was politic and expedient that the House should exercise a control over certain classes of contracts entered into by the Ministers of the Crown. The words in the contract stating that the payment was to be made "out of monies to be voted by Parliament" had been repeatedly referred to, and it had been argued that it was the intention and understanding of the parties that the contract should be subject to the approval of that House. He totally denied that that was the meaning of those words; and he would show that Mr. Churchward had never entered into any contract which, according to any fair and just interpretation of its terms, was to be submitted to, or dependent in any way upon, the approval or disapproval of that House. At the close of the Session of 1860 a Resolution was passed, that when contracts of a kind which required the approval of the House were entered into by the administrative officers of the Crown, they should be laid upon the table of the House; and if within a month that House did not express its disapproval of them, they should then, and not before, take effect. But was the least intimation ever given to Mr. Churchward, when he entered into this contract, that it would be laid upon the table of the House, or in any other way made to depend upon the Vote of a casual majority. The House must at once see that such a construction was wholly inapplicable to a contract which was to take effect and be acted on immediately, with a large expenditure on the part of the contractor. With regard to these particular words, his hon. Friend the Member for Stamford (Sir Stafford Northcote) had stated his opinion to be, that he understood these words to signify that the approval or disapproval of Parliament was a necessary condition to their fulfilment. But his hon. Friend would allow him to appeal to another high authority, the late Mr. Wilson. In a debate on that very subject of mail contracts, Mr. Wilson said, that those words were not new—that they involved no new principle of Parliamentary revision; that they had been in use, at all events, since 1854, and were mere surplusage, because, out of what fund could the money be paid, except from monies voted by Parliament? These words had been used in all contracts of this kind since 1854; they were familiar to the legal profession, and he hoped that the Law Officers of the Crown would explain the grounds upon which it was now sought to attach a new meaning to them. In his Petition Mr. Churchward stated, that never until long after the execution of the contract of 1859 was his attention directed to these words; that if it had been, he should probably have asked his legal adviser to explain their effect and meaning; but that he was ready to make oath, that until the controversy between the present Government and himself had been going on for some time, he was never told, never knew, or entertained the slightest idea or suspicion, that the contract was in any way to be dependent upon the approval or disapproval of the House of Commons, or that it could be set aside, or his claims under it affected except by the decision of a court of law; that if he had been told that it was to be subject to that condition, he would not have agreed to it, unless a stipulation had been introduced to secure him the reimbursement of any outlay or liability he might have incurred under it in the event of its being disapproved by Parliament. In what a position, then, were they placing Mr. Churchward! If it had been intended that the contract should not be binding till it had been approved by Parliament, surely it would have provided not for its immediate performance, but for the lapse of some time to enable the sense of Parliament to be taken upon it; whereas they would find from the very terms of the contract itself that it should take effect and be acted upon immediately—that was on the 26th of April 1859. The terms also imposed on Mr. Churchward the obligation of purchasing one vessel of a particular description and building another, both of which things he had done, at a cost of £16,000, before he received the least intimation that there was anything unsatisfactory in regard to the contract. ["Divide!"] Let them divide if they would, but they should divide in favour of justice and fair dealing between man and man. What, then, would be the feeling of any man who had entered into a contract which he understood was to be absolute and binding, and who had laid out a great part, and perhaps the whole, of his fortune in order to carry it out if he were told some months afterwards, "Oh! there are some words to which your attention never was directed, by which you empowered the House of Commons to put an end to the contract without reimbursing you for your outlay, and the House of Commons is therefore to be asked by the Government to violate and repudiate the contract, not on the ground of any failure in its performance, or any breach of faith or of fair dealing on your part, but because a Gentleman has given to the House of Commons, behind your back, and not upon oath, an account of a conversation, as to which he is contradicted, but on which you have no opportunity of appealing to a jury or any legal tribunal ?" [*Loud Cries for a division.*]

Question put, "That the words proposed to be left out stand part of the Resolution."

The House *divided* :—Ayes 205 ; Noes 191 : Majority 14.

Resolution *agreed to.*

AYES.

Acton, Sir J. D.
Adeane, H. J.
Agnew, Sir A.
Alcock, T.
Antrobus, A.
Atherton, Sir W.
Aytoun, R. S.
Bagwell, J.
Baring, H. B.
Baring, rt. hn. Sir F. T.
Barnes, T.
Bass, M. T.
Baxter, W. E.
Bazley, T.
Beale, S.
Beaumont, S. A.
Bellew, R. M.
Biddulph, Colonel
Black, A.
Blencowe, J. G.
Bouverie, hon. P. P.
Brady, Dr.
Briscoe, J. I.
Bruce, Lord E.
Bruce, H. A.
Buchanan, W.
Buckley, General
Bury, Viscount
Butler, C. S.
Caird, J.
Calthorpe, hon. F. H. W. G.
Cardwell, rt. hon. E.
Carnegie, hon. C.
Castlerosse, Viscount
Cavendish, hon. W.
Churchill, Lord A. S.
Clay, J.
Clifford, C. C.
Clifford, Colonel
Cobden, R.
Coke, hon. Colonel
Colebrooke, Sir T. E.
Collier, R. P.
Cowper, rt. hon. W. F.
Craufurd, E. H. J.
Crawford, R. W.
Crossley, Sir F.
Dalglish, R.
Davey, R.
Davie, Sir H. R. F.
Davie, Colonel F.
Denman, hon. G.
Dent, J. D.
Divett, E.
Dodson, J. G.
Douglas, Sir C.
Doulton, F.
Duff, M. E. G.
Duff, R. W.
Dundas, F.
Dundas, rt. hon. Sir D.
Enfield, Viscount
Ennis, J.
Evans, T. W.
Ewart, W.
Ewing, H. E. Crum-
Fenwick, H.
Finlay, A. S.
Fitzroy, Lord F. J.
Foley, H. W.
Forster, C.
Forster, W. E.
Fortescue, hon. F. D.
Fortescue, C. S.
Gibson, rt. hon. T. M.
Gilpin, C.
Gladstone, rt. hon. W.
Glyn, G. C.
Glyn, G. G.
Gower, G. W. G. L.
Greene, J.
Greenwood, J.
Gregson, S.
Grenfell, H. R.
Gurdon, B.
Gurney, J. H.
Handley, J.
Hanmer, Sir J.
Hardcastle, J. A.
Hartington, Marq. of
Hayter, rt. hn. Sir W. G.
Headlam, rt. hon. T. E.
Heathcote, hon. G. H.
Henley, Lord
Herbert, rt. hon. H. A.
Hervey, Lord A.
Hibbert, J. T.
Howard, hon. C. W. G.
Hutt, rt. hon. W.
Ingham, R.
Jackson, W.
Jervoise, Sir J. C.
King, hon. P. J. L.
Kinglake, A. W.
Kinglake, J. A.
Kinnaird, hon. A. F.
Knatchbull-Hugessen, E.
Layard, A. H.
Langton, W. H. G.
Lawson, W.
Leatham, E. A.
Lee, W.
Legh, Major C.
Locke, J.
Lowe, rt. hon. R.
Lysley, W. J.
Mackinnon, W. A. (Lymington)
Mackinnon, W. A. (Rye)
Marsh, M. H.
Marshall, W.
Martin, P. W.
Martin, J.
Massey, W. N.
Matheson, A.
Matheson, Sir J.
Merry, J.
Mildmay, H. F.
Miller, W.
Mills, J. R.
Moffatt, G.
Monsell, rt. hon. W.
Morris, D.
Norris, J. T.
North, F.
O'Brien, Sir P.
O'Conor Don, The
Ogilvy, Sir J.
O'Hagan, rt. hon. T.
Packe, Colonel
Padmore, R.
Paget, C.
Paget, Lord A.
Paget, Lord C.
Palmer, Sir R.
Paxton, Sir J.
Pease, H.
Peel, rt. hon. Sir R.
Peel, rt. hon. F.
Pigott, Serjeant
Pinney, Colonel
Potter, E.
Pryse, E. L.
Pritchard, J.
Proby, Lord
Pugh, D.
Puller, C. W. G.
Raynham, Viscount
Ricardo, O.
Robartes, T. J. A.
Robertson, D.
Rothschild, Baron L. de
Rothschild, Baron M. de
Russell, H.
Russell, A.
Russell, Sir W.
St. Aubyn, J.
Scholefield, W.
Scott, Sir W.
Seely, C.
Seymour, H. D.
Shafto, R. D.
Smith, J. A.
Somerville, rt. hon. Sir W. M.
Stacpoole, W.
Staniland, M.
Stansfeld, J.
Stuart, Colonel
Sykes, Colonel W. H.
Talbot, C. R. M.
Taylor, P. A.
Thompson, H. S.
Thornhill, W. P.
Tollemache, hon. F. J.
Traill, G.
Trelawny, Sir J. S.
Turner, J. A.
Vane, Lord H.
Vernon, H. F.
Villiers, rt. hon. C. P.
Vyner, R. A.
Weguelin, T. M.
Wemyss, J. H. Erskine-
Western, S.
Westhead, J. P. Brown-
Whalley, G. H.
Whitbread, S.
White, J.
White, L.
Williams, W.
Winnington, Sir T. E.
Wood, rt. hon. Sir C.
Woods, H.
Wrightson W. B.
Wyvill, M.

TELLERS.

Mr. Brand
Sir W. Dunbar

NOES.

Arbuthnott, hon. Gen.
Archdall, Captain M.
Astell, J. H.
Baillie, H. J.
Barttelot, Colonel
Bathurst, A. A.
Beecroft, G. S.
Bentinck, G. C.
Benyon, R.
Beresford, rt. hon. W.
Beresford, D. W. P.
Bernard, hon. Colonel
Bernard, T. T.
Booth, Sir R. G.
Bramston, T. W.
Bridges, Sir B. W.
Bruce, Sir H. H.
Bruen, H.
Butler-Johnstone, H. A.
Cairns, Sir H. M'C.
Cartwright, Colonel
Cecil, Lord R.
Chapman, J.
Close, M. C.
Cobbold, J. C.
Cochrane, A. D. R. W. B.
Codrington, Sir W.
Cole, hon. H.
Cole, hon. J. L.
Collins, T.
Corry, rt. hon. H. L.
Cox, W.
Cubitt, G.
Cubitt, W.
Curzon, Viscount
Dalkeith, Earl of
Dickson, Colonel

Disraeli, rt. hon. B.
Duke, Sir J.
Duncombe, hon. W. E.
Edwards, Colonel
Egerton, hon. A. F.
Egerton, hon. W.
Elmley, Viscount
Elphinstone, Sir J. D.
Farquhar, Sir M.
Fellowes, E.
Fergusson, Sir J.
Ferrand, W.
Filmer, Sir E.
FitzGerald, W. R. S.
Franklyn, G. W.
Galway, Viscount
George, J.
Getty, S. G.
Gordon, C. W.
Gore, J. R. O.
Gore, W. R. O.
Graham, Lord W.
Gray, Captain
Grogan, Sir E.
Haliburton, T. C.
Hamilton, Lord C.
Hamilton, Major
Hamilton, Viscount
Hamilton, I. T.
Hardy, G.
Hardy, J.
Hay, Sir J. C. D.
Heathcote, Sir W.
Hennessy, J. P.
Henniker, Lord
Holford, R. S.
Holmesdale, Viscount
Hope, G. W.
Hopwood, J. T.
Hornby, W. H.
Hotham, Lord
Howes, E.
Humberston, P. S.
Hume, W. W. F.
Hunt, G. W.
Ingestre, Viscount
Jermyn, Earl
Jervis, Captain
Jolliffe, right hn. Sir W.
Kekewich, S. T.
Kelly, Sir FitzRoy
Kerrison, Sir E. C.
Knight, F. W.
Knightley, R.
Knox, Colonel
Knox, hon. Major S.
Lacon, Sir E.
Langton, W. G.
Leader, N. P.
Leeke, Sir H.
Lefroy, A.
Lennox, Lord G. G.
Lennox, Lord H. G.
Leslie, C. P.
Lever, J. O.
Liddell, hon. H. G.
Lindsay, W. S.
Longfield, R.
Lyall, G.
Lygon, hon. F.
Lytton, rt hn. Sir E. B.
Macaulay, K.
M‘Cormick, W.
Malcolm, J. W.
Malins, R.
Manners, rt. hon. Ld. J.
Maxwell, hon. Colonel
Miles, Sir W.
Miller, T. J.
Mitford, W. T.
Montagu, Lord R.
Montgomery, Sir G.
Morgan, hon. Major
Morritt, W. J. S.
Mowbray, rt. hon. J. R.
Murray, W.
Newport, Viscount
Nicol, W.
Noel, hon. G. J.
North, Colonel
Northcote, Sir S. H.
O'Donoghue, The
O'Neill, E.
Packe, C. W.
Pakenham, Colonel
Pakington, rt. hn. Sir J.
Palk, Sir L.
Palmer, R. W.
Papillon, P. O.
Parker, Major W.
Patten, Colonel W.
Paull, H.
Peacocke, G. M. W.
Peel, rt. hon. General
Pevensey, Viscount
Phillips, G. L.
Potts, G.
Powell, F. S.
Powell, J. J.
Powys-Lybbe, P. L.
Redmond, J. E.
Repton, G. W. J.
Ridley, Sir M. W.
Rolt, J.
Rowley, hon. R. T.
Salt, T.
Scott, Lord H.
Selwyn, C. J.
Shirley, E. P.
Sidney, T.
Smith, Sir F.
Smith, M.
Smollett, P. B.
Somerset, Colonel
Somes, J.
Spooner, R.
Stanhope, Lord
Stirling, W.
Stewart, Sir M. R. S.
Stuart, Lieut-Col. W.
Stracey, Sir. H.
Sturt, H. G.
Sturt, Lt.-Col. N.
Sullivan, M.
Talbot, hon. W. C.
Tempest, Lord A. V.
Thynne, Lord E.
Thynne, Lord H.
Torrens, R.
Trollope, rt. hon. Sir J.
Turner, C.
Vance, J.
Vansittart, W.
Verner, Sir W.
Walpole, rt. hon. S. H.
Walsh, Sir J.
Way, A. E.
Whiteside, rt. hon. J.
Williams, Colonel
Willoughby, Sir H.
Woodd, B. T.
Wynn, C. W. W.
Wynne, W. W. E.
Yorke, hon. E. T.

TELLERS.
Colonel Taylor
Mr. Whitmore

WAYS AND MEANS.—COMMITTEE.

Ways and Means *considered* in Committee.

(In the Committee.)

The CHANCELLOR of the EXCHEQUER rose to move to resolve—

"That the exemption from Duty granted by the 9th section of the Act passed in the 7th and 8th years of Her Majesty's reign, chapter 85, in respect of the conveyance of Passengers by Cheap Trains, shall not extend to any Railway Train which shall not be a Train running on at least six days of the week; or else a Train running to or from a market town on a market day, and approved by the Lords of the Committee of Privy Council for Trade and Plantations as a Cheap Train for the conveyance of Passengers to or from market."

The Resolution as now worded aimed at carrying out the intention which he announced when making the Financial Statement, to bring what were called "excursion trains" within the scope of the duties levied upon the ordinary railway traffic. The Resolution had been altered with respect to what was called "low-fare traffic," which had originally been intended by Parliament to include only a limited class of traffic, amounting, as was expected, to but one or two trains a day; but gradually the "low-fare traffic" had become an important branch of railway business. It would, however, he considered, create too great a disturbance, and would operate too unequally between various companies, if an attempt was made to bring all descriptions of traffic under the operation of one equal duty. Whether the exemptions now existing were sound in principle, might be a question to consider. They had been extended beyond the intention of Parliament, and without its full cognizance; but he should hesitate to create so great a disturbance as would be involved in an endeavour to place all traffic upon the same footing. The phrase "excursion train" could not be used in the Resolution, and the best terms which could be devised had been adopted to specify the particular traffic to be affected by the Resolution—that the exemption should not in future extend to trains which did not run on at least six days in the week, or trains running to or from market towns on market days. There was no intention to tax every part of the ordinary traffic which was not now subject to taxation, but only to tax what was known as "excursion traffic." The grounds for abolishing the exemption from taxation which excursion traffic had hitherto enjoyed were, that it was on the main a pleasure traffic; and next, that although it had afforded advantages to the public, yet those advantages were not unmixed. There had been great loss of life and increased danger arising from those trains. There were no reasons for discouraging or prohibiting excursion trains, but there were no reasons why special exemption from taxation should be continued to them. Some doubts had been suggested whether the words of the Resolution would apply to other trains, such as those employed in the transport of troops; and if any improved form of words could be proposed, he should be willing to consider them.

Mr. THOMPSON said, that while he could not approve of the Resolution, yet he felt bound to offer his thanks to the right hon. Gentleman for the attention which he had paid to the statements of the railway representatives who had waited upon him, and for the modifications which he had introduced in consequence. He objected to the Resolution, on the ground that it was neither just nor wise. It was not just to impose additional taxation upon railway companies at the present time. Those companies had spent large sums on undertakings which had been productive of great public advantage, but of little corresponding advantage to the proprietors. He asked for no special exemption on that ground; but he submitted that railway capitalists should be placed upon the same footing as capitalists who embarked their money in other undertakings. This was notoriously not the case at present. Even in the case of the income tax, which appeared to press equally upon all capitalists, railway proprietors had to pay upon a larger assessment; because, in consequence of the companies printing their accounts periodically, they were charged to the last farthing, while other capitalists made their own returns and their own deductions. The passenger tax, which the present Resolution proposed to make more stringent than hitherto, was imposed in 1832, and altered in 1842. It was devised at a period when railways were regarded as mines of wealth—an idea that had long proved to be unfounded, and it was difficult to conceive any good grounds for increasing this tax at the present time. The case as to local taxation was still stronger, because railway companies paid rates on a large proportion of the profits of their business; while bankers or insurance companies were only rated for the houses they occupied, the profits of their business, however large, being wholly exempt. It had been shown by Mr. Laing, before a Committee of the House of Lords, in 1850, that the Brighton Railway Company were paying one-third of the whole parochial taxation of the parishes through which that line passed, so indefinite and unjust in its application to railways was the law of rating. The excessive amount of compensation which railways had to pay in cases of accidents afforded another reason for exempting them from additional taxation, of which they already paid a much larger proportion than any other capitalists. Such being the position of railways, he contended it was unjust to lay upon them additional taxation at a time when there was a considerable surplus of revenue. But even assuming that additional taxation was necessary, it was unwise to impose it upon excursion traffic. The excursion train was the poor man's train; for, except in cases where working men travelled at their masters' expense for purposes connected with their employment, they were rarely able, out of their small pittance, to travel in great numbers by the ordinary trains. The Parliamentary trains, as they were called, carried passengers for 1*d.* a mile, while the rates in the excursion trains varied from ¼*d.* to ½*d.* per mile. The reasons for exempting the Parliamentary trains from taxation was, that while conferring large benefits on the poorer classes, they produced very small benefit to the company. Surely this reasoning, which was undeniably sound, applied still more strongly to excursion trains; for if it was just that trains which travelled at 1*d.* a mile should be untaxed, it was unjust that trains which travelled at ½*d.* per mile should be taxed? Was it desirable that working men should be enabled to travel? He scarcely thought an answer in the negative could be given to that question. The greatest danger which had arisen to the stability of our manufacturing industry in modern times sprang from the tendency of the operatives to combine under the leadership of selfish men with mischievous objects in view. These leaders acquired their influence entirely in consequence of the gross ignorance of the men, who by leaving home occasionally and visiting places of interest would return with considerable additions to their limited stock of ideas. He appealed to the experience of all large employers, whether those among their workmen who had visited other scenes of labour did not exhibit greater intelligence on their return, and whether travel did not tend to render them more orderly and respectable citizens. The tax proposed would affix a stigma on excursion traffic, which he thought most unwise. The right hon. Gentleman, in his budget speech, stated that in the eighteen years preceding the year 1862 the annual income of the country had increased £65,000,000. This surprising increase was spread over the three great classifications of agriculture, manufactures, and commerce. Of agricultural operations he claimed to speak with knowledge. The great improvements made of late years in that science were mainly due to the results of the periodical meetings of the national and local societies, which assembled together agriculturists from a wide area, who bore away with them to their homes the sound and practical information there acquired. These meetings would be comparatively trifling and ineffective were it not for the excursion trains, the cheapness of the traffic assembling great numbers, whose contributions swelled the funds and thereby increased the usefulness of the agricultural societies. As an instance of this, he might mention that at the Great Agricultural Show at Leeds, in 1861, 70,000 persons entered the yard in one day, whose payments for entrance, at 1*s.* a head, yielded no less a sum than £3,500 to the general finances of the Society. The same argument applied to the case of our manufactures. The manufacturing industry of this country could not maintain its present proud position if it were not for the facility and cheapness of conveyance, which gave our products access to foreign markets at more moderate rates than they could there be produced. Nothing contributed more to the increasing excellence of our manufactures than the great social gatherings convened by the British Association and other scientific bodies, at which all the latest and most valuable information was collected and digested. Whenever one of those meetings was about to be held, nearly the first duty of the managers was to communicate with the directors of the neighbouring railway company, requesting that they would give a number of excursion trains at very low rates, adding that the meeting would be dependent for its success upon these trains. The excursion trains were the legitimate offspring of the 1*d.* per mile trains, which owed their existed to the right hon. Gentleman himself, and he hoped he would not seek to devour his own grandchildren. The Great International Exhibitions were supposed to have given a fillip to the productive industry of the country, and, during the continuance of both, railway companies were pressed to stimulate excursion traffic. Representations in favour of this course were forwarded last year to all the principal railway companies by the Royal Commissioners, one of them a noble Lord holding high office in Her Majesty's present Government; and the great employers of labour had made similar appeals to them to afford facilities for the working classes to travel on these occasions. Excursion trains had in consequence been organized at extremely low fares, and had contributed very much to the success of the International Exhibition. They had also been of much service in enabling the Volunteers to practise themselves in those manœuvres which would fit them for defending the country. A remarkable instance of what they could do in this way was shown on the occasion of the great field day of the Volunteers on Brighton Downs last Easter Monday. On that occasion one company brought down 24,000 Volunteers to Brighton within about four hours, and carried them back to London after leaving them in Brighton for a time sufficient to fight a great battle. That was a great feat, but it was one that could not have been accomplished without considerable practice and experience. The Government must not think to discourage the running of railway excursion trains at ordinary times, and expect them to effect great operations in periods of emergency. He admitted that some lamentable accidents had happened to excursion trains. He deeply regretted the circumstance; but could it have been otherwise? When the running of such trains was first begun, there was not a sufficiency of rolling stock, and the officials were new at their business. He was satisfied that many more of the accidents on railways were attributable to the poverty of railway companies than to the running of excursion trains. That poverty compelled companies to carry on their business with an insufficient number of hands, and to employ boys to do the work of men. He would not divide the House on the proposition before it; but he hoped the right hon. Gentleman would consider those suggestions, and not press his Resolution on the Committee.

Sir FRANCIS CROSSLEY said, he wished to say a few words, not on behalf of the railway companies, but on the part of those who received the greatest amount of advantage from cheap trips, the working population of the country. In times not very remote it was a thing unknown for artisans to be absent from work on country expeditions. Of late years, however, it had become a general rule for working people to ask permission to go to the seaside for a certain number of days with their wives and families; and this he believed they could not do but for the facilities and inducements afforded to them by the cheap trains. The proposition of the Chancellor of the Exchequer would have the effect of discouraging excursion trips, by reason of the withdrawal of the exemption from taxation which they now enjoyed. If the Parliamentary trains which ran six days out of the seven were entitled to exemption, why were not also the occasional excursion trains, from which the working population derived such a large amount of benefit? It was a very monotonous thing to be going every day from the cottage to the workshop and back again, and he hoped the Chancellor of the Exchequer would not do anything to lessen the chances which the working man now had of occasionally escaping from that monotonous course of existence. He hoped the right hon. Gentleman would take further time to consider the matter. If the inventions of genius and application of machinery to the economizing of labour only tended to increase wealth without giving any advantage to the working man, it would considerably diminish the estimation in which they should hold the mechanical progress of the age.

Mr. ROEBUCK said, he should oppose the Resolution, accounting it to be of vital importance to the interests of the country that the working classes should have the means of enlarging their stock of knowledge. Excursion trains did much to afford them an opportunity of doing so, and he could not imagine anything more narrow and degrading than the clutching at the few halfpence which could be obtained by taxing that which conferred this benefit.

Mr. AYRTON said, he thought it was a misfortune that such taxes as that under discussion should exist at all. Originally, they were sumptuary taxes, intended to be paid by the rich; but now they were imposts upon the industry, activity, and enterprise of the country. However, the principle of the exemption from the tax in this case was that Parliament, having, of its superior authority, come in and imposed on railway companies a duty which they had not undertaken, and which they represented as an oppressive one, it was reasonable that they should be allowed an exemption from the ordinary taxation on railway trains in respect of those which they ran at the direction of Parliament and for the benefit of the public. But it now turned out that railway companies could run trains profitably at considerably less than a penny a mile; and that being so, the ground on which the exemption had originally been claimed turned out to be a fallacy. It further appeared that the principle of the exemption had in practice been much extended. The exemption was now allowed in respect of trains which were not compulsory or onerous, but which were run by the railway companies for their own profit. That being so, he did not see how the same Committee which had imposed a tax on all pleasure traffic by means of horses and carriages, could oppose a Resolution declaring that an exemption from taxation should not be allowed in favour of pleasure traffic by railway trains. He himself should be glad to see the tax upon locomotion abolished altogether; but whilst it remained it should surely be levied in a fair manner, without giving one particular kind of traffic an exemption.

The CHANCELLOR of the EXCHEQUER said, that whilst agreeing with much that had fallen from his hon. Friend the Member for Whitby (Mr. Thompson) he must observe that he had touched upon many large questions which were entirely beside the present issue. No doubt there were many portions of the taxation imposed on railway companies, such as their rating to the poor rates, their assessment to the income tax, and their Parliamentary expenses, which well deserved consideration. He himself had voted for a measure which would have saved them in their preliminary expenses five times the sum asked from them by this proposal, by allowing them to prove their case before a joint Committee of both Houses, instead of having to prove it twice over at a double expense. He had noticed, however, that railway companies had not shown that great desire to cut down Parliamentary expenses which might have been expected from them, and it seemed as though it had occurred to some of them that it was not altogether an inconvenient thing that the getting up of a new Railway Bill should be a very expensive matter. With regard to the particular proposal before the House, he had some ground for saying that the railway companies generally were disposed to acquiesce in its fairness, and the present state of the House confirmed that opinion. He agreed entirely with the hon. Member for the Tower Hamlets (Mr. Ayrton) as to the expediency of encouraging cheap locomotion. When the Exchequer should happen to be in a state of repletion, taxes on locomotion in their turn might fairly claim the attention of Parliament; but while they remained, they ought to be levied as fairly and equitably as possible. The question had been argued as if the excursion trains were those which conferred the greatest benefit on the working classes; but the fact was, that the traffic most important for the working classes was not the excursion trains, which they used for their pleasure, but the ordinary cheap trains, which they used for their business; and he thought it would be far from consistent that they should exempt from taxation pleasure traffic as apart from business traffic. He contended that upon grounds of equity, fairness, and prudence, there was no reason why they should encourage by exempting from taxation this irregular description of traffic. They ought to tax occasional traffic upon railways the same as they taxed occasional traffic carried by means of horses; and during the present Session they had, without a word of objection, adopted a system for taxing excursion traffic carried by horses. There were special reasons for not giving a factitious encouragement to railway companies to extend the irregular portion of their traffic. It would be strange policy to insist on subjecting the regular portion of railway traffic to taxation, and exempting the irregular portion, which was attended with disadvantages which did not attach to pleasure traffic on roads—namely, that it disturbed the course of ordinary traffic and occasioned a considerable amount of risk. He did not deny that great advantages arose from excursion trains, but he could not admit that the lower classes had a predominant interest in them, believing that they were used for the pleasure of the middle class, of the lower middle class, and of the wealthier portion of the working class. Although there was perhaps a balance of advantage in their favour, they were attended with danger, and ought not to be made the object of factitious encouragement by Parliament.

MR. WALPOLE agreed that excursion trains were not used exclusively by the lower classes of society, and that they were used for purposes of pleasure rather than business. But he thought there were two points which the Chancellor of the Exchequer had forgotten. It was deserving of consideration that railway conveyance was quite different from every other kind of conveyance, except that by canals. The railway company was the maker of the road, and was the maker of it at an enormous expense. In all other cases the road was made by others, and no part of the outlay was incurred by the carrier or stage coach proprietor. The railway company was also assessed for poor rates, not merely on the premises where the carriages were kept, but on every atom of profit earned throughout the line, whereas other carriers for profit had to pay rates only for the premises they occupied. Upon these grounds he thought they could not fairly compare railway traffic with other kinds of traffic. He quite agreed that the principle of exemption was wrong, but he also thought that taxation was bad with regard to locomotion generally, and he was not prepared to extend it, even to make it more consistent with taxation of other modes of conveyance. He believed that the system of taxation was not justified by sound reasoning, and he was quite certain that the two points he had mentioned were never sufficiently borne in mind when dealing with railway companies.

MR. WHALLEY said, he was connected with railways; but as this was a direct tax, without the possibility of evasion, and would fall upon the capitalists and not upon the working men, he would support the Resolution. He did not believe that the tax would make any difference in the dividends which would be paid by the railway companies, nor did he believe that it would interfere with the excursion traffic which was being pressed upon the companies more and more every year; while the directors had discovered that it was for the interest of themselves and shareholders to extend it. He believed, that if the companies would reduce their charges on passengers 50 per cent, there would be an enormous benefit to the shareholders. As to the expenses paid by the large companies, the fact was, they were huge monopolists, and as such they opposed every project, whether it would be for the benefit of the country or not, if they considered it would interfere with them.

Resolved,

That the exemption from Duty granted by the 9th section of the Act passed in the 7th and 8th years of Her Majesty's reign, chapter 85, in respect of the conveyance of Passengers by Cheap Trains shall not extend to any Railway Train which shall not be a Train running on at least six days in the week, or else a Train running to or from a market town on a market day, and approved of by the Lords of the Committee of the Privy Council for Trade and Plantations as a Cheap Train, for the conveyance of Passengers to or from market.

House *resumed.*

Resolution to be reported *To-morrow ;* Committee to sit again *To-morrow.*

LAND DRAINAGE (PROVISIONAL ORDERS) BILL—[BILL 85.]

THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

MR. PEASE moved, as an Amendment, that the Bill be re-committed to a Select Committee to be appointed by the Committee of Selection in the same manner as in the case of a private Bill ; and said, that although this was a matter of local importance, the Bill involved some great principles which ought to be considered. He had presented two Petitions against the Bill—one from the people of Darlington, and the other from residents in the county of Durham—complaining that if the Bill were passed, they would be deeply aggrieved. The Petitioners had successfully opposed a Bill for a similar purpose, though not of such large dimensions, which was brought before Parliament a few years ago, and they now stood forward on the same grounds, and requested that this should be treated as a private Bill, and that they should be entitled to be heard by counsel. The part of Durham to which the Bill referred was a low and swampy portion of the county, and the effect of the Bill, according to the evidence of Mr. Hawksley, would be to drown the lower portions of the county on the river Skerne. The residents and proprietors of that part of the county said, as in 1857, that they would be glad to join in any scheme for the drainage of the whole county, but they said now to the proprietors of the upper portion of the county, "Do not drown us while you drain yourselves." He maintained that the Bill contained serious propositions which ought to be more particularly examined, and in this case the parties who would be aggrieved had had no notice of this measure, and unless the House interposed they would have no means of redress. He might mention that the Commissioners who went down to take evidence advertised the holding of a meeting, curiously enough, in a newspaper which was published a long distance from that part of the county to which the Bill referred, while there were six newspapers, of all shades of politics, published within a few miles of the place. He would appeal to the House to give the Petitioners a further opportunity of having the provisions of the Bill discussed.

Amendment proposed,

To leave out from the word "Bill" to the end of the Question, in order to add the words "be re-committed to a Select Committee, to be appointed by the Committee of Selection in the same manner as in the case of a Private Bill,"—(*Mr. Pease,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR STAFFORD NORTHCOTE feared that the argument they had just heard was more against the general policy of the Land Drainage Act of 1861 than against this particular Bill, which was the first fruits of it ; and it therefore became the House to look very carefully at the Motion which had been made. If the argument of the hon. Gentleman proved anything, it proved that the Act of 1861 was a very bad Act ; because, under it, there might be produced consequences which would be very serious to the country at large, and particularly mischievous to owners of property. The hon. Member said that Durham would be damaged by the passing of these Provisional Orders ; and, if so, this might possibly happen in the case of other districts to which the general Act might be applied. Parliament was always sensitive in respect to injuring the property of private persons by the execution of public works. All that it was proposed to do in relation to those drainage works was to enable a certain number of persons to do that which one person might do if he were the sole owner of the district in question. It might, no doubt, be the intention of the Act, which embodied the Incorporation Lands Clauses Act, to produce that effect which the hon. Gentleman feared. He (Sir Stafford Northcote) had, however, been informed by persons most competent to give an opinion upon that point that it could not have the effect apprehended. He should like to know the opinion of the Government on the matter, and whether it was not possible that the English Commissioners had given the persons in whose favour those works were carried out some particular rights in the district. If, however, there were any ambiguity in the Act, the Amendment moved by the hon. Member for Durham was not the way to remedy it. The proper course for the hon. Member to take under such circumstances would be to introduce a short declaratory Act, showing clearly what were the limits of the powers of the Act. It was utterly fallacious to send the Bill back to a Select Committee to be dealt with as a private Bill. As far as he was able to look into the matter the case appeared very clear, that no third person could possibly be damaged whose property lay outside the land drainage district.

MR. H. A. BRUCE said, he was afraid that the hon. Gentleman (Sir S. Northcote) misconceived what was in effect the result of this Act. It appeared to him that the Act did not afford protection to individuals whose property lay without the land drainage district. The Act especially gave the elective Board the same powers as were possessed by the Commissioners of Sewers. The Act, no doubt, provided for compensation for any injury that might be done; but it did not provide for the prevention of those Acts which would give rise to claims for compensation. He was therefore afraid that the dangers apprehended by the hon. Member for Durham (Mr. Pease) were not altogether chimerical. On the part of the Government he should not offer any opposition to the recommittal of the Bill to a Select Committee, but only with a view to that portion of it which related to Morden Carrs being re-considered.

LORD HARRY VANE was glad to hear the hon. Gentleman say he assented to the Motion of his hon. Friend. Such towns as that of Darlington, which lay low, would be placed in danger by the proposed measure. He thought that they were bound to refer the matter to the consideration of a Select Committee before they proceeded any further with the measure.

SIR HUGH CAIRNS thought a proposition to refer a Bill to a Select Committee, with a view simply of considering provisions respecting a particular place, would lead to embarrassment, and doubted whether the suggestion, in point of regularity, could be carried out. They must refer the whole Bill, or none at all. Now, the general Act which had been passed was found by experience to be extremely beneficial. He could not help looking with alarm on the doctrine now suggested, that on the mere statement of an hon. Member that he apprehended danger to some persons outside the drainage district from some of these Provisional Orders, the Bill confirming those Provisional Orders was to be treated as a private Bill, and referred to a Select Committee, with all the inevitable consequences of protracted and expensive investigation. If that doctrine were to be accepted, then farewell to all Provisional Orders, and let them at once return to private legislation, and repeal the Acts of Parliament already passed on the subject. If the Government were of opinion that by those Provisional Orders persons outside the land drainage district would be affected, he thought that the more convenient course would be to recommit the Bill to a Committee of the Whole House, and to insert in it upon its re-committal a clause to the effect that the provisions of the Bill were not to affect the property of any persons out of the drainage district. He understood that the parties really interested in the question were willing that that course should be adopted, which could do no possible harm, and would effectually guard against the danger so much apprehended.

MR. AYRTON said, it seemed to him that the course proposed by his hon. Friend (Mr. Pease) was quite in accordance with the general usage of the House. When a General Inclosure Bill came before them, they were sometimes in the habit of referring that measure, only so far as it affected a particular inclosure, to a Select Committee upstairs. It was, in his opinion, a mistake to suppose that the benefit of the Act in question would be affected by the adoption of the course proposed. The only effect of it would be that the parties would be saved all the expense and trouble of private Bill legislation.

MR. NEWDEGATE said, he possessed experience of the difficulty which might be entailed by the drainage on an extensive scale of upper lands. The channels through which the water was to be carried through the lower levels were not adapted to convey the volumes of water brought from above; and the lower land was sometimes flooded in consequence, and great damage done to the property. He had known the difficulty met by the construction of weirs, which intercepted the water, and carried it from level to level for milling purposes. The House was now touching on a very large question—that of arterial drainage. The subject must press itself on the attention of the Legislature before many years, because the extension of drainage in the upper land increased the volume of descending water; and if that water were retained by a weir on the level of each successive mill, the mills would remain uninjured; but there must be a weir from mill-head to mill-head.

MR. ROEBUCK said, he did not understand anything about the matter, and he believed the House was in the same predicament; yet the House was called on to legislate on the question. He agreed with the hon. Member for Durham (Mr. Pease) that the whole subject should be referred to a Select Committee.

SIR WILLIAM HEATHCOTE approved of the suggestion of the hon. Member for Belfast that the Bill should be re-committed to a Committee of the Whole House, which he thought would be more satisfactory than sending the Bill upstairs, with all the expense of private legislation.

Amendment, by leave, *withdrawn.*

Order for Third Reading read, and *discharged.*

Motion made, and Question proposed,

"That the Bill, so far as relates to Morden Carrs, be referred to a Select Committee, to be appointed by the Committee of Selection in the same manner as in the case of a Private Bill."—(*Mr. Pease.*)

SIR STAFFORD NORTHCOTE proposed, as an Amendment, that the whole Bill should be re-committed to a Committee of the Whole House.

Amendment proposed, to leave out all the words from the word "Bill," in order to add the words "be re-committed to a Committee of the whole House."—(*Sir Stafford Northcote.*)

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided:*—Ayes 56; Noes 18: Majority 38.

Question put, and *agreed to.*

Mr. Newdegate

DRAINAGE AND IMPROVEMENT OF LAND (IRELAND) BILL—[BILL 106.]

COMMITTEE.

Bill *considered* in Committee.

(In the Committee).

MR. BAGWELL urged upon the Government the propriety of undertaking a system of arterial drainage for Ireland, to be carried out under the superintendence of the Irish Board of Works. It was known that Ireland was in great distress. She did not, however, come forward as a pauper. She asked the Government for a loan on security of land, which security would be augmented by the loan being expended on the land.

MR. PEEL said, it was not considered desirable that the Board of Works in Ireland should undertake extensive works such as the hon. Gentleman recommended. The Bill now before the House had met with the general approval of Irish Members.

House *resumed.*

Bill *reported;* as amended, to be considered on *Thursday* next.

RELIGIOUS ENDOWMENTS (IRELAND).

ADJOURNED DEBATE.

Order of the Day for resuming the adjourned Debate [19th May] on this Motion.

THE O'DONOGHUE moved that the Debate be further adjourned to Friday the 5th of June.

MR. WALPOLE wished to know whether it was likely to come on then?

THE CHANCELLOR OF THE EXCHEQUER said, that in the absence of his noble Friend (Viscount Palmerston), he was not able to state definitely whether any day could be given for proceeding with the debate. The business of the Session was, however, pressing, and he did not think there was such a general desire on the part of the House to proceed with the debate that the Government should give up the time at their disposal for that purpose.

THE O'DONOGHUE said, that when the noble Lord at the head of the Government was in his place, he would be able to ask him if he could appoint a day for resuming the debate.

MR. MAGUIRE thought that the Chancellor of the Exchequer was under a very serious mistake as to the feeling of Ireland on the subject, as there was a very general feeling in that country in favour of the principle involved in the Motion of the hon. Member for Swansea (Mr. Dillwyn).

Mr. BRADY said, there was a very strong feeling in Ireland in favour of the question being fully discussed.

The CHANCELLOR of the EXCHEQUER explained, that he did not presume to say whether or not there was a strong feeling in Ireland on the question, but only that there had been no general manifestation of a desire in the House for a debate on it.

Sir HUGH CAIRNS observed, that the postponement of the debate at so early a period of the evening indicated the little interest taken in it by Members below the gangway.

Sir PATRICK O'BRIEN said, the speech of the right hon. Gentleman the Member for the University of Dublin, in which he spoke of the Church as the garrison of the English in Ireland, and as a badge of conquest, had excited much dissatisfaction in that country.

Mr. WHITESIDE retorted, that ample opportunity was afforded on the night when the discussion took place, and asked if his speech took the hon. Gentleman a month to ponder over.

The O'DONOGHUE said, that he only wished for further time, in order to give the Irish Members an opportunity to express their opinion.

Motion agreed to.

Debate *further adjourned* till *Friday* 5th June.

ADMIRALTY COURTS (IRELAND) BILL.

[BILL 48.] COMMITTEE.

Mr. MAGUIRE, in moving that the House should go into Committee *pro formâ* on this Bill, in order to have Amendments printed, intimated that he should withdraw the measure at a subsequent stage, in consequence of the course which he understood the Government meant to take on that subject.

The SOLICITOR GENERAL explained, that it was a measure which it was impossible to carry without Government assistance, and they were not yet in a position to take it up; but that an understanding had been made with the hon. Member that a Bill would be introduced next Session by the Government which would carry out the views of the hon. Member.

Mr. WHITESIDE concurred in the course taken.

Mr. MAGUIRE said, he was quite satisfied, and gave notice that on Monday he would move that the Order be discharged.

Bill *considered* in Committee.

House *resumed.*

Bill *reported;* to be *printed,* as amended [Bill 141]; *re-committed* for *Monday* next.

ROYAL NAVAL RESERVE BILL.

On Motion of Lord Clarence Paget, Bill to establish Officers of the Royal Naval Reserve, *ordered* to be brought in by Lord Clarence Paget and Mr. Stansfeld.

Bill *presented,* and read 1°. [Bill 142.]

PASSENGERS ACT AMENDMENT BILL.

On Motion of Mr. Chichester Fortescue, Bill to amend the Passengers Act, 1855, *ordered* to be brought in by Mr. Chichester Fortescue and Mr. Milner Gibson.

Bill *presented,* and read 1°. [Bill 143.]

House adjourned at Eleven o'clock.

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INTRODUCTION TO THIS INDEX.

The Index now published has been very carefully considered and rearranged. The system which has been adopted has for its object these important considerations—

1. That it shall afford ready Reference to the Public Business as formally recorded in the "Journals" and "Minutes" of the Lords and the "Journals" and "Votes" of the Commons, and to the Spoken Proceedings in Parliament thereon as recorded in "Hansard."

2. That a Motion once brought before either House shall be followed out, *in this Index*, to the end. The entries, though necessarily in a brief form, give in substance the same information as the Journals or Votes, and it is, therefore, unnecessary to refer to those records for the stages, dates, &c.

3. That unnecessary multiplicity of reference shall be avoided. Thus, the information sought being contained in the Journals and Votes of either House, and in the "Contents" and text of "Hansard," and this Index being the instrument of search—

The Reader who desires simply to ascertain the introduction and course of a Motion—its origin and chronology—will find these particulars succinctly set forth in the Index itself, and need go no further. If, beside these particulars, he desires to know the precise terms of the Motion, of the Amendments, of the formal mode of raising the issues, and the official information, but does not require to refer to the debates on the subject, the Index will refer him to the "Contents" of this Volume by the *dates* given. In the "Contents" he will find, not only the information afforded by the official Minutes and Votes, but frequently much that it is not the practice to enter in those records (such as Committee work), but which is an important part of Parliamentary business. In the "Contents" he will find the formal course of all Public Business gathered into a small compass. The "Contents" of "Hansard," as now arranged, are in fact that which has been so frequently desired—an "Abstract of Public Business."

4. If, however, the Reader desires to learn, not only the formal course of a Public Motion, but the Argumentative and Reasoning part of Public Legislation, he must necessarily turn to the text of "Hansard."

The two latter courses (the first requires no explanation) have been provided for in the following manner :—Wherever all the information that the "Minutes," "Votes," and "Hansard," could afford is comprised in a single fact (as, for instance, that a Bill was read the second time on a certain day—that a Bill was considered in Committee and reported—that a Select Committee was appointed on one day and reported on another), the entries in this Index supply *that* information ; it also contains the positive intimation by a * that the Bill or Motion was "read" or "agreed to" *without debate* ; and to prevent the annoyance of a further search where nothing more is to be learnt, the "pages" are omitted.

It is obvious that every "Question and Answer" is a debate; the reference is therefore made direct to the page in "HANSARD" in which it is to be found.

Every Public Bill is to be found entered in the text of "HANSARD" under the date at which it was introduced; but as the full title is also set forth in the "Contents," which can be more readily referred to, the "date," and not the "page," is given in the Index. In like manner, in Committee those Clauses, and in Supply those Votes, which were agreed to without debate, have no paginal references, the information being already complete.

Immediate reference from the Index to the "Contents" will be obtained in many cases by noting the "page" in the Index, and referring to the figures on the right hand of the "Contents."

Unnecessary reference is further avoided by giving *all* the information in the Index wherever practicable. For example, in the case of a Select Committee, not only the date of appointment and nomination is given, but the order of reference, and a list of Members.

EXPLANATION OF THE ABBREVIATIONS.

It being a principal object of this Index, that the proceedings on each Motion shall be completely recorded, some abbreviations of forms were necessary. Those who are accustomed to the proceedings of Parliament, will readily fill up the voids. Those who are not so familiar, may find the following explanation useful, but will find the whole *formulæ* set out at length in the "Contents."

The names which immediately follow the title of a Bill are those of the hon. Members who have charge of the Bill.

The numbers which are added at stages of Bills are the official numbers of the prints and reprints ordered at each stage, and, with the Statute, will enable the reader to follow all the changes the Bill has undergone.

The entries—Moved, "That the Bill be now read 2ª" (or "Second Reading moved"); Amendt. "this day six months;" Question put, "That 'now' &c."—indicate the usual form of raising the issue—namely, "That the word 'now' stand part of the Question."

"*Crown Lands, Inclosure of,* Amendt. on Committee of Supply" indicates that the Question was raised by means of an Amendment moved on the Motion (after the Order of the Day for the House to go into Committee of Supply had been read), "That Mr. Speaker do now leave the Chair." In this case the issue is formally raised by the Motion "to leave out from the word 'That' to the end of the Question, in order to add" other words. The decision is taken on the Question, "That the words proposed to be left out stand part of the Question."

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☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

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Supply—Civil Service Commission, Report, 105, 108, 109;—Packet Service, 1888, 1921, 1922; Report, 2033, 2039, 2044
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China
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Relations with, Amendment on Committee of Supply (*May* 15)—Address for Correspondence (*Mr. Liddell*), 1783; After Debate, Amendt. negatived, 1799
Shou-Hing, Attack on, Question, Colonel Sykes; Answer, Lord C. Paget, 1150
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Church Building and New Parishes Acts Amendment Bill
(*Mr. Solicitor Gen., Mr. Attorney Gen.*)
c. Read 1° *April* 20, 463 [Bill 82]
Motion, "That the Bill be now read 2°," 1573; After short Debate, agreed to; Bill read 2°, and committed to a Select Committee *May* 11
Committee:—Mr. Solicitor General, Mr. Cardwell, Lord J. Manners, Mr. Walpole, Mr. Puller, Mr. H. Seymour, Mr. G. Hardy, Sir W. Heathcote, Mr. Walter, Mr. R. Mills, Mr. Mowbray, Mr. Locke, Mr. Hunt, Mr. F. S. Powell, and Mr. Serjeant Pigott

Church Rates Abolition Bill [*Sir John Trelawny*] [Bill 2]
(*Sir J. Trelawny, Sir C. Douglas, Mr. Dillwyn*)
c. Motion, "That the Bill be now read 2°," 926; Amendt. "upon this day six months" (*Mr. G. Hardy*), 932; Question put, "That the word 'now' &c."—A. 275, N. 285, M. 10, *April* 29
Bill put off for six months
Division List—Ayes and Noes, 975

Church Rates Commutation Bill [*Mr. Newdegate*] [Bill 14]
(*Mr. Newdegate, Lord R. Montagu*)
c. Motion, "That the Bill be now read 2°" *May* 16, 1247; Amendt. "upon this day six months" (*Sir C. Douglas*), 1263; After long Debate, Question put, "That the word 'now' &c."—A. 56, N. 94, M. 38
Bill put off for six months
Division List—Ayes and Noes, 1272

Church Rates Redemption Bill [*Mr. Alcock*] [Bill 12]
(*Mr. Alcock, Mr. Evans*)
c. Motion, "That the Bill be now read 2°," 1273; After short Debate, on Question—A. 72, N. 81, M. 9, *April* 29
Motion, "That the Church Rates Redemption Bill be read a second time upon Wednesday the 10th day of June next," *May* 13, 1687; After Debate, on Question—A. 25, N. 39, M. 14.

Churchill, Lord A. S., *Woodstock*
Church Rates Abolition, 2R. 970
Merchant Ships, Defence of, 673
Telegraphs, Consid. *cl.* 23, Amendt. 118; 3R. Amendt. 1034
Ways and Means—Excise Duties, 845

Circassia, Alleged Outrage in
Question, Viscount Raynham; Answer, Viscount Palmerston, 1773

Civil Bill Courts (*Ireland*) *Bill*
(*Sir Robert Peel, Mr. Attorney General*)
c. Read 1°* *May* 19 [Bill 138]

Clancarty, Earl of
Dublin Metropolitan Railway, 1766; 3R. Amendt. 1804, 1816

Clanricarde, Marquess of
Albert Bridge, Re-Comm. 1052
Drainage of Land (Ireland), 378
Dublin Metropolitan Railway, 3; 3R. 1814
Howth, Harbour of, 1579
India—Sale of Waste Lands, Paper moved for, 1
Metropolitan Railway Communication, 856
United States—Seizure of British Vessels by Federal Cruisers, 554, 655, 656, 766;—Proceedings of the Prize Courts, Papers moved for, 1818, 1822, 1828, 1835

Clay, Mr. J., *Kingston-upon-Hull*
Accidents Compensation, 2R. 1685
Business, Public, 772
Customs and Inland Revenue, 2R. 1002
Security from Violence, Comm. *cl.* 1, 1277
Supply—Civil Service Commission, Report, 109
Ways and Means—Excise Duties, 842

Clifford, Col. H. M., *Hereford*
Electric Light and Light-houses, Papers moved for, 329

Club Licences
Question, Mr. Lygon; Answer, The Chancellor of the Exchequer, 1395

Cobden, Mr. R., *Rochdale*
"Alexandra," Seizure of the, 723
Brazil—Conduct of Mr. Christie, 1313
China, Relations with, 1799
Cotton Manufacturing Districts, Resolution, 806
Supply—Packet Service, 1892, 1898

Cochrane, Mr. A. D. Baillie, *Honiton*
Business, Public—The "No House," 1063
Foreign Affairs, 1966
Greece—Election of Prince William of Denmark, 136, 306, 359, 1526;—Affairs of, 575
Ionian Islands—Removal of Judges, Papers moved for, 1602
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Colchester, Lord
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Colebrooke, Sir T. E., *Lanarkshire*
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Statute Labour Roads and Bridges (Scotland), 2R. 1666

Collier, Mr. R. P., *Plymouth*
"Alexandra," Seizure of the, 713
Naval Courts of Inquiry, 1981
Naval Medical Supplemental Fund Society Winding-up Act Amendment, 2R. 1140

Collins, Mr. T., *Knaresborough*
Borough Residence Uniform Measurement, 2R. 536, 540; Comm. 1038, 1042
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Elections during Recess, 2R. 530
Lisburn Election—Privilege, 1730
Poor Removal, 2R. 1500
Prison Ministers, Comm. *cl.* 3, 1531

Colonial Bishoprics
Question, Mr. Lefroy; Answer, Mr. Chichester Fortescue, 990

Coningham, Mr. W., *Brighton*
Greenwich Hospital, 1151
Inland Revenue, 2R. 1366; Comm. *cl.* 1566
Ionian Islands—Removal of Judges, Papers moved for, 1609
Lisburn Election—Privilege, 1729
MacLachlan, Jessie, Case of, Papers moved for, 703
Supply—Memorial to the late Prince Consort, 606, 612; Report, Amendt. 760, 762

Conolly, Col. T., *Donegal Co.*
Holyhead Harbour, Comm. moved for, 1661
Prison Ministers, Comm. *cl.* 3, 1535

Consolidated Fund (£20,000,000) *Bill*
c. Read 1º* *April* 27
Read 2º* *April* 28
Committee* and Report* *April* 30
Read 3º*, and passed, *May* 4
l. Read 1ª* (*The Lord President*) *May* 5
Read 2ª* *May* 7
Committee negatived*
Read 3ª*, and passed, *May* 8
Royal Assent *May* 11 [26 & 27 *Vict.*, c. 15]

Corry, Rt. Hon. H. T. L., *Tyrone Co.*
Malta new Dock, Papers moved for, 1660

Corrupt Practices at Elections Bill
(*Earl Russell*)
l. Read 1ª* *March* 27
Moved, "That the Bill be now read 2ª," 981; After Debate, Bill read 2ª, *April* 30
Moved, "That the House do now go into Committee," *May* 7, 1283; After Debate, House in Committee
cl. 1 agreed to
Amendt. moved, to insert new *cl.* to follow *cl.* 1 (*Lord Lyveden*); After Debate, on Question—Contents 51, Not-Contents 66, Majority 14; Amendt. negatived
Division List—Cont. and Not-Cont. 1286

Corrupt Practices at Elections Bill—cont.
cl. 2 to 9 agreed to
cl. 10, Amendt. moved (*Earl Russell*); After short Debate, agreed to; On Question, "That Clause 10, as amended, stand Part of the Bill?" Contents 26, Not-Contents 92; Majority 66, 1288; *cl.* struck out
Division List—Cont. and Not-Cont. 1289
cl. 11 struck out
Remaining Clauses agreed to
Report* *May* 11
Read 3ª*, and passed, *May* 15
Parl. Papers—*Commons* . . Bill 8
As amended in Committee Bill 68
With Lords' Amendts. . Bill 136
Lords. . . No. 62
As amended in Committee No. 94

Costs Security Bill
(*Mr. Butt, Mr. Murray*)
c. Read 1º* *May* 14 [Bill 126]

Cotton Manufacturing Districts
Resolution (*Mr. Ferrand*), 776; Amendt. (*Mr. Potter*), 803; After long Debate, Amendt. and Motion withdrawn.
Question, Mr. Ferrand; Answer, Mr. C. P. Villiers, 1835

Court of Session (*Scotland*) *Bill*
(*Lord Advocate, Sir G. Grey*)
c. Read 1º* *May* 8 [Bill 116]

Courts of Justice, Concentration of the
Question, Mr. Arthur Mills; Answer, Sir George Grey, 25; Question, Mr. A. Mills; Answer, Sir George Grey, 1838

Courts of the Church of Scotland Bill [H.L.]
(*Lord Hamilton*)
l. Read 1ª* *April* 14 (No. 65)
Read 2ª, after short Debate, *April* 16, 178
Committee* and Report* *April* 17
Read 3ª*, and passed, *April* 20
c. Read 1º* *April* 24 [Bill 92]
Read 2º, after short Debate, *May* 4, 1140
Committee* and Report* *May* 7

Cowper, Earl
Qualification for Offices Abolition, 2R. 664

Cowper, Rt. Hon. W. F. (Chief Commissioner of Works) *Hertford*
Carlton House Terrace, 994
Cricket in Battersea Park, 579
London Coal and Wine Duties Continuance, Comm. *cl.* 2, 1723
Sewage of Towns, 351, 352
Thames Embankment (North Side), Comm. 1705; *cl.* 1, Amendt. 1714, 1715, 1716; *cl.* 8, 1718; *cl.* 10, *ib.*

Cox, Mr. W., *Finsbury*
Cricket in Battersea Park, 579
London Coal and Wine Duties Continuance, Comm. *cl.* 2, Amendt. 1721, 1722
Security from Violence, Comm. *cl.* 1, 1282; 3R. 1664
Thames Embankment (North Side), Comm. *cl.* 1, 1716; *cl.* 10, 1719

CRANWORTH, Lord
Albert Bridge, Re-Comm. 1049
Alkali Works Regulation, Comm. *cl.* 4, 550; *cl.* 12, 551
Augmentation of Benefices, 2R. 9
Corrupt Practices at Elections, Comm. *cl.* 10, 1289
London (City) Traffic Regulation, Comm. 1578
Naval Courts of Inquiry, 396
United States—Proceedings of the Prize Courts, Papers moved for, 1834

CRAWFORD, Mr. R. W., *London*
American Cruisers and British Merchantmen, 585
Financial Statement—The Budget, Comm. Resolution, 253
London Coal and Wine Duties Continuance, Comm. *cl.* 2, 1722
Metropolitan and City of London Police Amalgamation, Leave, 494
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Thames Embankment (North Side), Comm. Amendt. 1702, 1714; *cl.* 1, 1715, 1716; *cl.* 8, Amendt. 1716; *cl.* 10, Amendt. 1718, 1719
Ways and Means—Sugar, &c. 642;—Income Tax, 647

Criminal Lunatics, Asylum for
Question, General Buckley; Answer, Sir G. Grey, 858

CROSSLEY, Sir F., *Yorkshire, W. R.*
Church Building and New Parishes Acts Amendment, 2R. 1574
Customs and Inland Revenue, 2R 999
Financial Statement—The Budget, Comm. Resolution, 259
Ways and Means—Passengers by Cheap Trains, 2066

CUBITT, Mr. W., *Andover*
Lancashire Distress—Mansion House Committee, 774
London Coal and Wine Duties Continuance, Comm. *cl.* 2, 1723
Staleybridge Riots—Mansion House Committee, 12, 13, 18;—Explanation, 27
Thames Embankment (North Side), Comm. *cl.* 8, 1717, 1718

Customs and Inland Revenue Bill
(*Mr. Massey, Chancellor of the Exchequer, Visct. Palmerston*)
c. Read 1° * *April* 24 (Bill 91)
After Debate, Second Reading deferred, *April* 27, 850
Motion, "That the Bill be now read 2°" (*Mr. Chancellor of the Exchequer*) *April* 30, 995
Read 2°, after long Debate
Considered in Committee *May* 4, 1067
cl. 1 agreed to
cl. 2, Amendt. (*Sir James Fergusson*), 1067; After Debate, Amendt. negatived; *cl.* agreed to
cl. 3, 1072; After long Debate, negatived
cl. 4 withdrawn
cl. 5, Amendt. (*Mr. Peacocke*), 1135; After Debate, withdrawn; *cl.* agreed to
cl. 6 and the Schedules agreed to
Bill reported *May* 4

Customs and Inland Revenue Bill—cont.
Considered as amended * *May* 5
Question, Mr. Lygon; Answer, Mr. Chancellor of the Exchequer, 1303
Considered in Committee (on re-committal), *May* 11, 1545
cl. 2, Amendt. (*Mr. Blackburn*), withdrawn, 1546; After Debate, *cl.* agreed to
add. cl. (*Lord Robert Cecil*), 1548; After Debate, *cl.* withdrawn
Bill reported *May* 11
Read 3° *, and passed, *May* 12
l. Read 1ª * (*Lord President*) *May* 15 (No. 101)
Read 2ª * *May* 19
Committee * and Report * *May* 21

DALGLISH, Mr. R. *Glasgow*
Poor Law (Scotland), 1151
Scotch Universities—Army Commissions, 1838
Statute Labour Roads and Bridges (Scotland), 2R. 1666

DALHOUSIE Earl of
Courts of the Church of Scotland, 2R. 178

Dartmoor Prison
Address for Correspondence (*Mr. Newdegate*) *May* 5, 1245; After short Debate, A. 21, N. 35, M. 14

DAWSON, Mr. R. P., *Londonderry Co.*
"Anglo-Saxon," Wreck of the, 1689, 1690
Marriages, &c. (Ireland), Comm. *cl.* 2, 546
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Dead Meat Market in the City
Question, Sir Morton Peto; Answer, Sir George Grey, 1840

DE GREY AND RIPON, Earl (Secretary of State for War)
Secretary at War, Office of, Abolition, 2R. 552
Volunteer Force, The, 1576

DENISON, Rt. Hon. J. E. *see* **SPEAKER**, The

DENMAN, Lord
Naval Courts of Inquiry, 397

DENMAN, Hon. G., *Tiverton*
Borough Residence Uniform Measurement, Comm. 1037
MacLachlan, Jessie, Case of, Papers moved for, 695
Poland—The Russian Amnesty, 466

DENT, Mr. J. D., *Scarborough*
Security from Violence, Comm. *cl.* 1, Adj. moved, 1282

DERBY, Earl of
Albert Bridge, Re-Comm. 1049, 1050
Alkali Works Regulation, 2R. 172; Comm. *cl.* 2, 549; *cl.* 4, 550; Report *cl.* 4, 770
Augmentation of Benefices, Nomination of Comm. 125, 135

Derby, Earl of—*cont.*
Births and Deaths Registration (Ireland), 3R. 5
Corrupt Practices at Elections, Comm. 1283, 1286
Dublin Metropolitan Railway, 1767; 3R. 1815
Duchy of Cornwall Management, 2R. 1738
Forts at Spithead, 987
Greece—Cession of the Ionian Islands, 187
Holstein and Schleswig, 1755
Ionian Islands—Removal of Judges, Papers moved for, 289, 293, 294
Italy—Case of Mr. Bishop, 1511
London (City) Traffic Regulation, Comm. 1578
Mail Service between Dover, Calais, and Ostend, 1148
Metropolitan Railway Communication, Comm. moved for, 195, 855
Naval Courts of Inquiry, 393, 395
Qualification for Offices Abolition, 2R. Amendt. 661
United States—Seizure of British Vessels by Federal Cruisers, 567, 568, 654;—Proceedings of the Prize Courts, Papers moved for, 1833

De Ros, Lord
Albert Bridge, Re-Comm. 1048

Dickson, Col. J. A., *Limerick Co.*
Assurances Registration (Ireland), 2R. 462
Irish Members, Meeting of, 1987
Supply—Packet Service, 1918
Ways and Means—Excise Duties, 842

Dillwyn, Mr. L. L., *Swansea*
Religious Endowments (Ireland), Comm. moved for, 1988, 2020
Supply, Report, 762

Diseased Meat, Traffic in
Question, Viscount Raynham; Answer, Mr. Lowe, 1774

Disraeli, Rt. Hon. B., *Buckinghamshire*
Army—Distinguished Service Colonels, Commission moved for, 874
Brazil—Conduct of Mr. Christie, 1314
Burials, 2R. 163
Business, Public—The "No House," 1065
Customs and Inland Revenue, Comm. *cl.* 3, 1125
Lewis, Sir G. C., Death of—Adjournment of the House, 138
Naples—Commerce with, Papers moved for, 1482
Prison Ministers 2R. 429; Comm. *cl.* 3, 1360
Supply—Memorial to the late Prince Consort, 607;—Packet Service, 1908, 1921, 1922

District Parochial Churches (Ireland) Bill
(*Sir Hugh Cairns, Mr. Whiteside*)
c. Read 1° * *May* 13 [Bill 122]
Read 2° * *May* 19
Committee * and Report * *May* 28

Dockyards Protection Act Amendment Bill [H.L.]
(*The Duke of Somerset*)
l. Read 1ª * *April* 16 (No. 66)
Read 2ª * *April* 23
Committee * and Report * *April* 24
Read 3ª *, and passed, *April* 27
c. Read 1° * *May* 15 [Bill 130]

Dodson, Mr. J. E., *Sussex, E.*
Church Rates Redemption, 2R. 1274

Donoughmore, Earl of
Corrupt Practices at Elections, Comm. 1286
Rents, Redemption of, (Ireland), Comm. 1946, 1947

Douglas, Sir C., *Banbury*
Burials, 2R. 158
Carriers' Licences, 674
Church Rates Abolition, 2R. 932, 952
Church Rates Commutation, 2R. Amendt. 1263

Doulton, Mr. F., *Lambeth*
Customs and Inland Revenue, Comm. *cl.* 2, 1554
Prison Ministers, Comm. *cl.* 3, Adj. moved, 1365
Thames Embankment (North Side), Comm. 1711; *cl.* 8, 1717

Drainage and Improvement of Land (Ireland) Bill
(*Mr. Peel, Mr. Chancellor of the Exchequer*)
c. Read 1° * *May* 5 [Bill 106]
Read 2° *May* 11, 1575
Considered in Committee *May* 28, 2076; and, after short Debate, reported, *May* 28

Drainage of Land (Ireland) Bill (No. 33)
(*Col. Dickson, Col. French, Mr. Hennessy*)
l. Amendts. reported (*Viscount Lifford*) *April* 20 378
Read 3ª, after short Debate, and passed, *April* 30, 980
Royal Assent *June* 8 [26 & 27 *Vict.*, c. 26]

Dublin Metropolitan Railway Bill [H.L.]
l. Moved, "That the Evidence be printed" (*Lord Talbot de Malahide*), *May* 15, 1766; On Question, Resolved in the Negative
Moved, "That the Bill be now read 3ª" *May* 18, 1804; Amendt. "this day six months" (*Earl of Clancarty*), 1804; After long Debate, on Question, "That 'now' &c."—Contents 65, Not-Contents 11, Majority 54
Bill read 3ª, and passed
Division List—Cont. and Not Cont. 1116
Parl. Papers—Report, Railway and Canal Bills, ccv.

Duchy of Cornwall Management (1863) *Bill* [H.L.]
(*The Duke of Newcastle*)
l. Read 1ª * *May* 4
Read 2ª *May* 15, 1738
Committee * and Report * *May* 18; re-committed
Parl. Papers—*Lords* . . . No. 90
As amended on Report . No. 106

Duff, Mr. M. E. Grant, *Elgin, &c.*
Harbours of Refuge, Resolution, 319, 322
Prison Ministers, Comm. 1327
Security from Violence, 3R. Amendt. 1661
Uniformity Act Amendment, Leave, 1238

Duff, Mr. R. W., *Banffshire*
Naval Courts of Inquiry, 1970

DUKE, Sir J., *London*
- Metropolitan and City of London Police Amalgamation, 1056

DUNCOMBE, Rear. Adm. Hon. A., *Yorkshire, E. R.*
- Supply—Memorial to the late Prince Consort, 611

DUNCOMBE, Hon. W. E., *Yorkshire, N. R.*
- Prison Ministers, Comm. *cl.* 3, Amendt. 1364

DUNDAS, Rt. Hon. Sir D., *Sutherlandshire*
- Security from Violence, Comm. *cl.* 1, 1281

DUNKELLIN, Lord, *Galway Bo.*
- Galway Packet Contract, 993

DUNLOP, Mr. A. M., *Greenock*
- MacLachlan, Jessie, Case of, Papers moved for, 701
- Mail Packet Services, 1772
- Poor Removal, 2R. 1499; Amendt. 1500
- Statute Labour Roads and Bridges (Scotland), 2R. 1666

DUNNE, Col. F. P., *Queen's Co.*
- Assurances Registration (Ireland), 2R. Adj. moved, 267, 460
- Holyhead Harbour, 574, 575; Comm. moved for, 1243, 1660
- Regimental Quartermasters, Papers moved for, 1781
- Salmon Fisheries (Ireland), Comm. 852
- Supply—Expedition to Kertch and Yenikale, 1613
- Volunteers, 2R. 1701
- White, Capt. M., Case of, 1152

DUNNE, Mr. M., *Queen's Co.*
- Lunatic Asylums (Ireland), Admission of Reporters to, 676, 677

DUTTON, Hon. R. H., *Hampshire, S.*
- Accidents Compensation, 2R. 1684
- Education, Resolution, 1207

EBURY, Lord
- Acts of Uniformity Amendment, 2R. 1924, 1945
- Corrupt Practices at Elections, Comm. *add. cl.* 1287

Ecclesiastical Commission

Motion, "That the Select Committee on the Ecclesiastical Commission do consist of sixteen Members" (*Mr. H. Seymour*), *April* 30, 1043; Amendt. "seventeen" (*Mr. Lygon*); Amendt. agreed to

Committee nominated:—Mr. H. Seymour, Mr. Lowe, Mr. Walpole, Mr. L. King, Mr. E. P. Bouverie, Lord R. Cecil, Mr. Ald. Copeland, Mr. Fenwick, Sir H. Willoughby, Lord Fermoy, Mr. Newdegate, Mr. Tite, Mr. Kinnaird, Mr. Scourfield, Mr. Selwyn, Mr. Hunt, and Sir W. Heathcote

Education
- Resolution (*Mr. Walter*) *May* 5, 1154; Amendt. (*Mr. Adderley*), 1211; After long Debate, Amendt. and Motion withdrawn
- Second Resolution (*Mr. Walter*) moved—A. 117, N. 152; M. 35
- *Reports*, Question, Sir John Pakington; Answer, Mr. Lowe, 22
- *Revised Code, The*, Question, Sir S. Northcote; Answer, Mr. Lowe, 1582
  - Parl. Papers—Correspondence. . No. 111
  - Examination of Acting Teachers 112
  - Minutes, Schools of Art . . . 201
  - Education Grants 1860-1. . . 141
  - Minute of Committee of Council [3122]
  - Science and Art, 10th Report . [3143]
  - Report of Committee of Council, 1862-3 . . . . [3171]
  - Ireland—Report . . . . . No. 392

EDWARDS, Colonel H., *Beverley*
- Cotton Manufacturing Districts, Resolution, 827
- Innkeepers' Liability (No. 1), 2R. 530
- Volunteers, 2R. 1699

EGERTON of TATTON, Lord
- Railways, Charging Entailed Estates for, Report, 768

EGERTON, Hon. A. F., *Lancashire, S.*
- Cotton Manufacturing Districts, Resolution, 830

Egypt, Compulsory Labour in
- Question, Mr. D. Griffith; Answer, Viscount Palmerston, 1770

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(*Mr. Hunt, Mr. Serjeant Pigott*)

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c. Read 1° * *April* 27
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Read 3° *, and passed, *May* 4
l. Read 1ª * *May* 5
Read 2ª * *May* 7
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Read 3ª *, and passed, *May* 8
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(*Mr. Butt, Mr. Longfield, Mr. Murray*)
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Read 2° * *May* 28

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Lisburn Election—Privilege, 1725, 1726, 1728

Hares (Ireland) Bill
(*Mr. Hassard, Mr. D. Fortescue*)
l. Read 2ª* (*Earl of Devon*) *April* 30 (No. 52)
Committee* and Report* *May* 4
Read 3ª*, and passed, *May* 11
Royal Assent *June* 8 [26 & 27 *Vict.*, c. 19]

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Question, Mr. Newdegate; Answer, Sir C. Wood, 1769

Harwich Harbour Bill
c. Considered in Committee* *May* 5; Resolution thereon; Bill ordered (*Mr. M. Gibson, Mr. Hutt*)
Read 1º* *May* 5 [Bill 101]
Read 2º* *May* 19
Referred to Select Committee* *May* 28

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Heygate, Sir W. F., *Londonderry Co.*
Prison Ministers, Comm. *cl.* 3, 1536

Hibbert, Mr. J. T., *Oldham*
Cotton Manufacturing Districts, Resolution, 825
Lancashire Operatives, Employment of, 775
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Holstein and Schleswig
Question, Earl of Ellenborough; Answer, Earl Russell; Long Debate thereon, 1738

Holyhead Harbour
Question, Colonel Dunne; Answer, Mr. Milner Gibson, 574
Motion, "That a Select Committee be appointed to inquire into the state of Holyhead Harbour, with a view to ascertain the best method of affording safe and efficient accommodation for the Vessels engaged in the Irish Mail Service, and for the Passengers conveyed by them" (*Colonel Dunne*) *May* 5, 1243; After Debate, Motion "That the Debate be now adjourned" (*Mr. Chancellor of the Exchequer*)—A. 40, N. 35, M. 5; Debate adjourned
Debate resumed *May* 12, 1660; After further Debate, Question put—A. 73, N. 47, M. 26; Select Committee appointed
Committee:—Colonel Dunne, Mr. Corry, Mr. Layard, Colonel Pennant, Colonel Vandeleur, Lord Naas, Mr. J. Tollemache, Mr. Lefroy, Mr. M. Gibson, Mr. Stansfeld, Mr. Herbert, Mr. Dalglish, Colonel French, Lord J. Browne, and Lord R. Grosvenor
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HUBBARD, Mr. J. G., *Buckingham*
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HUNT, Mr. G. W., *Northamptonshire, N.*
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Prison Ministers, Comm. *cl.* 3, Amendt. 1348, 1354; *cl.* 5, 1543, 1544, 1545
Security from Violence, Comm. *cl.* 1, 1279; Amendt. 1281
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Thames Conservancy, Nomination of Comm. 274

Illegitimate Children (*Ireland*) *Bill*
(*Sir Robert Peel, Mr. Bruce*)
l. Moved, "That the Bill be now read 3ª" (*Duke of Newcastle*) *April* 20, 379; Amendt. "this day six months" (*Viscount Lifford*), 380; On Question, "That 'now' &c."—Resolved in the Affirmative
Bill read 3ª* *April* 20
c. Lords' Amendts. considered *April* 28, 925
Amendts. to *cl.* A agreed to
cl. A, Moved, "That this House doth agree &c."—A. 20, N. 21, M. 1
cl. B disagreed to; Other Amendts. agreed to
Committee appointed, "to draw up reasons &c."
l. Commons' Reasons considered; Resolved not to insist
Parl. Papers—*Commons* . . . Bill 13
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Lords . . . . No. 17
Report of Select Committee. No. 49
As amended by Select Comm. No. 50
Comms.' Amdts. to Lords' do. No. 83

Inclosure Bill (No. 59)
(*Mr. Bruce, Sir George Grey*)
l. Read 2ª* (*The Lord Stanley of Alderley*) *April* 30
Committee* and Report* *May* 1
Read 3ª*, and passed, *May* 4
Royal Assent *May* 11 [26 & 27 *Vict.*, c. 18]

Income Tax
Amendment on Committee of Supply *April* 23 (*Mr. Roebuck*); After long Debate, Amendment withdrawn

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Medical Officers of the Indian Army, Question, Mr. Bazley; Answer, Sir Charles Wood, 857

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Tringanu, Attack on, Question, Sir John Hay; Answer, Sir Charles Wood, 465

Waste Lands, &c., Sale of, (Instructions)—Law of Contract (India), Address for Copy of the Instructions (*Marquess of Clanricarde*), and Question; Motion agreed to; Answer, Earl Granville, 1;—Resolution (*Mr. H. Seymour*), *May* 12, 1610; After long Debate, Motion withdrawn; *Parl P.* No. 164

Inland Revenue Bill

(*Mr. Massey, Mr. Chancellor of the Exchequer, Viscount Palmerston*)

c. Read 1° * *April* 28 [Bill 97]

Motion, "That the Bill be now read 2°," *May* 7, 1365; Amendt. "upon this day six months" (*Mr. Ayrton*); Motion, "That the Debate be now adjourned," negatived; Amendt. withdrawn

Bill read 2° *May* 7

Considered in Committee *May* 11, 1555

cl. 1 struck out

cl. 2 to 8 agreed to

cl. 9, Amendt. (*Mr. Ayrton*), 1556; After long Debate, Question put, "That the words stand part of the Clause"—A. 81, N. 35, M. 46; *cl.* agreed to

cl. 10 to 20 agreed to

cl. 21, after Debate, agreed to, 1569

Remaining Clauses agreed to

Bill reported * *May* 11

Innkeepers' Liability (No. 1) Bill [Bill 18]

(*Mr. W. Martin, Mr. Grant Duff, Mr. Hunt*)

c. Motion, "That the Bill be now read 2°," *April* 22, 526; Amendt. "upon this day six months" (*Sir F. Goldsmid*), 531; Question, "That 'now' &c." agreed to

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(*Mr. Butt, Dr. Brady*)

c. Bill withdrawn *April* 22, 535

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Convocation in, Question, Mr. H. Seymour; Answer, Sir G. Grey, 1299

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Fisheries Prosecutions in, Question, Mr. Blake; Answer, Mr. Peel, 397

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Model Schools in, Question Mr. O'Reilly; Answer, Sir R. Peel, 1837

Newtongore, Outrage at, Question, Mr. W. O. Gore; Answer, Sir R. Peel, 1948

Police Rewards, Address for a Return (*Earl of Leitrim*), 3; After short Debate, Motion postponed

Religious Endowments, Motion for a Select Committee (*Mr. Dillwyn*), 1988; Amendt. (*Mr. H. Seymour*), 1999; Question, "That the words &c."—After long Debate, Debate adjourned; Debate further adjourned *May* 28, 2076

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Drainage of Land (Ireland) Bill
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Judgments Law Amendment (Ireland) Bill
Marriages, &c. (Ireland) Bill
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(*Mr. Hadfield, Mr. L. King, Mr. Powell*)
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cl. 2, Amendt. (*Mr. Cox*), negatived; *cl.* agreed to
Bill reported* *May* 14
Read 3° *, and passed, *May* 15
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- *New Dock at*, Question, Captain Talbot ; Answer, Lord Clarence Paget, 198 ;—Motion for Correspondence (*Captain Talbot*), *May* 12, 1659 ; After short Debate, agreed to ; *Parl. P.* No. 350

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l. Read 2ª * *March* 27
Committee * and Report * *April* 14
Read 3ª *, and passed, *April* 16
Royal Assent *April* 20 [26 & 27 *Vict.*, c. 9]

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(*Sir E. Grogan, Mr. Vance, Mr. Longfield*)
c. Considered in Committee, *April* 22, 545
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cl. 2, after Debate, agreed to, 545
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cl. 6, Amendt. to omit "an ordained" (*Mr. Butt*), agreed to, 548; *cl.*, as amended, agreed to
cl. 7, Proviso added; *cl.*, as amended, agreed to
cl. 8, Amendt. (*Sir Edward Grogan*), agreed to, 548; *cl.*, as amended, agreed to
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Bill reported, with amended title [Bill 88]
Considered as amended, *April* 29, 979
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New Clause (*Sir Edward Grogan*); Amendt. (*Mr. Butt*), negatived; Clause added
Another Clause added
Amendt. (*Mr. Butt*); Question put, "That the words &c."—A. 70, N. 50, M. 20
Amendt. (*Sir Hugh Cairns*), agreed to
Further considered as amended * *April* 30
Read 3ª *, and passed, *May* 4
l. Read 1ª * *May* 5 (No. 93)
Read 2ª * *May* 11
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c. Read 2º * *May* 6 [Bill 39]
Committee * *May* 11; re-committed [Bill 118]

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Massey, Mr. W. N. (Chairman of Committees) *Salford*
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Thames Embankment (North Side), Comm. *cl.* 10, 1721
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Metropolitan and City of London Police Amalgamation Bill
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Metropolitan Railway Communication
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Select Committee appointed *April* 16, "to inquire whether any, and, if any, which of the Schemes now before Parliament for the Construction of Lines of Railway within the Limits of the Metropolis, can be proceeded with in the present Session without the Risk of interfering with the future Adoption of a comprehensive Plan of Metropolitan Railway Communication; and to consider what Provision can be made for the securing such a comprehensive System, with the greatest Advantage to the Public, and the least Inconvenience to the local Arrangements of the Metropolis" (*Earl Granville*), 194
Committee: Ld. President, D. Buckingham and Chandos, E. Devon, E. Shaftesbury, E Cowper, E. Carnarvon, E. Grey, E. Lonsdale, E. Stradbroke, V. Eversley, L. Wodehouse, L. Redesdale, L. Colchester, L. Somerhill, L. Stanley of Alderley, L. Belper, L. Lyveden, L. Taunton
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Mitford, Mr. W. T., *Midhurst*
Church Rates Abolition, 2R. 951
Security from Violence, Comm. *cl.* 1, Amendt. 1279

Mobile, British Vice Consul at
Questions, Mr. Warner, Sir James Fergusson; Answer, Mr. Layard, 1952

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Moore, Mr. J. B., *Lincoln*
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Morritt, Mr. W. J. S., *Yorkshire, N. R.*
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Mowbray, Rt. Hon. J. R., *Durham City*
Church Rates Redemption, 2R. 1687

Municipal Elections (No. 2) Bill
(*Mr. W. Martin, Mr. Collins, Mr. Serj. Kinglake*)
c. Read 1°* *April* 20 [Bill 83]
Bill withdrawn* *May* 8

Mure, Mr. D., *Buteshire*
MacLachlan, Jessie, Case of, Papers moved for, 699, 700
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Mutiny Bill
l. Committee* and Report* *April* 14
Read 3ª*, and passed, *April* 16
Royal Assent *April* 20 [26 & 27 *Vict.*, c. 8]

Naas, Right Hon. Lord, *Cockermouth*
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Naval Medical Supplemental Fund Society Winding-up Act (1861) *Amendment Bill*
(*Lord C. Paget, Marquess of Hartington*)
c. Read 1°* *April* 27 [Bill 93]
Second Reading deferred, after Debate, *April* 30, 1036
Motion, "That the Bill be now read 2°" (*Lord C. Paget*), 1140; Amendt. "upon this day six months" (*Mr. Lygon*); Amendt. withdrawn
Bill read 2° *May* 4
Committee* and Report* *May* 7
Read 3°*, and passed, *May* 14
l. Read 1ª* *May* 15 (No. 102)

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Dock and Victualling Craft, Question, Mr. Ferrand; Answer, Lord C. Paget, 304
Flogging on Board the "Majestic," Question, Mr. Hadfield; Answer, Lord C. Paget, 1580
Iron-clad Ships, Address for a Royal Commission (*Sir J. Elphinstone*) *April* 28, 898; Amendt. (*Lord R. Montagu*), 905; After long Debate, Amendt. and Motion withdrawn
Iron-plated Ships, Question, Sir J. Elphinstone; Answer, Lord C. Paget, 27;—Question, Mr. Longfield; Answer, Lord C. Paget, 399
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  School of Naval Architecture, Question, Sir J. Pakington; Answer, Lord C. Paget, 990
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NEWCASTLE, Duke of (Secretary of State for the Colonies)
  Albert Bridge, Re-Comm. 1052
  Duchy of Cornwall Management, 2R. 1738
  Illegitimate Children (Ireland), 3R 380
  Ionian Islands — Removal of Judges, Papers moved for, 282, 293, 294, 296
  Offences (South Africa), 2R. 671
  Vice Admiralty Courts, 2R. 1044

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  Church Rates Abolition, 2R. 973
  Church Rates Commutation, 2R. 1247, 1271
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  Outbreak in a Roman Catholic Reformatory, 674
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  Supply—Packet Service, 1908

NORMANBY, Marquess of
  Italy—Case of Mr. Bishop, 1501, 1524
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  Security from Violence, Comm. *cl.* 1, 1278, 1279, 1280

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  China—Vote of Credit, 1951
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  (*Duke of Newcastle*)
l. Read 1ª* *April* 20 (No. 73)
  Read 2ª* *April* 24
  Committee* and Report* *April* 27
  Read 3ª*, and passed, *April* 28
c. Read 1º* *May* 7 [Bill 112]
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Oaths Relief in Criminal Proceedings (*Scotland*) *Bill* [Bill 74]
  (*Mr. E. Craufurd, Mr. Crum-Ewing, Mr. Baxter*)
c. Committee* and Report* *April* 15
  Considered as amended* *April* 16
  Read 3º*, and passed, *April* 17
l. Read 1ª* *April* 20 (No. 72)

O'BRIEN, Sir P., *King's Co.*
  Lisburn Election—Privilege, 1729
  Naples, Commerce with, Papers moved for, 1459
  Religious Endowments (Ireland), Comm. moved for, 2077
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  Vaccination (Ireland), 2R. 652
  Ways and Means—Income Tax, 650;—Excise Duties, 845

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  Religious Endowments (Ireland), Comm. moved for, Adj. moved, 2076, 2077

Offences (*South Africa*) *Bill* [H.L.]
  (*The Duke of Newcastle*)
l. Read 1ª* *April* 20 (No. 74)
  Read 2ª *April* 24, 671
  Committee* *April* 27
  Read 3ª*, and passed, *April* 28
c. Read 1º* *May* 7 [Bill 113]
  Read 2º* *May* 8
  Considered in Committee, and reported *May* 18, 1922

Office of Secretary at War Abolition Bill (*Sir G. Lewis, Judge Advocate*) [Bill 72]
c. Committee * and Report * *April* 16
Read 3° *, and passed, *April* 17
l. Read 1ª * (*Earl De Grey*) *April* 20 (No. 71)
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O'Hagan, Rt. Hon. T. (Attorney General for Ireland), *Tralee*
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(*Mr. C. Fortescue, Mr. M. Gibson*)
c. Read 1°* *May* 28 [Bill 143]

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Peel, Right Hon. Lieut. Gen. J., *Huntingdon*
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Dead Meat Market in the City, 1840
Prison Ministers, Comm. *cl.* 3, 1359, 1362; *add. cl.* 1545
Supply, Report, 761;—Packet Service, 1885

Pier and Harbour Orders Confirmation Bill
c. Considered in Committee*; Resolution thereon
Bill ordered (*Mr. M. Gibson, Mr. Hutt*)
Read 1°* *May* 5 [Bill 109]
Read 2°* *May* 12
Orders 4 and 5 referred to a Select Committee; to be appointed by the Committee of Selection* (*Mr. Milner Gibson*) *May* 15

Pigott, Mr. Serjeant G., *Reading*
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Supply—Packet Service, 1908
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Poisoned Grain Prohibition Bill
(*Mr Paull, Mr. Sclater Booth, Mr. Walter*)
c. Read 1° * *April* 23 [Bill 90]
Bill withdrawn *May* 13

Poisoned Grain, &c Prohibition Bill
(*Mr. Paull, Mr. Sclater-Booth, Mr. Walter*)
c. Read 1° * *May* 13 [Bill 121]

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Financial Statement — The Budget, Comm. Resolutions, 262
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Poor Removal (No. 1) *Bill* [*Sir Hervey Bruce*]
(*Sir Hervey Bruce, Mr. Gregory, Mr. Longfield*)
c. Read 1° * *April* 21 [Bill 86]
Motion, "That the Bill be now read 2° *," *May* 8, 1499; Amendt. "upon this day six months" (*Mr. Dunlop*); Question put, "That 'now' &c."—A. 9, N. 58, M. 49; Words added
Bill put off for six months

Poor Removal (*No.* 2) *Bill* [*Mr. Herbert*] (afterwards called *Removal of Irish Poor Bill*)
(*Mr. Herbert, Mr. Monsell, Mr. Hutt*)
c. Read 1° * *April* 28 [Bill 96]
Read 2° * *May* 11, 1575

Poor Removal (*No.* 3) *Bill* [*Mr. Villiers*]
(*Mr. Villiers, Mr. Bruce*)
Read 1° * *May* 19 [Bill 140]

Port Erin Harbour (*Isle of Man*) *Bill*
c. Considered in Committee* *May* 14; Resolution thereon (*Mr. Milner Gibson, Mr. Hutt*)
Read 1° * *May* 14 [Bill 123]

Portman, Lord
Railways, Charging of Entailed Estates for, Resolution, 1296

Portugal, British Investments in
Question, Mr. Ayrton; Answer, Mr. Layard, 1947

Post Office Savings Banks Bill (No. 47)
l. Reported * *March* 27
Read 3ª *, and passed, *April* 14
c. Lords' Amendts. considered, and agreed to, *April* 24, 762
Royal Assent, *May* 4 [26 & 27 *Vict.*, c. 14]

Potter, Mr. E., *Carlisle*
Cotton Manufacturing Districts, Resolution, 777; Amendt. 803

Potts, Mr. G., *Barnstaple*
Supply—Memorial to the late Prince Consort, Amendt. 612

Powell, Mr. F. S., *Cambridge*
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Prison Ministers Bill [Bill 24]
(*Sir G. Grey, Mr. Bruce*)
c. Question, Mr. R. Long; Answer, Sir G. Grey, 575
Moved, "That the Bill be now read 2°," 401; Amendt "upon this day six months" (*Mr. Gore Langton*), 413; After long Debate, Question, "That the word 'now' &c."—A. 152, N. 122, M. 30
Bill read 2° *April* 20
Division List—Ayes and Noes, 446
Committee—Motion, "That Mr. Speaker do now leave the Chair" (*Sir G. Grey*), *May* 7, 1315; Amendt. that "this House will, upon this day six months &c." (*Mr. R. Long*); After long Debate, Question put, "That the words &c."—A. 172, N. 141, M. 31
Division List—Ayes and Noes, 1333
Bill considered in Committee, 1336
cl. 1 agreed to
cl. 2, Amendt. (*Mr. Mure*), 1336; After long Debate, Question put, "That the words &c." —A. 96, N. 55, M. 41; *cl.* agreed to
cl. 3, Amendt. (*Mr. Hunt*), 1348; After Debate, Question put, "That the words &c." —A 96, N. 80, M. 16
Amendt. (*Sir W. Jolliffe*), 1355; After short Debate, Amendt. withdrawn
Amendt. (*Mr. Bentinck*); After Debate, Amendt. negatived, 1356
Amendt. (*Mr. Bentinck*), 1358
Motion to report Progress (*Lord A. V. Tempest*); Motion withdrawn, 1359

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Prison Ministers Bill—cont.
After further Debate, Question put, "That the words &c."—A. 101, N. 71, M. 30
Committee report Progress
Considered in Committee *May* 11, 1527
cl. 3, Amendt. (*Mr. Packe*), 1528; After Debate, Question put, "That the word &c."—A. 192, N. 126, M. 66
Division List—Ayes and Noes, 1537
Amendt. (*Sir Lawrence Palk*); Amendt. negatived, 1540; Amendt. (*Sir Baldwin Leighton*); Amendt. negatived, 1541
Question, "That Clause 3, as amended, stand part of the Bill"—A. 166, N. 71, M. 95; *cl.* agreed to
cl. 4 agreed to
cl. 5, Amendt. (*Mr. Hibbert*), agreed to, 1542; Amendt. (*Sir George Grey*), agreed to, 1543; *cl.*, as amended, agreed to
new cl. (*Sir Morton Peto*), negatived
Preamble agreed to
Bill reported *May* 11
Considered as amended *May* 14
cl. 3, Amendt. (*Mr. Bentinck*); After short Debate, Amendt. withdrawn; *cl.* agreed to
cl. 4, Amendt. (*Mr. Henley*), agreed to, 1692
Motion, "That the Bill be now read 3ª" (*Sir G. Grey*) *May* 18, 1842; Amendt. "upon this day six months" (*Mr. Black*); After Debate, Question put, "That 'now' &c."—A. 196, N. 167, M. 29
Bill read 3º, and passed
l. Read 1ª * *May* 19 (No. 109)

Private Bills
On Motion of *Lord Redesdale*, Standing Order No. 189, Section 14, considered and amended *April* 24, 763

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Public Business
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Public Income and Expenditure, Account of
Question, Mr. Thomson Hankey; Answer, The Chancellor of the Exchequer, 197

PULLER, Mr. C W. G., *Hertfordshire*
Education, Resolution, 1222
English Church Services in Wales, Comm. *cl.* 1, 1731; Amendt. 1732
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Qualification for Offices Bill (No. 31)
(*Mr. Hadfield, Sir M. Peto, Mr. Baines, Mr. Kershaw*)
l. Moved, "That the Bill be now read 2ª" (*The Lord Wodehouse*) *April* 24, 658; Amendt. [*cont.*

Qualification for Offices Bill—cont.
"this day six months" (*The Earl of Derby*), 661; On Question "That 'now' &c."—Contents 52, Not-Contents 69, Majority 17; Resolved in the Negative
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Report of the Select Committee (*Parl. P.* No. 80)—Observations, Lord Redesdale, 767; Resolution (*Lord Redesdale*) *May* 7, 1291; Amendt. moved (*Viscount Eversley*), 1293; After Debate, Original Motion agreed to

Railway Bills Bill [Bill 6]
c. Second Reading deferred *April* 15, 16

RAVENSWORTH, Lord
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RAYNHAM, Viscount, *Tamworth*
Circassia, Alleged Outrage in, 1773
Diseased Meat, Traffic in, 1774

Redemption of Rents (Ireland) Bill [H.L.]
(*The Viscount Hutchinson*)
l. Read 2ª * *May* 15
Considered in Committee *May* 19; Bill reported without Amendt.
Parl. Papers—*Lords*. . . . No. 29
As amended on Report . No. 110

REDESDALE, Lord (Chairman of Committees)
Albert Bridge, Re-Comm. 1051
Corrupt Practices at Elections, 2R. 981; Comm. 1284
Dublin Metropolitan Railway, 1767; 3R. 1815
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Statute Labour Roads and Bridges (Scotland) Bill [Bill 63]
(*Sir J. Ogilvy, Sir J. Fergusson, Sir A. Agnew, Mr. W. Leslie*)
c. After short Debate, Bill read 2° *May* 13, 1665
Committee* and Report* *May* 15 [Bill 127]
Re-committed *May* 15

Statute Labour Roads and Bridges (Scotland) Transfer Bill [Bill 64]
(*Sir John Ogilvy, Mr. Kinnaird*)
c. Read 2° *May* 13
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Stipendiary Magistrates Bill
(*Mr. H. B. Sheridan, Mr. Cox*)
c. Ordered* *April* 15

Stirling, Mr. W., *Perthshire*
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(*Mr. Chancellor of the Exchequer, Mr. Peel*)
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Remaining Clauses agreed to
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Debate resumed, *May* 7, 1367
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cl. 4, Amendt. (*Mr. Hunt*); After short Debate, Question, "That the words &c." agreed to
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l. Read 1ª* (*The Lord President*) *May* 12
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Main Question put, and agreed to

Supply considered in Committee *April* 13
The following Votes, to complete sums for the several Services, agreed to:—
(1.) £14,610, Law Charges, &c.
(2.) £120,808, Prosecutions at Assizes and Quarter Sessions
(3.) £208,050, Police in England, Wales, and Scotland
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SUPPLY—*cont.*
(4.) £2,178, Crown Office, Queen's Bench
(5.) £8,510, High Court of Admiralty, and Expenses of Admiralty Court, Dublin
(6.) £2,458, Commissioner of the late Insolvent Debtors Court, &c.
(7.) £53,530, Courts of Probate and Divorce and Matrimonial Causes
(8.) £116,010, County Courts
(9.) £8,331, Office of Land Registry
(10.) £19,725, Police Courts of the Metropolis
(11.) £103,519, Metropolitan Police
(12.) £17,850, Revising Baristers (England and Wales)
(13.) £500, Annuities under the Divorce and Matrimonial Causes Act
(14.) £13,959, Compensations, &c. under the Bankruptcy Act, 1861
(15.) £2,577, Lord Advocate and Solicitor General, Scotland
(16.) £13,090, Court of Session in Scotland
(17.) 7,081, Court of Justiciary in Scotland
(18.) £2,500, Criminal Prosecutions under authority of the Lord Advocate
(19.) £1,580, Legal Branch of the Exchequer in Scotland
(20.) £35,231, Criminal Prosecutions, &c. (Scotland)
(21.) £15,605, Procurators Fiscal in Scotland
(22.) £11,380, Sheriff Clerks, Scotland
(23.) £3,695, Solicitor for Titles, &c. in Scotland 114
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(25.) £1,320, Commissary Clerk, Edinburgh
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(27.) £41,134, Criminal Prosecutions, &c. in Ireland
(28.) £2,635, Court of Chancery in Ireland
(29.) £302, Courts of Queen's Bench, Common Pleas, &c.
(30.) £8,300, Process Servers in Ireland
(31.) £932, Registrars to Judges, &c. in Ireland
(32.) £1,630, Compensations to Seneschals, &c. of Manor Courts in Ireland
(33.) £1,782, Office for Registration of Judgments in Ireland
(34.) £150, Fees to Commissioners of High Court of Delegates in Ireland
(35.) £4,403, Court of Bankruptcy and Insolvency in Ireland
(36.) £5,330, Court of Probate in Ireland
(37.) £5,632, Landed Estates Court, Ireland
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(2.) £85,925, Expedition to Kertch and Yenikale 612
(3.) £1,000,000, to pay off and discharge Exchequer Bonds
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Thames Embankment (North Side) Bill
(*Mr. Cowper, Mr. Peel*)
c. Reported, with Minutes of Evidence* *April* 28 [*Parl. P.* 219]
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Thames Embankment (North Side) Bill—cont.
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Read 3° *, and passed, *May* 18
l. Read 1ª * *May* 19
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